

# Bath & North East Somerset Council

MEETING: **Development Management Committee**

MEETING DATE: **27th July 2016**

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.

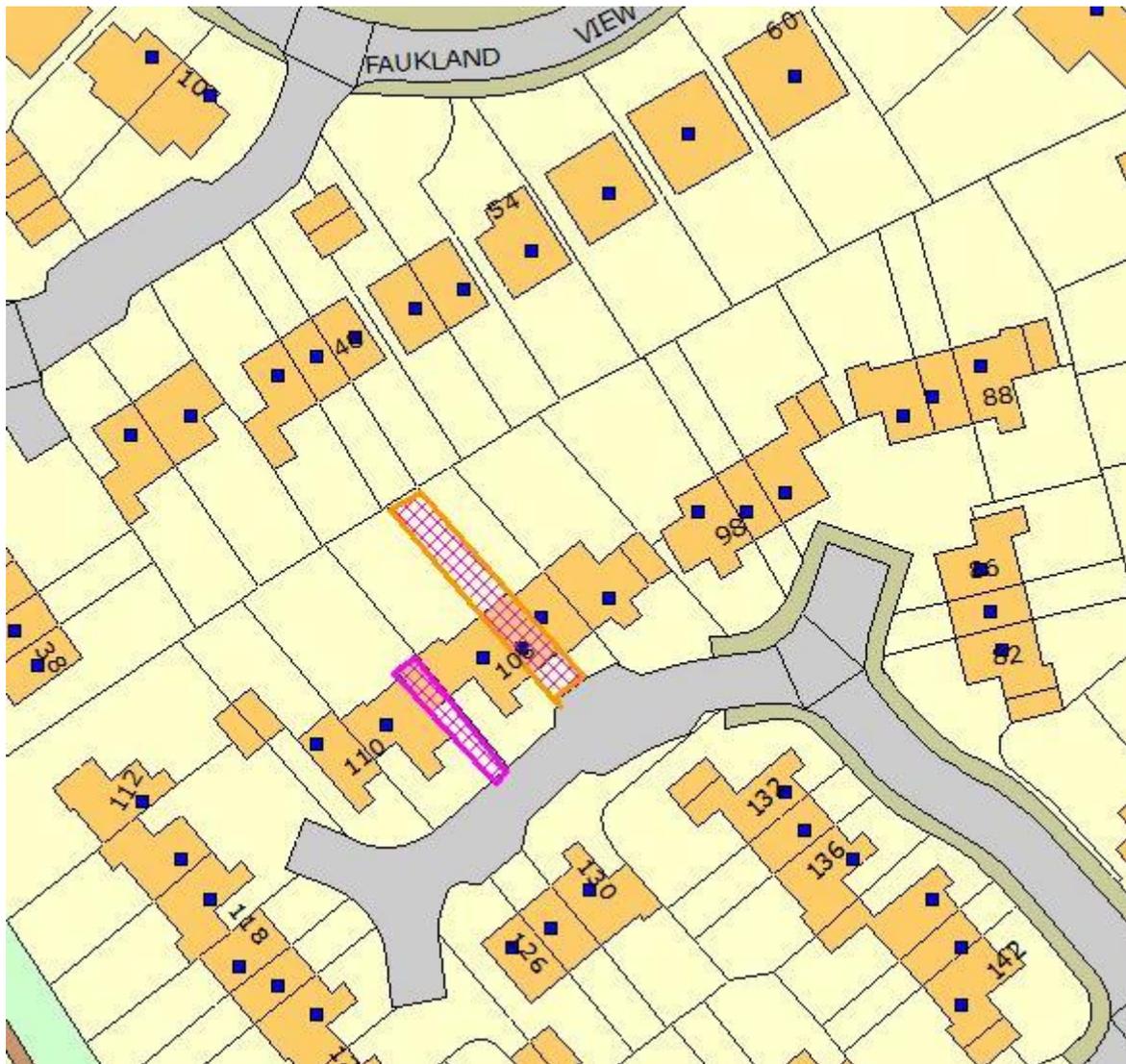
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**REPORT OF THE GROUP MANAGER, DEVELOPMENT MANAGEMENT ON APPLICATIONS FOR DEVELOPMENT**

**Item No:** 01  
**Application No:** 16/01581/FUL  
**Site Location:** 104 Faulkland View Peasedown St. John Bath Bath And North East Somerset BA2 8TQ



**Ward:** Peasedown St John

**Parish:** Peasedown St John

**LB**

**Grade:** N/A

**Ward Members:** Councillor Sarah Bevan Councillor Karen Walker

**Application Type:** Full Application

**Proposal:** Erection of a single storey extension to garage.

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

<b>Applicant:</b>	Mr Griffiths
<b>Expiry Date:</b>	30th June 2016
<b>Case Officer:</b>	Chloe Buckingham

## **REPORT**

### **REASON FOR REPORTING APPLICATION TO COMMITTEE:**

An objection has been received from Peasedown Parish Council as the proposal will result in significant change to the material impact of the street scene and because the proposed development does not meet with the recommended thresholds for garage widths as detailed in the DCLG & DoT Manual for Streets (item 8.3.41 refers). Councillor Sarah Bevan who lives next door to this development has also objected to the proposal. The chair of the committee has therefore decided that this application should be considered by committee.

### **DESCRIPTION OF SITE AND APPLICATION:**

This application relates to a garage that is in the ownership of no.104 Faulkland View but situated between no.s 106 and 108 Faulkland View. The application seeks planning permission for the erection of a single storey front extension to the existing garage which will be joined to an identical extension to the garage for no.106 which is attached to the garage for no.104.

The garage for no.104 is proposed to be extended to the front by 3m with the inclusion of a hipped roof and matching materials. A planning application for an identical and conjoined proposal for the adjoining garage for no.106 Faulkland Road (16/01580/FUL) is also for consideration by committee.

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

Highway Development Officer:

- This will serve to extend the existing garage by a further 3m to around 8m in length so insufficient to house two vehicles.
- This will reduce the effective length of the remaining driveway and its capacity to park a second vehicle clear of the highway boundary.
- Having checked the adopted highway limits of this shared surface road there is sufficient driveway space for the parking of a second vehicle between the extended line of the garage and the highway. Therefore, there are no objections to his application.

### **OTHER REPRESENTATIONS / THIRD PARTIES**

Two neighbour objection comments have been received, one from no.108 and one from no.126 on the other side of the road can be summarised as follows:

- 1) The extension will block damp course ventilations in the wall on the side elevation of no.108.

- 2) The extension to the garage would prevent the owner of no.108 from maintaining this wall.
- 3) It will compromise the link detached status of no.108. This will necessitate a change in the deeds, and may therefore compromise the value of the property.
- 4) The wiring for the satellite dish will need to be re-routed, which will incur unnecessary expense.
- 6) No.108 would however prefer that only one garage is extended as the extension to the garage for no.104 will still materially affect no.108.
- 7) The extensions involve a flat roof which is out-of-keeping with the wider area.
- 8) The residents opposite the application site cannot safely access or exit their family car from their private driveway due to the length of the trade vehicles parked on both applicants' driveways. This will present an even greater danger if both driveways are reduced in length.
- 9) Both applicants already use their existing garages as business premises in order to carry out noisy construction work. If the application is approved this is likely to increase noise.
- 10) This will result in the displacement of the trade vehicle when parked to the end of the driveway. This will overshadow/block the light to the sitting room and front garden of no.108. This will cause damage to the grass and fig tree in the front garden.
- 11) Development will create a dominant, almost overbearing form, thus creating a terraced effect on properties that are currently link detached, spoiling the characteristics of the cul-de-sac.
- 12) The proposed extensions do not leave room for commercial vans to be parked either in their garage or on their driveways. Therefore, the only option will be to park them on the road. There are many young children living in the street and blocking the road with vans will only cause more traffic congestion. This does not support the 'Peasedown St John Local Parish Plan 2010', which highlights plans to create safer communities within the village, as quoted on page 7 of the plan "overnight parking of cars and lorries on roads within the residential areas of the village causes concern for some. This can be attributed to the increase in car ownership and parking of company vehicles adjacent to drivers' houses, particularly where parking takes place on pavements or blocks access or sightlines to residential driveways".

#### RELEVANT PLANNING HISTORY:

There is no relevant planning history for this site.

#### **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:

- Bath & North East Somerset Core Strategy (July 2014)
- Saved Policies from the Bath & North East Somerset 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
- CP2 - Sustainable Construction

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
- T24 - General development control and access policy
- T26 - Parking

At the Council's Cabinet meeting on 2nd December 2015 the draft Placemaking Plan was approved for consultation purposes and also approved for Development Management purposes. However, currently the Plan has limited weight in the determination of planning applications. The following policies are relevant:

- D.1 General urban design principles
- D.2 Local character and distinctiveness
- D.6 Amenity
- ST.1 Promoting sustainable travel.

Peasedown St John Local Parish Plan (2010)

Other possible Relevant Considerations (without limitation):

- National Planning Policy Framework
- National Planning Practice Guidance

## **OFFICER ASSESSMENT**

### **PRINCIPLE OF DEVELOPMENT:**

There is no objection in principle to extending a domestic garage by 3m in length within the housing development boundary of Peasedown St John. However, the details of the proposal must be considered acceptable and this is addressed below.

### **DESIGN OF THE DEVELOPMENT AND IMPACT ON THE STREET SCENE AND SURROUNDING AREA:**

The design of the extension to the garage is considered to be in-keeping with the design of the existing garages and properties within the street scene. The extension extends to the front by 3m and has a proposed hipped roof design, matching the tiles and brickwork of the existing garage. The development is considered to be of an acceptable scale, siting and design that will ensure that the character and appearance of the property is safeguarded.

#### IMPACT ON RESIDENTIAL AMENITY:

The proposed extension is situated to the front of the existing garage, with an identical extension proposed to the garage for no.106 which is situated to the side of the garage for no.104. The modest nature of the extension is such that there are not considered to be any significant negative impacts in terms of overlooking, loss of privacy or loss of light for any of the surrounding properties. The dwellings to the front of the property are considered to be a sufficient distance away from the property, separated by an access road and garden space. No.108 to the side of the property also has a large blank side elevation nearest to the garage and the garage extension is not proposed to extend beyond the front elevation of no.108. There have been objections made from no.108 to explain that the displacement of the trade vehicle will create a loss of light to the sitting room and front garden of no.108. However, the development is not considered to result in any significant loss of light to the sitting room and front garden of no.108. Overall, given the way in which the single storey extension to the garage is well integrated with the existing building, the development is not considered to result in any harm to the residential amenity of the neighbouring occupiers.

#### PLANNING OFFICER ASSESSMENT OF HIGHWAY ISSUES:

The existing garage will be extended by a further 3m to around 8m in length which is insufficient to house two vehicles. This will reduce the length of the remaining driveway and its capacity to park a second vehicle clear of the highway boundary. However, there is sufficient driveway space for the parking of a second vehicle between the extended line of the garage and the highway and so there are no objections. With this in mind, the proposed development is not considered to cause any issues in relation to parking provision or access.

OTHER MATTERS: There have been objections made from no.108 to explain that the extension will block damp course ventilations in the wall on the side elevation of no.108 and that the extension to the garage would prevent the owner from maintaining this wall. The objection also explains that the extension will compromise the link detached status of the property and compromise the value of the property. However, it must be noted that party wall issues are a civil matter between the neighbours and are not considered through the planning system. Similarly loss of property value is not a material planning consideration and so this cannot be considered within this report. Objections have also been raised to explain that the garage is to being used as a business premises however, this application is for a domestic garage and a separate change of use application would have to be submitted if this were the case.

#### CONCLUSION:

The modest 3m extension to the front of the garage will not extend beyond the principle building line of no.108 and so there are not considered to be any significant negative residential amenity impacts regarding loss of light, loss of privacy or overlooking for surrounding neighbours. The design and use of materials are also considered to be in-keeping with the streetscene and there is sufficient space within the driveway after the extension has been constructed in order to park one vehicle. Objections have also been

raised to explain that the garage is to be used as a business premises however, this application is for a domestic garage and a separate change of use application would have to be submitted if this were the case.

Members should note that whilst it is proposed to extend this garage in association with the proposed garage extension at no.106 Faulkland View it is considered acceptable for this proposal to be constructed on its own. However, no details of what would be the exposed side elevation have been submitted, but on receipt of these details the proposals are considered satisfactory.

## **RECOMMENDATION**

Delegate to PERMIT

## **CONDITIONS**

### **1 Standard Time Limit (Compliance)**

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 Highways - Garages (Compliance)**

The garage hereby approved shall be retained for the garaging of private motor vehicles associated with the dwelling and ancillary domestic storage and for no other purpose.

Reason: To ensure adequate off-street parking provision is retained in accordance with Policy T.26 of the Bath and North East Somerset Local Plan.

### **3 Plans List (Compliance)**

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

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

## **PLANS LIST:**

This decision relates to the Location Plan, the Existing and Proposed Site Plan and the Existing and Proposed Floor Plans and Elevations (16021\_P1 Rev A) received by the Council on 19th May 2016.

## **DECISION TAKING STATEMENT:**

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

## **Condition Categories**

The heading of each condition gives an indication of the type of condition and what is required by it. There are 4 broad categories:

**Compliance** - The condition specifies matters to which you must comply. These conditions do not require the submission of additional details and do not need to be discharged.

**Pre-commencement** - The condition requires the submission and approval of further information, drawings or details before any work begins on the approved development. The condition will list any specific works which are exempted from this restriction, e.g. ground investigations, remediation works, etc.

**Pre-occupation** - The condition requires the submission and approval of further information, drawings or details before occupation of all or part of the approved development.

**Bespoke Trigger** - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

Please note all conditions should be read fully as these headings are intended as a guide only.

Where approval of further information is required you will need to submit a conditions application and pay the relevant fee, details of the fee can be found on the "what happens after permission" pages of the Council's Website. You can submit your conditions application via the Planning Portal at [www.planningportal.co.uk](http://www.planningportal.co.uk) or send it direct to [planning\\_registration@bathnes.gov.uk](mailto:planning_registration@bathnes.gov.uk). Alternatively this can be sent by post to The Planning Registration Team, Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

**Item No:** 02  
**Application No:** 16/01580/FUL  
**Site Location:** 106 Faulkland View Peasedown St. John Bath Bath And North East Somerset BA2 8TQ



**Ward:** Peasedown St John

**Parish:** Peasedown St John

**LB**

**Grade:** N/A

**Ward Members:** Councillor Sarah Bevan Councillor Karen Walker

**Application Type:** Full Application

**Proposal:** Erection of a single storey extension to garage and inclusion of parking space to the front.

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

**Applicant:** Mr Palmer

**Expiry Date:** 30th June 2016

**Case Officer:** Chloe Buckingham

## **REPORT**

### **REASON FOR REPORTING APPLICATION TO COMMITTEE:**

An objection was received in relation to the proposed garage extension for no.104 Faulkland View (16/01581/FUL) from Peasedown Parish Council. This extension will be attached to the proposed garage extension at no. 106 Faulkland View, the subject of this application. In relation to the extension at no.106 Faulkland View the Parish Council agreed to neither support nor object to this application but to submit the following comments: It is noted that the original garage was converted to living accommodation which is in accordance with permission granted under application ref. 11/03110/FUL. If B&NES Council is minded to grant planning permission for this new revised application the Parish Council recommends that the development is checked after it has been built to ensure the new garage is actually being used as specified, for the garaging of vehicles, and is not being used as living accommodation or storage, both of which will result in a loss of parking space. The chair of committee having agreed to refer the proposal for no.104 Faulkland View to committee has decided to also refer this application to committee as both proposals are conjoined.

### **DESCRIPTION OF SITE AND APPLICATION:**

- This application relates to a garage of no.106 Faulkland View which is situated between the dwelling of no.106 and the garage of no.104.
- The application seeks planning permission for the erection of a single storey front extension to the existing garage which will be joined to an identical extension to the garage for no.104.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

### **CONSULTATIONS AND REPRESENTATIONS:**

Highway Development Officer:

- As previously noted, what was originally a garage no longer serves as such. There is instead a shallow store accessed via the garage door, with the back part of the former garage forming part of a dining room.
- In the original response it was noted that: "The proposals, in conjunction with a parallel application to alter the adjoining garage (no 104) will serve to extend the building by a further 3.0m. This is intended to create a new garage, although the internal length between the back wall and the up-an-over door is only 4.2m. Given a normal parking bay is 4.8m in length, there is a concern that this will not be suitable for vehicle parking" and.
- "This proposal should not serve to reduce off-street parking available to this dwelling, thus encouraging the use of the shared surface road for this purpose."
- A subsequently re-submitted drawing 16020\_P1 Rev A showed the garage extended to an internal length of 4.850m, which was deemed acceptable in that it would have been fit for purpose in accommodating a parked vehicle, with a second space maintained in the driveway. However, this plan has now been withdrawn.
- Drawing 16020\_P1 Rev B submitted now resurrects the original proposal, with this described as a single storey extension on the proposed site plan, albeit a garage

on the proposed ground floor plan. It is too small to serve adequately as the latter. However, the revised plan shows an additional vehicle parked within the front curtilage to the right of the driveway. This would maintain the parking for two vehicles within the curtilage which is possible now and, as such, the extension which affects part of the existing driveway area is accepted. However, if using the front curtilage in this way requires a widened vehicle cross-over to the shared use carriageway, the applicant will need to contact the Highway Maintenance Team to get the appropriate license and details approval for such works. This is not readily clear from the drawing.

- There is no highway objection subject to the conditions to ensure that the area to the side on the submitted plan is kept clear of obstruction and shall not be used other than for parking vehicles in connection with the development permitted. A second condition is required to ensure that details of the additional parking space is submitted and surfaced in accordance with details and constructed before the extension is commenced.
- If the increased hard-standing area to the front of the property requires a widening of the cross-over area to the carriageway beyond the existing driveway extents the applicant should be advised to contact the Highway Maintenance Team.

#### OTHER REPRESENTATIONS / THIRD PARTIES

Three objection comments have been received from neighbours being; no.108, 126 and 110 Faulkland View:

- 1) No objection to this application on its own merits but no.108 will be seriously affected by the planning application associated with this one at site 104, Faulkland View, REF 16/01581/FUL.
- 2) Issues regarding maintenance of the wall for the owner of no.108.
- 3) Both extensions involve a flat roof which is out-of-keeping with the wider area.
- 4) The residents opposite the application site cannot safely access or exit their family car from their private driveway due to the length of the trade vehicles parked on both applicants' driveways. This will present an even greater danger if both driveways are reduced in length.
- 5) Both applicants already use their existing garages as business premises in order to carry out noisy construction work. If the application is approved this is likely to increase noise.
- 6) The development is likely to create more on-street parking.
- 7) There has been no communication of these planning applications sited around the proposed area.
- 8) Development will be out-of-keeping with the existing style of the neighbourhood, it will create a dominant, almost overbearing form, Thus creating a terraced effect on properties that are currently link detached, spoiling the characteristics of the cul-de-sac.
- 9) The proposed extensions do not leave room for commercial vans to be parked either in their garage or on their driveways. Therefore, the only option will be to park them on the road. There are many young children living in the street and blocking the road with vans will only cause more traffic congestion. This does not support the 'Peasedown St John Local Parish Plan 2010', which highlights plans to create safer communities within the village, as quoted on page 7 of the plan "overnight parking of cars and lorries on roads within the residential areas of the village causes concern for some. This can be attributed to the increase in car ownership and parking of company vehicles adjacent to drivers'

houses, particularly where parking takes place on pavements or blocks access or sightlines to residential driveways"

#### RELEVANT PLANNING HISTORY:

11/03110/FUL- Erection of single storey rear extension and hip to gable roof extension- PERMITTED- 14.09.2011

#### **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 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:

- Bath & North East Somerset Core Strategy (July 2014)
- Saved Policies from the Bath & North East Somerset 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
- CP2 - Sustainable Construction

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
- T24 - General development control and access policy
- T26 - Parking

At the Council's Cabinet meeting on 2nd December 2015 the draft Placemaking Plan was approved for consultation purposes and also approved for Development Management purposes. However, currently the Plan has limited weight in the determination of planning applications. The following policies are relevant:

- D.1 General urban design principles
- D.2 Local character and distinctiveness
- D.6 Amenity

- ST.1 Promoting sustainable travel.

Peasedown St John Local Parish Plan (2010)

Other possible Relevant Considerations (without limitation):

- National Planning Policy Framework
- National Planning Practice Guidance

## **OFFICER ASSESSMENT**

### **PRINCIPLE OF DEVELOPMENT:**

There is no objection in principle to extending a domestic garage by 3m in length within the housing development boundary of Peasedown St John. However, the details of the proposal must be considered acceptable and this is addressed below.

### **DESIGN OF THE DEVELOPMENT AND IMPACT ON THE STREET SCENE AND SURROUNDING AREA:**

The design of the extension to the garage is considered to be in-keeping with the design of the existing garages and properties within the street scene. The extension extends to the front by 3m and has a proposed hipped roof design, matching the tiles and brickwork of the existing garage. The development is considered to be of an acceptable scale, siting and design that will ensure that the character and appearance of the property is safeguarded.

### **IMPACT ON RESIDENTIAL AMENITY:**

The proposed extension is situated to the front of the existing garage, with an identical extension proposed to the adjoining garage for no.104. The modest nature of the extension is such that there are not considered to be any significant negative impacts in terms of overlooking, loss of privacy or loss of light for any of the surrounding properties. The dwellings to the front of the property are considered to be a sufficient distance away from the property, separated by an access road and garden space. Overall, given the way in which the single storey extension to the garage is well integrated with the existing dwelling, the development is not considered to result in any harm to the residential amenity of the neighbouring occupiers.

### **PLANNING OFFICER ASSESSMENT OF HIGHWAY ISSUES:**

The application was consulted on three times by the Highways team due to some confusion regarding the amended plans. As previously highlighted, what was originally a garage no longer serves as such. There is instead a shallow store accessed via the garage door, with the back part of the former garage forming part of a dining room. A

subsequently re-submitted drawing 16020\_P1 Rev A showed the garage extended to an internal length of 4.850m, which was deemed acceptable in that it would have been fit for purpose in accommodating a parked vehicle, with a second space maintained in the driveway. However, this plan has now been withdrawn and drawing 16020\_P1 Rev B was submitted on 2nd June 2016. The new plans propose no changes to the original 3m increase in the garage of the original proposal and the inclusion of a parking space to the front of no.106.

The garage is too small to serve adequately as a garage. However, the revised plan shows an additional vehicle parked within the front curtilage to the right of the driveway. This would maintain the parking for two vehicles within the curtilage which is possible. It is noted that the area to the front of no.106 Faulkland View currently comprises of raised steps up to the front door and gravel. It is considered that the additional parking space to the front will not result in any significant negative visual impacts due to the presence of other vehicles parked forward of the principle elevations of neighbouring dwellings in the streetscene. However, if using the front curtilage in this way requires a widened vehicle cross-over to the shared use carriageway, the applicant will need to contact the Highway Maintenance Team to get the appropriate license and details approval for such works.

Conditions are considered necessary to ensure the driveway is kept clear of obstruction and the surfacing of the driveways are considered necessary in order to protect highway safety to ensure that adequate parking remains on site.

Objections received have stated that the development will create an increase in on-street parking. However, as there is now sufficient parking space available the development is not considered to create an increase in on-street parking.

**OTHER MATTERS:** The objection also explains that the extension will compromise the link detached status of the property and compromise the value of the property. However, it must be noted that party wall issues are a civil matter between the neighbours and are not considered through the planning system. Similarly loss of property value is not a material planning consideration and so this cannot be considered within this report. Objections have also been raised to explain that the garage is to being used as a business premises however, this application is for a domestic garage and a separate change of use application would have to be submitted if this were the case.

## CONCLUSION:

The modest 3m extension to the front of the garage will not extend beyond the principle building line of no.106 and so there are not considered to be any significant negative residential amenity impacts regarding loss of light, loss of privacy or overlooking for surrounding neighbours. The design and use of materials are also considered to be in-keeping with the streetscene and there is sufficient parking space within the site.

Members should note that whilst it is proposed to extend this garage in association with the proposed garage extension at no.106 Faulkland View it is considered acceptable for this proposal to be constructed on its own. However, no details of what would be the exposed side elevation have been submitted, but on receipt of these details the proposals are considered satisfactory.

## **RECOMMENDATION**

Delegate to PERMIT

## **CONDITIONS**

### **1 Standard Time Limit (Compliance)**

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 Parking (Compliance)**

The areas 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 of vehicles in connection with the development hereby permitted.

Reason: To ensure sufficient parking and turning areas are retained at all times in the interests of amenity and highways safety in accordance with Policy T.24 of the Bath and North East Somerset Local Plan.

### **3 Parking (Pre-commencement)**

Details of the additional parking space shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. This area shall be surfaced in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority, and constructed to the satisfaction of the Local Planning Authority before the building is occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: In the interests of amenity and road safety.

### **4 Highways - Garages (Compliance)**

The garage hereby approved shall be retained for the garaging of private motor vehicles associated with the dwelling and ancillary domestic storage and for no other purpose.

Reason: To ensure adequate off-street parking provision is retained in accordance with Policy T.26 of the Bath and North East Somerset Local Plan.

### **5 Plans List (Compliance)**

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

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

## **PLANS LIST:**

This decision relates to the Location Plan and the Existing and Proposed Site Plan, Floor Plans and Elevations (16020\_P1 Rev B) received by the Council on 2nd June 2016.

## **DECISION TAKING STATEMENT:**

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

## **Condition Categories**

The heading of each condition gives an indication of the type of condition and what is required by it. There are 4 broad categories:

**Compliance** - The condition specifies matters to which you must comply. These conditions do not require the submission of additional details and do not need to be discharged.

**Pre-commencement** - The condition requires the submission and approval of further information, drawings or details before any work begins on the approved development. The condition will list any specific works which are exempted from this restriction, e.g. ground investigations, remediation works, etc.

**Pre-occupation** - The condition requires the submission and approval of further information, drawings or details before occupation of all or part of the approved development.

**Bespoke Trigger** - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

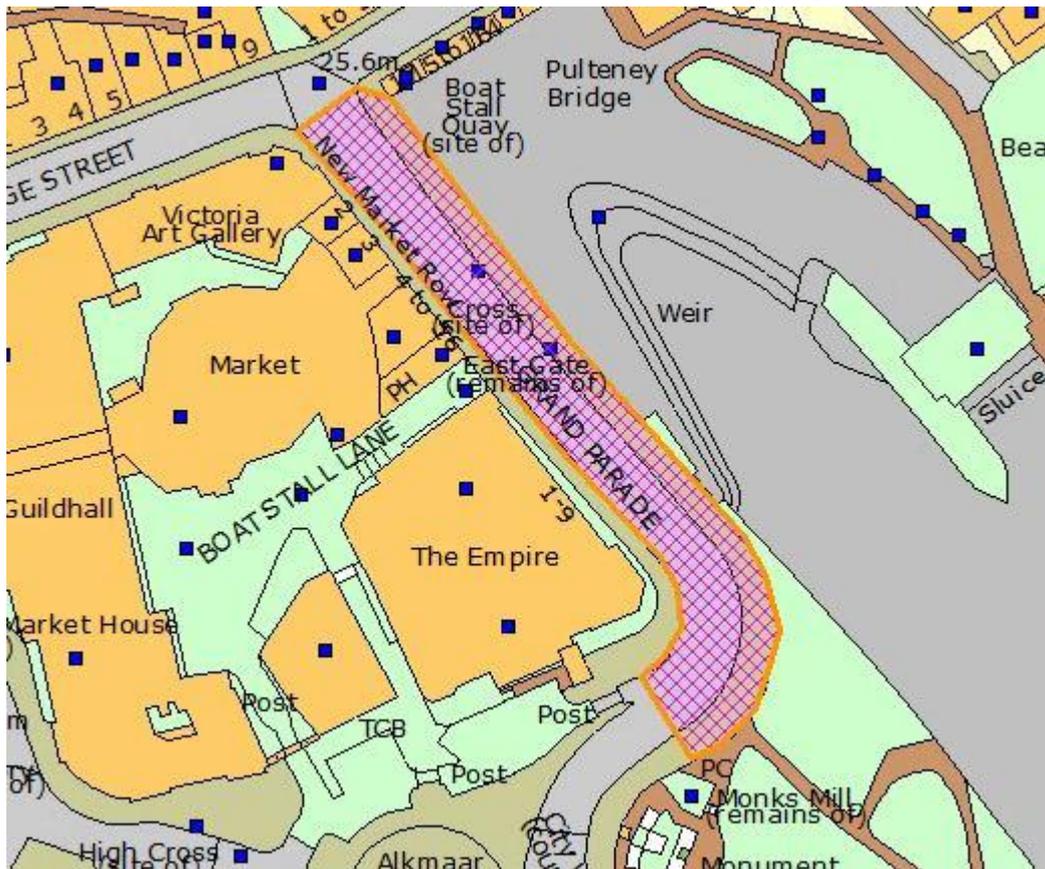
Please note all conditions should be read fully as these headings are intended as a guide only.

Where approval of further information is required you will need to submit a conditions application and pay the relevant fee, details of the fee can be found on the "what happens after permission" pages of the Council's Website. You can submit your conditions application via the Planning Portal at [www.planningportal.co.uk](http://www.planningportal.co.uk) or send it direct to [planning\\_registration@bathnes.gov.uk](mailto:planning_registration@bathnes.gov.uk). Alternatively this can be sent by post to The Planning Registration Team, Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

3 If the increased hard-standing area to the front of the property requires a widening of the cross-over area to the carriageway beyond the existing driveway extents 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 extended vehicular crossing. The additional parking area to the side of

the driveway shall not be brought into use until the details of any cross-over extension necessary have been approved and constructed in accordance with the current Specification.

**Item No:** 03  
**Application No:** 16/01783/REG13  
**Site Location:** Colonnade Beneath Street Grand Parade City Centre Bath



**Ward:** Abbey      **Parish:** N/A      **LB Grade:** N/A  
**Ward Members:** Councillor Jonathan Carr    Councillor Peter Turner  
**Application Type:** Regulation 13 Application

**Proposal:** Alterations to facilitate the change of use of the undercroft and vaults to a restaurants and/or a museum, including the provision of a staircase and lift at Grade Parade, the raising of internal floor levels, new openings in existing walls, new partitions and venting equipment, the removal and reconstruction of the ashlar stone screen wall incorporating glazed openings and steps, the installation of lighting, re-surfacing and works to Grand Parade, ground surfacing of Boat Stall Lane, alterations to existing waterside balustrade, and all other associated works

<b>Constraints:</b>	Affordable Housing, Agric Land Class 3b,4,5, Air Quality Management Area, Article 4, Bath Core Office Area, Bath Enterprise Area, Centres and Retailing, Conservation Area, Cycle Route, Flood Zone 2, Flood Zone 3, Forest of Avon, Hotspring Protection, Listed Building, LLFA - Flood Risk Management, MOD Safeguarded Areas, Sites of Nature Conservation Interest, SSSI - Impact Risk Zones, World Heritage Site,
<b>Applicant:</b>	Bath And North East Somerset Council Property Services
<b>Expiry Date:</b>	22nd June 2016
<b>Case Officer:</b>	Tessa Hampden

## REPORT

Reason for reporting this application to committee

This application has been referred to Committee by the Group Manager of Development Management due to the fact that this is a Council application that has historically generated a large amount of public interest.

Site description and proposal

The application relates to the Colonnades, and the vaults set underneath Grand Parade, as well as Grand Parade itself. Works are also proposed to Boat Stall Lane and Slippery Lane. The undercroft's colonnaded walkway and historic structure are Grade II listed, and there are a number of listed buildings and structures surrounding it, including Pulteney Bridge, Victoria Art Gallery, Newmarket Row and the former Empire Hotel. The application site is also located in the City of Bath Conservation Area and World Heritage Site. Boat Stall Lane itself is a scheduled Ancient Monument, and Parade Gardens is included on the English Heritage Register of Parks and Gardens.

The application seeks listed building consent for alterations to facilitate the change of use of the undercroft and vaults to a restaurants and/or a museum, including the provision of a staircase and lift at Grade Parade, the raising of internal floor levels, new openings in existing walls, new partitions and venting equipment, the removal and reconstruction of the ashlar stone screen wall incorporating glazed openings and steps, the installation of lighting, re-surfacing and works to Grand Parade, ground surfacing of Boat Stall Lane, alterations to existing waterside balustrade, and all other associated works

An application to change the use of the undercroft and vaults was previously refused for the following reasons:

'The development, due to the unacceptable scale, siting and design of the lift kiosks, would result in substantial harm to the setting of the Grade I listed Pulteney Bridge, the character and appearance of this part of the City of Bath Conservation Area, and the setting of the World Heritage Site. The limited public benefit resulting from this scheme would not outweigh the harm identified. The development is therefore contrary to paragraphs 132 and 133 of the National Planning Policy Framework, policies B4, and CP6 of the Core Strategy 2014, and saved Local Plan 2007 policies BH2, BH6, D2 and D4'.

The application has been submitted to overcome the previous reason for refusal. The development now proposes one lift kiosk adjacent to Parade Gardens, with a staircase access to the north of Grade Parade near Pulteney Bridge. The development will facilitate public access to this previously closed area.

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

Archaeological Officer - raises no objections in terms of archaeology subject to conditions but notes the impact of the staircase of the setting of Pulteney Bridge

Urban Design Officer - no objection subject to details

Conservation Officer - on balance supports the proposal subject to a number of comments and conditions

Historic England - support the application

Bath Preservation Trust - objection. The comments can be summarised as follows:

-Supportive in principle of opening up the under-croft and colonnade to the public. With careful and appropriate design and management the occupation of the under-croft and public access to the Colonnades could better reveal the significance of these important heritage assets, help maintain the historic fabric and cause minimal harm to the setting of Pulteney Bridge.

-Objection is based on the lack of contextual vision and ambition as well the lack of detail and supporting information without which a proper assessment of the proposals cannot be made.

-For this scheme to be of real public benefit, the main pedestrian access to the colonnade should be from Parade Gardens with a link to Boatstall Lane.

-It is regrettable that this proposal pre-empts any published masterplan for the context, which includes the markets and the Victoria Art Gallery.

-Concerns about the routing and siting of plant work and extract units.

-Notes the significant concerns of the Empire residents.

-Concerned that the lift pod and access to the stairs will appear exclusive.

-In relation to the design and siting of the lift pod, the revised design and location of only one lift has responded to the serious concerns raised by BPT. -Concerned with the lack of detail however

-The staircase adds to the visual clutter. Its intervention would only be acceptable because it supports bringing the Colonnades back into use.

-Concerns about advertising and illuminated signage.

-Concerned that the proposal for refuse collection and large scale deliveries at Boat Stall Lane

The Abbey Residents Association

- Recommends that the application is deferred to allow for the concerns of local residents to be addressed. The comments can be summarised as follows:

- Support the principle of the change of use and welcome a number of the changes since the previous refusal

- Limited consultation undertaken pre application

- Operational concerns in particular with regards to the use of Boat Stall Lane

- Concerns about shell and core approach
- Inaccuracies within the application
- Lack of details including waste management plan
- Lack of consultation on future conditions

#### Bath Heritage Watchdog - objection

- Principle of reuse supported
- Question over the validity over the museum use
- Lack of clarity within the submission
- Impact upon the spring in Parade Gardens
- Concerns with the design of the lift kiosk
- Preference for more traditional style railings at staircase access
- Objections to the stone plinth for advertising
- Lighting issues
- Concerns with the use of double glazing and concrete within undercoft and vaults
- Objections to the treatment of internal walls
- Concerns with the use of Boat Stall Lane and the proposed alterations
- Highway safety/impact of alterations on Grand Parade
- Lack of consultation-

3 further objection comments and (including a letter from the Empire Hotel Representative)

The comments can be summarised as follows;

- Lack of consultation
- Inaccuracies/out of date information within the submission
- Difficulties relating to the insurability of the Empire Hotel
- Drainage issues including to the Empire Lightwell
- Difficulties in maintaining the Empire Hotel with development in place
- Right of way/access issues
- Noise/odour issue
- Impacts of smokers in Boat Stall Lane
- Concerns with matters being left to conditions
- Impacts of the use of Bath Stall lane and lack of clarity with regards to its use
- Issues relating to the storage of rubbish
- Pedestrian/vehicular conflicts
- Concerns relating to waste collection
- Lack of access for those with restricted mobility
- Impact upon bus operators
- Highway safety issues

#### **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.

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.

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

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

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

DW1 District wide spatial strategy  
B2 Central Area strategic policy  
CP 5 Flood risk management  
CP 6 Environmental quality  
B4 The World Heritage Site

Other relevant policies (e.g. renewable energy)

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  
T1 Over arching access policy  
T24 General development control and access policy  
T25 Transport assessment and travel plans  
T26 On-site parking and servicing provision  
ES.4 Water supply  
ES.5 Foul and surface water drainage  
ES.9 Pollution and nuisance  
ES12 Noise and vibration  
ES10 Air Quality  
ES12 Noise  
ES.15 Contaminated Land  
NE10 Nationally important species  
NE11 Locally important species  
NE13 A Hot Springs  
NE14 Flood Risk

BH.2 Listed buildings and their settings  
BH3 Demolition of a listed building  
BH.6 Development within or affecting conservation areas  
BH4 Change of use of listed buildings  
BH8 Improvement works in a Conservation Area  
BH9 Parks and Gardens of Historic Interest  
BH.12 Archaeology  
BH13 Significant archaeological remains in Bath  
BH21 Security Fittings  
BH22 External lighting  
WM4 Waste Recycling  
S6 A3 Uses in the City Centre  
S7 Siting of tables and chairs outside of A3 uses in Bath City Centre

At the Council's Cabinet meeting on 2nd December 2015 the draft Placemaking Plan was approved for consultation purposes and also approved for Development Management purposes. However, currently the Plan has limited weight in the determination of planning applications. The following policies are relevant:

#### RELEVANT PMP POLICIES

SU1 Sustainable Drainage  
D1 General Urban Design Principles  
D2 Local Character & Distinctiveness  
D3 Urban Fabric  
D4 Streets and Spaces  
D5 Building Design  
D6 Amenity  
D7 Infill and Backland Development  
D8 Lighting  
H1 Historic Environment  
NE2 Conserving and Enhancing the Landscape and Landscape Character  
NE3 Sites, Species and habitats  
NE6 Trees and woodland conservation  
PCS2 Noise and vibration  
PCS5 Contamination  
LCR1 Safeguarding local community facilities  
ST1 Promoting Sustainable Travel  
ST7 Transport requirements for managing development

#### OFFICER ASSESSMENT

**The impact upon the listed buildings, setting of the Conservation Area and World Heritage Site.**

The application site sits within a highly sensitive location, forming the setting to a number of listed buildings, in particular Grade I listed Pulteney Bridge, and is in the heart of the Conservation Area and World Heritage Site.

The reuse of the Grade II vaults areas for a vibrant use is welcomed. The National Planning Policy Framework (NPPF) recognises that the best way to secure the upkeep of historic buildings is to keep them in active use. It is therefore noted that the proposal has

the potential to secure the future of the listed vaults/colonnades area contributing to the preservation and enhancement of this part of the City of Bath Conservation Area and wider World Heritage Site. The potential enhancement of this river corridor is encouraged, but careful consideration needs to be given to the details of this scheme.

#### Above ground works

The development proposes one lift kiosk, constructed from ashlar Bath stone, with a flat roof and single glazed entrance. It will be sited between the two existing trees close to the entrance to Parade Gardens. It is considered that this presents a much less harmful option than that of the two kiosks previously proposed within the refused planning application. This structure will visually group with other heritage features in close proximity associated with Grand Parade and the gardens. Its classical design is considered acceptable and durable. The Conservation Officer has raised a concern in relation to its height and it was suggested to the agent that if structurally feasible, a reduction in height should be sought to visually improve the proportions of the structure. The agent has explained that the ashlar enclosure to the lift is dictated by the minimum head heights for the type of lift proposed and as such it would be very difficult to lower the height of this structure. The options would become very limited and restrictive if the enclosure was lowered further, and a much smaller lift would be very slow. With only one lift the agent believes it could be counterproductive to provide very slow travel speeds for access to the restaurants or Parade gardens. On balance, this lift kiosk is considered to be acceptable.

The application also proposes access via a staircase which would be sited to the north of Grand Parade close to Pulteney Bridge. The staircase has been refined and is a minimal structure with bronze railings and handrail surrounding the stair. There are no objections to the traditional design of the stairs and railings at street level which are not considered to harm the setting of the Grade I listed Pulteney Bridge adjoining. The freestanding ashlar stone 'island wall' at the head of the flight of stairs will introduce a degree of clutter to an area of high pedestrian movement. The agent has explained that this wall is required to prevent pedestrians walking straight into and falling down the stairs. The wall also allows free access into the stair and the opening from both sides which deals with the congestion concerns which had been a previous criticism from the Highways Officer. Following this further justification, on balance, this wall is considered acceptable.

Careful consideration needs to be given due any advertisements or lighting proposed at street level as any additional clutter has the potential to result in harm to the public realm and the character and appearance of this part of the Conservation Area. Conditions can be included on any permission to ensure that the Local Planning Authority has the ability to consider these

#### Below street level works

The proposed undercroft and vaults conversion works are acceptable in principle. There are however several unresolved design issues which could be resolved through planning conditions if planning permission/listed building consent is granted. The application has not provided full details for these works as they will be the responsibility of individual future tenant(s) and user(s). This is not an ideal situation but the reasoning behind this is

understood and officers must assess the application on the basis of the information within the submission.

The proposed removal of minor sections of historic fabric is limited to new openings between vaults, the loss of a section of undercroft roofs for the lift shaft, some reinstatement of existing openings, and the removal of stone on the river elevation screen wall to accommodate the new windows. The areas of stone it is proposed to remove for new and enlarged window openings form part of the 1930's works to the colonnade and the loss of fabric in this instance is therefore considered acceptable. The overall design of the proposed windows is considered acceptable i.e. vertically proportioned for the (C20) undercroft element with arched heads to the earlier historic vaults, reflecting their historic form.

In relation to the river elevations the intrusion of the stairs into the Colonnade has been largely resolved by use of a transparent glazed design. Whilst the addition of stairs in this location can be argued to visually intrude on the facades uncluttered and visually 'pure' quality, it is accepted that a stair is necessary for access and safety reasons and the lightweight design is a preferred solution. The design has been revised to ensure that both staircases are of a similar design which is important to ensure design consistency. It has been confirmed that these will both be bronze, which is again considered appropriate in this context.

Further information is required with regards to the treatment of the internal stonework. Large proportions have previously been coated with a hard cement render and removing this could cause further damage.

The insertion of raised floors for flood prevention is acceptable in principle provided the method used is reversible. Use of foam concrete as proposed may assist, but it would be preferred if the floors could be 'hung' and easily removed in the future without any harm to historic fabric. This has again been explored with the agent who confirmed that this would not be practicable and would involve further intrusion onto the historical walls. The light weight option would be reversible and is much less intrusive than a traditional concrete base.

Boat Stall Lane is a Scheduled Ancient Monument. The works include the minor works of level alteration to facilitate the change of use. The proposed works are acceptable from the conservation perspective, and have raised no objections from the Archaeologist. The opening up of this lane can be seen to be beneficial from a conservation and public access perspective.

Overall, the proposed works to the vaults and undercroft are not considered to result in significant harm to this listed building, the character and appearance of this part of the Conservation Area or the setting of the World Heritage Site.

Inevitably some works of alteration do result in some limited harm which can be considered 'less than substantial'. It therefore needs to be considered as to whether there are any benefits that outweigh this identified harm.

The NPPF explains that the significance of a designated heritage asset can be harmed through development within its setting. The NPPF distinguishes between 'substantial

harm' and 'less than substantial harm' when referring to the impact upon the significance of a heritage asset. When a proposed development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The NPPF explains that the tests are the same for assessing the impact upon Conservation Areas and World Heritage Sites.

Overall, whilst some elements of concern have been noted with regards to the detail of the scheme, the overall development is considered to preserve the listed buildings, and safeguard the setting of the surrounding listed buildings, this part of the Conservation Area and the wider World Heritage Site. Any considered harm is less than substantial, and when weighing this up against the public benefits of the proposal, including securing its optimum use under paragraph 134 of the NPPF; this is considered to be acceptable. This proposal can be regarded as a prime opportunity to bring back to use a largely forgotten and neglected part of the city townscape. The NPPF recognises that the best way to secure the upkeep of historic buildings is to keep them in active use. This will be achieved through this proposal. The positive contribution the active and vibrant use of the vaults could have to the rejuvenation of the river corridor is a huge benefit of this scheme. The re use of these vaults and allowing public access to the vaults, Boat Stall Lane and the Colonnades will provide a unique opportunity and will allow people to experience the weir and views of Pulteney Bridge from this location.

It is recognised that there are areas which need further consideration. The additional detail required is however at a level that would allow for this to be secured through conditions.

There is a duty placed on the Council under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 when considering whether to grant listed building consent for any works to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Here it is considered that when looking at the overall scheme which will bring these listed building back into use, the listed building is preserved, Further, the setting of the adjacent listed buildings is not harmed.

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 overall character and appearance of this part of the City of Bath Conservation Area is preserved. Further, there is not considered to be any undue harm to the setting of the wider World Heritage Site.

## **Conclusion**

Overall, this application can be supported and whilst there may be some harm to the historic asset this harm is limited and is also considered to be outweighed by the public benefit of the proposal.

The development is therefore recommended for approval.

## **RECOMMENDATION**

## CONSENT

### CONDITIONS

#### **1 Time Limit - Listed Building Consent (Compliance)**

The works hereby approved shall be begun before the expiration of three years from the date of this consent.

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

#### **2 Treatment of the vaults and undercroft ((Bespoke Trigger)**

Prior to commencement of the internal works full survey details of the existing condition of the vaults and undercroft, together with a full repair schedule and detailed method statement for the conversion and damp proofing works are to be submitted to the local planning authority for approval in writing. The development shall thereafter be carried out in accordance with these approved details.

Reason: To safeguard the character and appearance of the listed building together with that of adjacent listed buildings and the Bath City Conservation Area.

#### **3 "Sample Panel - Walling (Bespoke Trigger)**

No construction of the external walls surfaces shall commence until a sample panel of all new external walling materials to be used have been erected on site and approved in writing by the Local Planning Authority. They must be kept on site for reference until the development is completed. The development shall be undertaken in accordance with the approved details.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policies D.2 and D.4 of the Bath and North East Somerset Local Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

#### **4 Vent/railing details (Bespoke Trigger) -**

Prior to commencement of the installation of the vents or railings, large scale details shall first have been submitted to the local planning authority for approval in writing. The development shall thereafter be carried out in accordance with these approved details.

Reason: To safeguard the character and appearance of the listed building together with that of adjacent listed buildings and the Bath City Conservation Area.

#### **5 Further details -openings (Bespoke Trigger)**

No demolition works shall commence until the precise areas of structure to be removed to provide openings between the vaults, and the finish treatment of the new openings have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with these approved details.

Reason: To safeguard the character and appearance of the listed building together with that of adjacent listed buildings and the Bath City Conservation Area.

### **6 lighting (Bespoke Trigger)**

Prior to any lighting being installed, full details including the design of the light fittings shall be submitted to the local planning authority for approval in writing. The development shall thereafter be carried out in accordance with these approved details.

Reason: To safeguard the character and appearance of the listed building together with that of adjacent listed buildings and the Bath City Conservation Area.

### **7 Further details- gates (Bespoke Trigger)**

Prior to installation of the steel gates, details of the finishes and colours of these shall be submitted to the Local Planning Authority for approval in writing and installed in accordance with these approved details.

To safeguard the character and appearance of the listed building together with that of the Bath City Conservation Area.

### **8 Plans List (Compliance)**

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:**

12 Apr 2016	15121_D_003_B	UNDERCROFT WINDOW DETAILS
12 Apr 2016	15121_D_004_C	VAULTS WINDOW DETAILS
12 Apr 2016	15121_D_005_B	COLONNADE BRIDGE ABUTMENT STAIRS DETAILS
12 Apr 2016	15121_D_006_B	DOOR TO PARADE GARDENS DETAILS
12 Apr 2016	15121_D_007_C	COLONNADE BALUSTRADE DETAILS
12 Apr 2016	15121_D_011_C	BOATSTALL LANE DETAIL PATH
12 Apr 2016	15121_D_020_D	PROPOSED NORTH ACCESS STAIR DETAILS
12 Apr 2016	15121_L_002_C	PROPOSED UNDERCROFT LEVEL
12 Apr 2016	15121_L_004_D	SECTION THROUGH ACCESS
12 Apr 2016	15121_L_005_E	HARD SURFACING HIGHWAY LEVEL
12 Apr 2016	15121_L_007_D	EXISTING UNDERCROFT PLAN
12 Apr 2016	15121_L_008_C	DEMOLITION PLAN
12 Apr 2016	15121_L_009_C	DEMOLITION RIVER ELEVATION
12 Apr 2016	15121_L_010_C	DEMOLITION INTERNAL
12 Apr 2016	15121_L_011_C	DEMOLITION 3D VIEW
12 Apr 2016	15121_L_012_F	PROPOSED PLAN
12 Apr 2016	15121_L_013_C	EXISTING AND PROPOSED RIVER ELEVATION
12 Apr 2016	15121_L_014_C	PROPOSED ELEVATION FROM PARADE GARDENS

12 Apr 2016	15121_L_015_D	PROPOSED RIVER ELEVATION
12 Apr 2016	15121_L_016_F	PROPOSED SCREEN ELEVATIONS
12 Apr 2016	15121_L_017_C	PROPOSED LONG SECTIONS
12 Apr 2016	15121_L_018_C	PROPOSED UNDERCROFT SECTION
12 Apr 2016	15121_L_020_C	VAULTS SECTIONS
12 Apr 2016	15121_L_021_B	PROPOSED SECTION THROUGH EASY ACCESS PLA...
12 Apr 2016	15121_L_022_C	PROPOSED REAR WALL
12 Apr 2016	15121_L_023_D	PROPOSED 3D VIEW
12 Apr 2016	15121_L_024_C	BOATSTALL LANE NORTH FACING ELEVATIONS
12 Apr 2016	15121_L_025_C	BOATSTALL LANE SOUTH FACING ELEVATION
12 Apr 2016	15121_L_026_C	SECTION THROUGH LIFT
12 Apr 2016	15121_L_1000_B	TOPOGRAPHICAL VAULTS LAYOUT
12 Apr 2016	15121_L_2000_A	PUBLIC REALM EXISTING HIGHWAY
12 Apr 2016	307GPUDM / P30 / 001 T2	INCOMING SERVICES PRINCIPLES
12 Apr 2016	307GPUDM / V50 / 001 T2	LIGHTING LAYOUT UNDERCROFT
12 Apr 2016	307GPUDM / V50 / 002 T2	LANDORD SERVICES PRINCIPLE PLAN
12 Apr 2016	307GPUDM / V50 / 002 T2	LIGHTING LAYOUT STREET
20 May 2016	15121 L028A	LIFT ELEVATIONS
03 May 2016	307GPUDM U90 001	REV T3 VENTILATION STRATEGY UNDERCROFT
08 Jul 2016	D020 E	PROPOSED NORTH ACCESS STAIR DETAILS
08 Jul 2016	L003 G	PROPOSED HIGHWAY PLAN
08 Jul 2016	L005 G	PROPOSED HARD SURFACE AT HIGHWAY LEVEL
08 Jul 2016	SK A	TREEPIT LOCATIONS
OS Extract	12 Apr 2016	15121_L_001_C SITE LOCATION PLAN

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.

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

### **Condition Categories**

The heading of each condition gives an indication of the type of condition and what is required by it. There are 4 broad categories:

**Compliance** - The condition specifies matters to which you must comply. These conditions do not require the submission of additional details and do not need to be discharged.

**Pre-commencement** - The condition requires the submission and approval of further information, drawings or details before any work begins on the approved development. The condition will list any specific works which are exempted from this restriction, e.g. ground investigations, remediation works, etc.

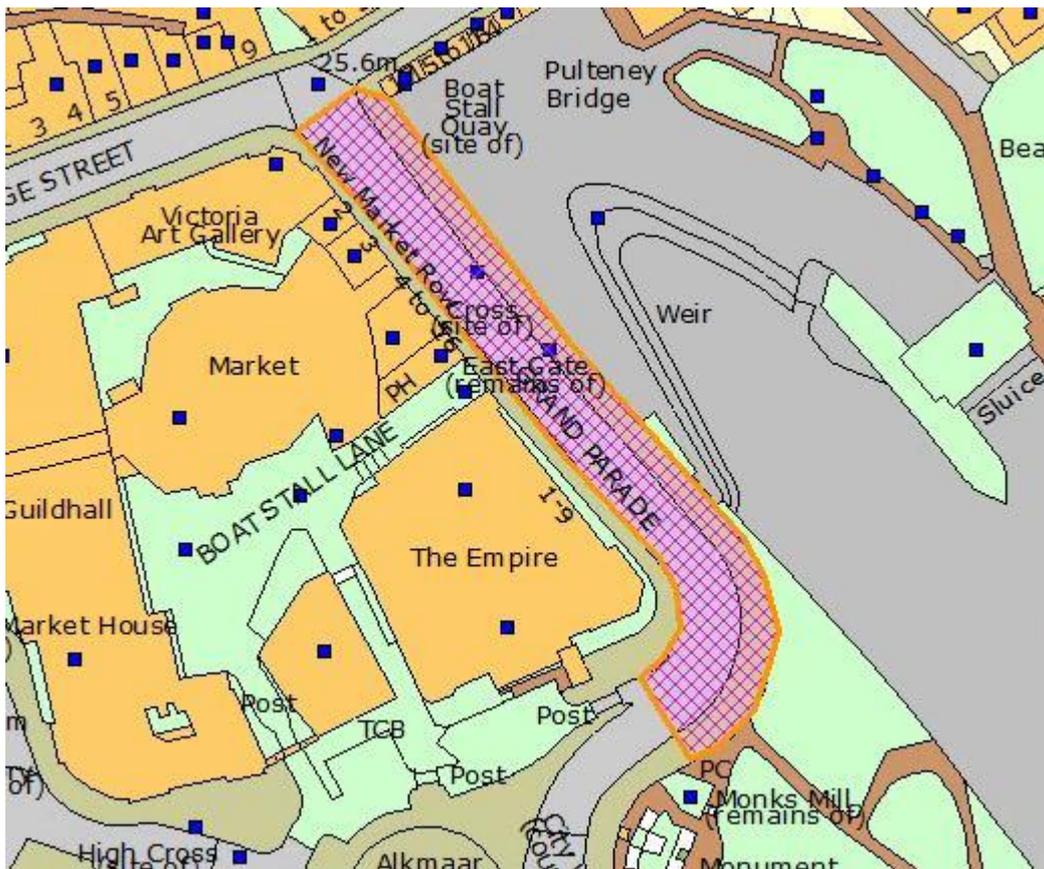
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Bespoke Trigger - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

Please note all conditions should be read fully as these headings are intended as a guide only.

Where approval of further information is required you will need to submit a conditions application and pay the relevant fee, details of the fee can be found on the "what happens after permission" pages of the Council's Website. You can submit your conditions application via the Planning Portal at [www.planningportal.co.uk](http://www.planningportal.co.uk) or send it direct to [planning\\_registration@bathnes.gov.uk](mailto:planning_registration@bathnes.gov.uk). Alternatively this can be sent by post to The Planning Registration Team, Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

**Item No:** 04  
**Application No:** 16/01782/REG03  
**Site Location:** Colonnade Beneath Street Grand Parade City Centre Bath



**Ward:** Abbey      **Parish:** N/A      **LB Grade:** N/A  
**Ward Members:** Councillor Jonathan Carr    Councillor Peter Turner  
**Application Type:** Regulation 3 Application

<b>Proposal:</b>	Change of use of vault and undercroft spaces to restaurants (A3) and/or Museum use (D1) with works to allow pedestrian access to lower Boat Stall lane and the Colonnade and to facilitate future access to Slippery Lane. Provision of stair and lift access to the undercroft/vault spaces on the public highway and associated works to the highway to facilitate the development.
<b>Constraints:</b>	Affordable Housing, Agric Land Class 3b,4,5, Air Quality Management Area, Article 4, Bath Core Office Area, Bath Enterprise Area, Centres and Retailing, Conservation Area, Cycle Route, Flood Zone 2, Flood Zone 3, Forest of Avon, Hotspring Protection, Listed Building, LLFA - Flood Risk Management, MOD Safeguarded Areas, Sites of Nature Conservation Interest, SSSI - Impact Risk Zones, World Heritage Site,
<b>Applicant:</b>	Bath And North East Somerset Council Property Services
<b>Expiry Date:</b>	22nd June 2016
<b>Case Officer:</b>	Tessa Hampden

## REPORT

Reason for reporting this application to committee

This application has been referred to Committee by the Group Manager of Development Management due to the fact that this is a Council application that has historically generated a large amount of public interest.

### Site description and proposal

The application relates to the Colonnades and the vaults set underneath Grand Parade, as well as Grand Parade itself. and Boat Stall Lane. The undercroft's colonnaded walkway and historic structure are Grade II listed, and there are a number of listed buildings and structures surrounding it, including Pulteney Bridge, Victoria Art Gallery, Newmarket Row and the former Empire Hotel. The application site is also located in the City of Bath Conservation Area and World Heritage Site. Boat Stall Lane itself is a scheduled Ancient Monument and Parade Gardens is included on the English Heritage Register of Parks and Gardens. The River Avon is a Site of Nature Conservation Interest and the site is within Flood Zone 2 and 3.

The application seeks planning permission for the change of use of the vault and undercroft spaces to restaurants (A3) and/or Museum use (D1) with works to allow pedestrian access to lower Boat Stall lane and the Colonnade and to facilitate future access to Slippery Lane. The development includes the provision of stair and lift access to the undercroft/vault spaces on the public highway and associated works to the highway to facilitate the development.

An application to change the use of the undercroft and vaults was previously refused for the following reasons:

'The development, due to the unacceptable scale, siting and design of the lift kiosks, would result in substantial harm to the setting of the Grade I listed Pulteney Bridge, the character and appearance of this part of the City of Bath Conservation Area, and the

setting of the World Heritage Site. The limited public benefit resulting from this scheme would not outweigh the harm identified. The development is therefore contrary to paragraphs 132 and 133 of the National Planning Policy Framework, policies B4, and CP6 of the Core Strategy 2014, and saved Local Plan 2007 policies BH2, BH6, D2 and D4'.

The application has been submitted to overcome the previous reason for refusal. The development now proposes one lift kiosk adjacent to Parade Gardens, with a staircase access to the north of Grade Parade near Pulteney Bridge. The development will facilitate public access to this previously closed area. It is proposed to keep Slippery Lane/Colonnade/Boat Stall Lane open to the public during the day time, with the control of this area passing to the future operators from around 7pm.

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

Archaeological Officer - raises no objections in terms of archaeology subject to conditions but notes the impact of the staircase of the setting of Pulteney Bridge

Urban Design Officer - no objection subject to details

Conservation Officer - on balance supports the proposal subject to a number of comments and conditions

Contaminated land - no objection subject to conditions

Natural England - no objections

Ecological Officer - no objection subject to condition

Arboricultural Officer - objection to the scheme as it has not been demonstrated whether or not the existing trees can be retained or trees replanted

Historic England - support the application

Environment Agency - Note that this is a high risk flood area but no objections subject to conditions

Highway Development - following the receipt of the revised plans no objection subject to conditions

Drainage and Flooding - no objection

Bath Preservation Trust - objection. The comments can be summarised as follows:

-Supportive in principle of opening up the under-croft and colonnade to the public. With careful and appropriate design and management the occupation of the under-croft and public access to the Colonnades could better reveal the significance of these important heritage assets, help maintain the historic fabric and cause minimal harm to the setting of Pulteney Bridge.

-Objection is based on the lack of contextual vision and ambition as well the lack of detail and supporting information without which a proper assessment of the proposals cannot be made.

- For this scheme to be of real public benefit, the main pedestrian access to the colonnade should be from Parade Gardens with a link to Boatstall Lane.
- It is regrettable that this proposal pre-empts any published masterplan for the context, which includes the markets and the Victoria Art Gallery.
- Concerns about the routing and siting of plant work and extract units.
- Notes the significant concerns of the Empire residents.
- Concerned that the lift pod and access to the stairs will appear exclusive.
- In relation to the design and siting of the lift pod, the revised design and location of only one lift has responded to the serious concerns raised by BPT. -Concerned with the lack of detail however
- The staircase adds to the visual clutter. Its intervention would only be acceptable because it supports bringing the Colonnades back into use.
- Concerns about advertising and illuminated signage.
- Concerned that the proposal for refuse collection and large scale deliveries at Boat Stall Lane

Further objection comments and (including a letter from the Empire Hotel Representative)

The comments can be summarised as follows;

- Lack of consultation
- Inaccuracies/out of date information within the submission
- Difficulties relating to the insurability of the Empire Hotel
- Drainage issues including to the Empire Lightwell
- Difficulties in maintaining the Empire Hotel with development in place
- Right of way/access issues
- Noise/odour issue
- Impacts of smokers in Boat Stall Lane
- Concerns with matters being left to conditions
- Impacts of the use of Bath Stall lane and lack of clarity with regards to its use
- Issues relating to the storage of rubbish
- Pedestrian/vehicular conflicts
- Concerns relating to waste collection
- Lack of access for those with restricted mobility
- Impact upon bus operators
- Highway safety issues

The Abbey Residents Association

- Recommends that the application is deferred to allow for the concerns of local residents to be addressed. The comments can be summarised as follows:
- Support the principle of the change of use and welcome a number of the changes since the previous refusal
- Limited consultation undertaken pre application
- Operational concerns in particular with regards to the use of Boat Stall Lane
- Concerns about shell and core approach
- Inaccuracies within the application
- Lack of details including waste management plan
- Lack of consultation on future conditions

## Bath Heritage Watchdog - objection

- Principle of reuse supported
- Question over the validity over the museum use
- Lack of clarity within the submission
- Impact upon the spring in Parade Gardens
- Concerns with the design of the lift kiosk
- Preference for more traditional style railings at staircase access
- Objections to the stone plinth for advertising
- Lighting issues
- Concerns with the use of double glazing and concrete within undercoft and vaults
- Objections to the treatment of internal walls
- Concerns with the use of Boat Stall Lane and the proposed alterations
- Highway safety/impact of alterations on Grand Parade
- Lack of consultation-

## **POLICIES/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.

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.'

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

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

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

DW1 District wide spatial strategy  
B2 Central Area strategic policy  
CP 5 Flood risk management  
CP 6 Environmental quality  
B4 The World Heritage Site

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

D2 General Design and public realm considerations  
D4 Townscape considerations  
T1 Over arching access policy  
T24 General development control and access policy  
T25 Transport assessment and travel plans  
T26 On-site parking and servicing provision  
ES.4 Water supply  
ES.5 Foul and surface water drainage  
ES.9 Pollution and nuisance  
ES12 Noise and vibration  
ES10 Air Quality  
ES12 Noise  
ES.15 Contaminated Land  
NE10 Nationally important species  
NE11 Locally important species  
NE13 A Hot Springs  
NE14 Flood Risk  
BH.2 Listed buildings and their settings  
BH3 Demolition of a listed building  
BH.6 Development within or affecting conservation areas  
BH4 Change of use of listed buildings  
BH8 Improvement works in a Conservation Area  
BH9 Parks and Gardens of Historic Interest  
BH.12 Archaeology  
BH13 Significant archaeological remains in Bath  
BH21 Security Fittings  
BH22 External lighting  
WM4 Waste Recycling  
S6 A3 Uses in the City Centre  
S7 Siting of tables and chairs outside of A3 uses in Bath City Centre

At the Council's Cabinet meeting on 2nd December 2015 the draft Placemaking Plan was approved for consultation purposes and also approved for Development Management purposes. However, currently the Plan has limited weight in the determination of planning applications. The following polices are relevant:

#### RELEVENT PMP POLICIES

SU1 Sustainable Drainage  
D1 General Urban Design Principles  
D2 Local Character & Distinctiveness  
D3 Urban Fabric  
D4 Streets and Spaces  
D5 Building Design  
D6 Amenity  
D7 Infill and Backland Development  
D8 Lighting

H1 Historic Environment  
NE2 Conserving and Enhancing the Landscape and Landscape Character  
NE3 Sites, Species and habitats  
NE6 Trees and woodland conservation  
PCS2 Noise and vibration  
PCS5 Contamination  
LCR1 Safeguarding local community facilities  
ST1 Promoting Sustainable Travel  
ST7 Transport requirements for managing development

## **OFFICER ASSESSMENT**

### **Relevant Planning History**

14/01772/REG03 - Change of use of vault and undercroft spaces below Grand Parade to restaurants and ancillary facilities (A3), with works to allow pedestrian access to Boat Stall Lane and The Colonnade and to facilitate access to Slippery Lane. Alteration of the public highway, the creation of pedestrian space, the realignment of bus and service parking capacity along Grand Parade and towards Orange Grove, provision of a new loading bay, and construction of vertical pedestrian and service receptions. Refused 19.02.2015

### **Principle of development**

The application site is located at the edge of the designated city shopping area and as such the creation of the restaurant (A3) use can be supported in principle through saved Local Plan policy S.6 subject to a number of criteria. The vaults have been vacant for a significant period of time, but it is considered that the change of use of this space to allow for an A3 use will not harm the viability and vitality of the local centre. Instead it will add to the mix of uses in this important location. Policy S.6 also explains that the creation of the units should not harm the character and appearance of the Conservation Area, or residential amenity of local residents. This will be dealt with in the relevant parts of this report.

The application proposes a flexible use which would also allow the use of the vaults/undercroft as a museum space. A similar conclusion can be reached on the merits of this as for the retail use. This use, which can be considered to be a town centre use, is located within Bath city centre, and will complement the surrounding uses. There are no objections to the principle of this part of the development.

BH12 deals specifically with the principle of the change of use of listed buildings and explains that the building should be used for its original use unless there is no realistic prospect or demonstrable need for the reinstatement of the use for which the building was designed. Given that the application site relates to the reuse of the vaults area which would originally have been used for storage etc., it is accepted that this is not a viable or realistic use. Bringing the site back into a viable use is supported in principle.

There are therefore no objections to the principle of the change of use.

### **The impact upon the listed buildings, setting of the Conservation Area and World Heritage Site.**

The application site sits within a highly sensitive location, forming the setting to a number of listed buildings, in particular Grade I listed Pulteney Bridge, and is in the heart of the City of Bath Conservation Area and World Heritage Site.

The reuse of the Grade II vaults areas for a vibrant use is welcomed. The National Planning Policy Framework (NPPF) recognises that the best way to secure the upkeep of historic buildings is to keep them in active use. It is therefore noted that the proposal has the potential to secure the future of the listed vaults/colonnades area contributing to the preservation and enhancement of this part of the City of Bath Conservation Area and wider World Heritage Site. This potential enhancement of this river corridor is welcomed, but careful consideration needs to be given to the details of this scheme.

#### Above ground works

The development proposes one lift kiosk constructed from ashlar Bath stone with a flat roof and single glazed entrance. It will be sited between the two existing trees close to the entrance to Parade Gardens. It is considered that this presents a much less harmful option than that of the two kiosks previously proposed within the refused planning application. This structure will visually group with other heritage features in close proximity associated with Grand Parade and the gardens. Its classical design is considered acceptable and durable. The Conservation Officer has raised a concern in relation to its height and it was suggested to the agent that if structurally feasible, a reduction in height should be sought to visually improve the proportions of the structure. The agent has explained that the ashlar enclosure to the lift is dictated by the minimum head heights for the type of lift proposed and as such it would be very difficult to lower the height of this structure. The options would become very limited and restrictive if the enclosure was lowered further, and a much smaller lift would be very slow. With only one lift the agent believes it could be counterproductive to provide very slow travel speeds for access to the restaurants or Parade gardens. On balance, this lift kiosk is considered to be acceptable and will preserve the character and appearance of this part of the Conservation Area.

The application also proposes access to the units via a staircase which would be sited to the north of Grand Parade close to Pulteney Bridge. The staircase has been refined and is now a minimal structure with bronze railings and handrail surrounding the stair. There are no objections to the traditional design of the stairs and railings at street level. Due to the acceptable scale, design and siting the development will be seen in context with the adjacent balustrade and is not considered to harm the setting of the Grade I listed Pulteney Bridge adjoining. The freestanding ashlar stone 'island wall' at the head of the flight of stairs will introduce a degree of clutter to an area of high pedestrian movement. The agent has explained that this wall is required to prevent pedestrians walking straight into and falling down the stairs. The wall also allows free access into the stair and the opening from both sides which deals with the congestion concerns which had been a previous criticism from the Highways Officer. Following this further justification, on balance, this wall is considered acceptable.

Careful consideration needs to be given due any advertisements or lighting proposed at street level as any additional clutter has the potential to result in harm to the public realm and the character and appearance of this part of the Conservation Area. Conditions can

be included on any permission to ensure that the Local Planning Authority has the ability to consider these.

#### Below street level works

The proposed undercroft and vaults conversion works are acceptable in principle. There are however several unresolved design issues which could be resolved through planning conditions if planning permission/listed building consent is granted. The application has not provided full details for these works as the submission explains that this will be the responsibility of individual future tenant(s) and user(s). This is not an ideal situation but the reasoning behind this is understood and officers must therefore assess the application on the basis of the information within the submission.

The proposed removal of minor sections of historic fabric is limited to new openings between vaults, the loss of a section of undercroft roofs for the lift shaft, some reinstatement of existing openings, and the removal of stone on the river elevation screen wall to accommodate the new windows. The areas of stone it is proposed to remove for new and enlarged window openings form part of the 1930's works to the colonnade and the loss of fabric in this instance is therefore considered acceptable. The overall design of the proposed windows is considered appropriate. The vertically proportioned windows for the (C20) undercroft element with arched heads to the earlier historic vaults reflect their historic form. Further information is required with regards to the treatment of the internal stonework. Large proportions have previously been coated with a hard cement render and removing this could cause further damage.

In relation to the river elevations the intrusion of the stairs into the Colonnade has been largely resolved by use of a transparent glazed design. Whilst the addition of stairs in this location can be argued to visually intrude on the facades uncluttered and visually pure quality, it is accepted that a staircase is necessary for access and safety reasons and the lightweight design is a preferred solution.

The insertion of raised floors for flood prevention is acceptable in principle provided the method used is reversible. The option of using a suspended floor was explored with the agent. It was however confirmed that this would not be practicable and would involve further intrusion onto the historical walls. The light weight option would be reversible and is much less intrusive than a traditional concrete base.

#### Works to Boat Stall Lane

Boat Stall Lane is a Scheduled Ancient Monument. The works include the minor works of level alteration to facilitate the change of use. The proposed works are acceptable, and have raised no objections from the Archaeologist. The opening up of this lane can be seen to be beneficial from a conservation and public access perspective.

There is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. 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. Here it is considered that when looking at the overall scheme

which will bring these listed building back into use, the listed building is preserved. Further, the setting of the adjacent listed buildings are not harmed.

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 overall character and appearance of this part of the City of Bath Conservation Area is preserved. Further, there is not considered to be any undue harm to the setting of the wider World Heritage Site.

As noted above the proposed works, when looking at the overall scheme, are considered to preserve the character and appearance of the Conservation Area, and preserve the listed building and the setting of those adjacent and that of the World Heritage Site. Some elements of harm have however been identified. The NPPF distinguishes between 'substantial harm' and 'less than substantial harm' when referring to the impact upon the significance of a heritage asset. When a proposed development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The harm in this case is considered to be less than substantial. This will be addressed in the concluding part of this report.

### **Archaeological issues**

Given the documented development of this part of the city, the below ground archaeological impacts of the proposed development should be fairly limited. The area was the historic riverside quay where boats could tie up near the city's East Gate. However, this area has since been built up with a considerable depth of post-medieval and modern made ground, thus protecting any earlier medieval and Roman riverside deposits below. This was confirmed by the results of an engineering/archaeological test pit survey carried out within the vaults during the pre-application work. Nevertheless, some of the deeper services and new lift or stair foundations could have impacts that will require archaeological monitoring. Therefore archaeological watching brief and historic building recording conditions should be attached to any planning permission.

### **Arboricultural issues**

The proposed lift kiosk would sit between two street trees on Grand Parade. An arboricultural report has been submitted which highlights the importance of the trees in this location. The Arboricultural officer has raised concerns that insufficient information has been submitted to enable an arboricultural impact assessment to be provided as highlighted in the report and there are therefore concerns that the impact upon these trees cannot be known at this stage. The report explains that due to the underground structures and services it is unlikely that the root systems conform to that shown within the root protection areas. This could be only ascertained through trial pits. There are concerns that if the trees cannot be retained, the ground conditions would not enable suitable trees to be replaced. Additional information has been submitted by the applicant to demonstrate methods which would allow for this. Officers will update Members at Committee on this matter. If the trees need to be replaced off site, mechanisms to secure this may need to include a legal agreement.

Whilst the applicant is confident that the trees can be retained, this has not been demonstrated at this stage. However, although their loss would result in some harm, the overall public benefits of bringing back the Colonnades into active use would outweigh any harm resulting from this. This will be outlined in the concluding section. The recommendations within the report can be secured through conditions on any planning permission.

## **Highway safety**

From a highway perspective, the key issues are the changes required to the layout in Grand Parade to facilitate the staircase access at the northern end near the junction with Bridge Street/Pulteney Bridge, and a new lift shaft access to the south. Both of these require extension build-outs to the existing footway area on the east side of Grand Parade, with resultant impact on the existing bus stops and the kerbside area reserved for bus stands.

Following discussion with the agent and their transport consultant updated information has been received to overcome initial concerns raised with regards primarily to the impact upon the bus stops. The Councils Public Transport Officer had cited as a preference for the existing 52m stand with two stop locations to remain. The revised proposal now illustrates that the existing arrangement of these stops is unchanged.

Additional tracking plots have been provided which demonstrate that left and right turns into the stops from Pulteney Bridge and Bridge Street respectively can be made by an articulated bendy bus past the build-out satisfactorily to achieve docking at either stop.

The Tour Bus Stop will be relocated in order to facilitate the proposals. The revised proposal moves the stop to the short straight section of carriageway between the two bends, with a minor adjustment to the nearside kerb-line to achieve suitable docking for a Tour Bus waiting 'on stand'. The proposal puts forward a shared use area to the north of the lift shaft build-out catering for Tour buses during their operating period, but used for delivery/refuse vehicle access outside these time. The submission confirms that the tour bus operating period is from 9:30am to 7:00pm, although the start time would need to be brought forward to around 9:15am to allow the first service to wait 'on stand' to pick-up before leaving. Details of the operating regime to avoid tour Bus/service vehicle conflicts in this location would need to be agreed prior to any use class A3/D1 occupation/operation of the vaults. This can be secured via condition on any planning permission.

The use of the bay for deliveries and refuse collections will need to be restricted to times outside of the operating period of the Tour Bus, with signing in this location in place to enforce this. This principle is accepted by the Highway Development Officer. It is noted that the Bath Bus Company have raised concerns with merging the Tour Bus Stop with a loading bay citing that experience from Terrace Walk shows that enforcement is poor believing that this will impact on their business. This re-iterates the importance of having an effective management plan to control the use of this area.

Adequate passage is maintained for other buses/HGV routing through the 'S' bend part of Grand Parade, as indicated by the HGV swept path plot on Drawing 0503-041 Rev A.

The width of passage between the kerb and the west face of the new staircase wall on the same drawing is shown to be 2.0m. In overall terms, the existing passage width for pedestrians is not compromised, which is accepted. A layout maximising the retained footway passage on the eastern side by shifting the stairwell position westwards (to a minimum clearance position of 450mm to the kerb) would have been preferable, in that most pedestrians are likely to want to walk this side to enjoy the view over Pulteney Weir. However, the agent has advised that the stairwell position is dictated by the vault structure underneath. The staircase siting is therefore accepted.

It is noted the swept path plots presented now use the detailed layout drawing of the build-out as the plan base. The Transport Note also confirms that alterations to signal controlled crossing will be limited to minor alterations to the west kerb-line and tactile paving here, with no effect on the existing signal equipment or need for relocating poles. Details of the changes here and position of existing poles will need to be submitted with the detailed drawings of the build-out for approval prior to any construction work commencing.

Overall therefore, subject to the inclusion of conditions on any planning permission, the development is considered to be acceptable on highway safety grounds.

### **Residential amenity**

There are a number of residential units in relatively close proximity to the application site, and although the application site is located within the city centre where a degree of noise and disturbance can be expected, any development needs to be carefully managed to ensure that the residential amenity of these occupiers is not significantly harmed.

Servicing for the proposed units will be via the proposed lift and potentially via Boat Stall Lane. However, any deliveries/servicing via this route needs to be carefully managed to ensure that the amenity of the nearby residents are safeguarded. Boat Stall Lane will also allow for public access and it is considered appropriate to impose conditions to control the timings of the use of this lane. This will ensure that the development does not result in unreasonable levels of noise and disturbance from staff, patrons, deliveries etc. It is noted that the use of Boat Stall Lane will increase and it is also considered necessary to control the use of this area given its proximity to the residential occupiers of the Empire Hotel. Concerns have been raised with regards to emptying and collecting of bottles at unsociable hours and it is considered that conditions can also cover this issue

It is recognised that a number of concerns have arisen as this application is effectively for the 'shell and core' and full specification's of details such as ventilation and extraction, refuse collection etc. have not been provided as operators are not yet in place. It is recognised that further elements of the fitting out may require further planning applications. Whilst this is unfortunate, it is not uncommon and operational statements can be secured through conditions to control these issues. With regards to noise, specific details of the design of the proposed development will need to be provided to demonstrate the ability to adhere to the noise limits recommended within the noise survey provided with the application. With regards to odour etc., it is also considered that this will need to be suitably controlled. It is accepted that at this stage it is difficult to resolve due to the lack of knowledge of the future occupiers and their requirements. . The submission includes reports to demonstrate that an acceptable standard of ventilation can be achieved with regards to dispersion and

absorbency of smells and noise. The storage areas for refuse will be contained within walls which should limit the impact upon the neighbouring occupiers. Again, this can be dealt with through conditions.

Overall therefore, subject to a number of detailed conditions, it is not considered that the development will result in significant harm to the residential amenity of the neighbouring occupiers. Whilst it is noted that third parties will not be consulted on the condition discharge process, officers will be aware of their concerns raised during this process and consider this when dealing with additional details received at a later stage.

The residents of the former Empire Hotel have been involved in discussions with the agent but it is noted that they still have a number of outstanding concerns. Whilst some of these have been covered above, it is noted that a number are civil matters and fall outside of the planning remit.

## **Flooding**

This site is located within a high flood risk area of the River Avon. This site is at risk of flooding for low return periods and this will continue to occur within the colonnade area even with the mitigation measures included. The Environment Agency (EA) agrees that development will not change the risk to third parties therefore the priority must be to ensure that tenants and customers are suitably protected when the building is open during the winter months. High river levels have resulted in localised flooding near this site.

The EA advises that the developer, emergency planner and Local Planning Authority need to be satisfied that this is an appropriate use when considering the flood risks. As this is a change of use, a sequential test is not strictly required but the EA has nevertheless previously encouraged the sequential approach for this development. However, it is recognised that the Flood Risk Assessment (FRA) has brought forward a reasonable case for the proposed development. In addition, the EA note the wider benefits of enhancing this area of the river corridor. The primary purpose of the development proposal is to bring this disused historic asset at an iconic location in the city, adjacent to Pulteney Weir and Bridge into use to enhance the vitality and viability of this area of Bath. In these circumstances, the availability or otherwise of alternative sites is not of relevance to the purpose of the development proposal in bringing into use and safeguarding the future of these heritage assets.

The internal floor levels of the vault will be raised to 20.8m AOD to reduce the risk of flooding. The developer needs to be aware of this risk and convey the information to tenants through the emergency planning procedures. It is acknowledged that there are a limited number of alternative structural options available for protecting the development from climate change without compromising the feasibility/economic viability of the development. In light of these constraints the FRA proposes to mitigate climate change and to ensure customers are safe from flooding hazards through a detailed emergency plan (in addition to the raised floor level). This is a viable option for this use at this location there is a sufficient lead in time of when the River Avon will reach peak levels. The key challenge is to ensure that occupants follow the agreed emergency plan and evacuate the building when triggers have been met. This is covered within the FRA but further details can be secured through condition to meet the concerns of the EA.

## **Ecological considerations**

The proposed development is within the 4,000m buffer area for a Greater Horseshoe Bat core roost associated with the Bath and Bradford-on-Avon Bat Special Area of Conservation. A Bat Activity Survey report has been submitted in terms of a lighting strategy that will maintain and enhance the Colonnades stretch of the river as an important corridor for a number of bat species.

The key recommendations relate to the requirement for sensitive lighting, with the need to ensure zero lux increase to light levels over the water and onto the river Avon, compared to existing light levels. A lighting strategy is submitted, together with proposed lighting layout and lighting schedules. Provided the proposed lighting does not result in increased light levels in comparison to the existing and previous light levels, the scheme would be ecologically acceptable. An acceptable lighting scheme will still however need to be demonstrated through predicted lux level modelling and contour plans, which should account for the combined effects of light spill from both internal and external lighting. This can be secured via condition.

## **Contaminated land**

The review outlined potential sources of contamination on site or in close proximity. Due to the potential for sources of contamination (on-site and off-site) and the nature of the development being particularly sensitive a geo-environmental assessment to assess the risks posed by potential contamination has been requested. This can be secured through a condition on any planning permission.

## **Planning balance**

Overall, whilst some elements of concern have been noted with regards to the detail of the scheme, the overall development is considered to preserve the listed buildings, and safeguard the setting of the surrounding listed buildings, this part of the Conservation Area and the wider World Heritage Site. Any considered harm is less than substantial, and when weighing this up against the public benefits of the proposal, including securing its optimum use under paragraph 134 of the NPPF; this is considered to be acceptable. This proposal can be regarded as a prime opportunity to bring back to use a largely forgotten and neglected part of the city townscape. The NPPF recognises that the best way to secure the upkeep of historic buildings is to keep them in active use. This will be achieved through this proposal. The positive contribution the active and vibrant use of the vaults could have to the rejuvenation of the river corridor is a huge benefit of this scheme. The re use of these vaults and allowing public access to the vaults, Boat Stall Lane and the Colonnades will provide a unique opportunity and will allow people to experience the weir and views of Pulteney Bridge from this location.

It is recognised that there are areas which need further consideration. The additional detail required is however at a level that would allow for this to be secured through conditions. Subject to the inclusion of these conditions, the residential amenity of the surrounding occupiers is considered to be protected and there are not considered to be any significant issues with highway safety or any other technical matters.

The development is therefore recommended for approval.

## **RECOMMENDATION**

Delegate to PERMIT

## **CONDITIONS**

Subject to a satisfactory assessment of further information that has been submitted in relation to ground conditions and trees, and subject to the following conditions:

### **1 Standard Time Limit (Compliance)**

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 permission

### **2 Contaminated Land - Investigation and Risk Assessment (Pre-commencement)**

No development shall commence until an investigation and risk assessment of the nature and extent of contamination on site and its findings has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. The assessment must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and shall include:

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

(ii) an assessment of the potential risks to:

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

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

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. This is a condition precedent because the works comprising the development have the potential to uncover harmful contamination. Therefore these details need to be agreed before work commences.

### **3 Contaminated Land - Remediation Scheme (Pre-commencement)**

No development shall commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health,

buildings and other property and the natural and historical environment, has been submitted to and approved in writing by the Local Planning Authority, unless the findings of the approved investigation and risk assessment has confirmed that a remediation scheme is not required. The scheme shall include:

- (i) all works to be undertaken;
- (ii) proposed remediation objectives and remediation criteria;
- (iii) timetable of works and site management procedures; and,
- (iv) where required, a monitoring and maintenance scheme to monitor the long-term effectiveness of the proposed remediation and a timetable for the submission of reports that demonstrate the effectiveness of the monitoring and maintenance carried out.

The remediation scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The approved remediation scheme shall be carried out prior to the commencement of development, other than that required to carry out remediation, or in accordance with the approved timetable of works.

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. This is a condition precedent because the works comprising the development have the potential to uncover harmful contamination. Therefore these details need to be agreed before work commences.

#### **4 Contaminated Land - Verification Report (Pre-occupation)**

No occupation shall commence until a verification report (that demonstrates the effectiveness of the remediation carried out) has been submitted to and approved in writing by the Local Planning Authority, unless the findings of the approved investigation and risk assessment has confirmed that a remediation scheme is not required.

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with section 11 of the National Planning Policy Framework.

#### **5 Contaminated Land - Unexpected Contamination (Compliance)**

In the event that contamination which was not previously identified is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. Thereafter an investigation and risk assessment shall be undertaken, and where remediation is necessary, a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report (that demonstrates the effectiveness of the remediation carried out) must be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development.

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with section 11 of the National Planning Policy Framework.

#### **6 Ventilation and Extraction (Pre-commencement of use)**

The use of either unit hereby permitted shall not commence until a detailed scheme for that unit ventilation and extraction of fumes/cooking smells has been submitted to and approved in writing by the Local Planning Authority. The scheme shall specify the precise details of the flue extraction equipment to be used, including: the stack height; the design and position of all ductwork and filters; the noise/power levels of the fan(s); the number, type and attenuation characteristics of any silencers; details of anti-vibration mounts and jointing arrangements in the ductwork; the number of air changes per hour, and the efflux velocity. The scheme shall be installed in accordance with the approved details prior to the commencement of the use and thereafter maintained as such.

Reason: In the interests controlling odours and protecting residential amenity in accordance with policy ES.10 of the Bath and North East Somerset Local Plan.

#### **7 Finished floor levels (compliance)**

The development hereby permitted, shall be constructed with Finished Floor Levels of the restaurants set at a minimum of 20.8m AOD and the Colonnades set at a minimum of 19.75m AOD as stated in the submitted Flood Risk Assessment (dated March 2016).

Reason: In the interests of flood resilience and to minimise the potential impact of flooding on the proposed development and future users.

#### **8 Floor levels Boat Stall Lane(compliance)**

The development hereby permitted shall be constructed with access from Boatsall Lane including the doorway into the northern vaults set a minimum level of 20.8m AOD as stated in the submitted Flood Risk Assessment (dated March 2016).

Reason: In the interests of flood risk management and to minimise the potential impact of flooding on the proposed development and future users.

#### **9 Flood resilience measures (pre commencement)**

Prior to the commencement of the development hereby permitted, full details of the proposed flood resilience measures to be incorporated within the design of the structure shall be submitted to, and approved in writing by the Local Planning Authority. Such detail shall include, inter alia, specification of the proposed glass frontage, electrics, and proposals in respect of vulnerable apparatus i.e. electric lift. The development thereafter shall be implemented in accordance with the approved details prior to occupation and the measures shall be maintained in full working order for the lifetime of development.

Reason: In the interests of flood resilience and to minimise the potential impact of flooding on the proposed development and future users.

### **10 Flood Warning Evacuation Plan (Pre-occupation)**

No occupation of the development shall commence until a Flood Warning Evacuation Plan has been submitted to and approved in writing by the Local Planning Authority. This plan shall address the matters required pursuant to section 10 of the National Planning Policy Framework and the National Planning Practice Guidance. Thereafter the approved Flood Warning Evacuation Plan shall be implemented in perpetuity.

Reason: To limit the risk of flooding by ensuring the provision of satisfactory means of flood management and incident response on the site in accordance with paragraph 17 and section 10 of the National Planning Policy Framework.

### **11 Tour Bus Stop (pre occupation)**

Prior to the occupation of the development, a management plan for controlling the use of the 'dual use' Tour Bus stop/servicing bay shall be submitted to and approved in writing by the Local Planning Authority and shall include, but not exclusively, the following: dedicated Tour Bus times and restricted time periods available for servicing/refuse collection, means of enforcement (beyond signing) and means of communicating the restrictions in place to regular suppliers.

Reason: To ensure the safe and unobstructed operation of the highway and to ensure that Tour Bus pick-up/drop-off here is not compromised

### **12 Construction Management Plan (Pre-commencement)**

No development shall commence until a Construction Management Plan has been 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, working hours, site opening times, wheel wash facilities and site compound arrangements. The development shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure that safe operation of the highway and in the interests of protecting residential amenity in accordance with Policies T.24 and D.2 of the Bath and North East Somerset Local Plan. This is a condition precedent because any initial construction or demolition works could have a detrimental impact upon highways safety and/or residential amenity.

### **13 Archaeology - Watching Brief (Pre-commencement)**

No development shall commence, except archaeological investigation work, until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a controlled watching brief during ground works on the site, with provision for excavation of any significant deposits or features encountered, and shall be carried out by a competent person(s) and completed in accordance with the approved written scheme of investigation.

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

because archaeological remains and features may be damaged by the initial development works.

#### **14 Archaeology - Controlled Excavation (Pre-commencement)**

No development shall commence, except archaeological investigation work, until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a controlled excavation of all significant deposits and features which are to be disturbed by the proposed development, and shall be carried out by a competent person(s) and completed in accordance with the approved written scheme of investigation. Thereafter the building works shall incorporate any building techniques and measures necessary to mitigate the loss or destruction of any further archaeological remains.

Reason: The site is within an area of major archaeological interest and the Council will wish to examine and record items of interest discovered. This is a condition precedent because archaeological remains and features may be damaged by the initial development works.

#### **15 Archaeology - Engineering Solution (Pre-commencement)**

No development shall commence (including any site clearance or demolition works), except archaeological investigation work, until the applicant, or their agents or successors in title, has produced detailed drawings of all underground works, including foundations, drainage and those of statutory undertakers, which have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the location, extent and depth of all excavations and these works shall be carried out and completed in accordance with details as approved.

Reason: The site is within an area of major archaeological interest and the Council will wish to examine and record items of interest discovered. This is a condition precedent because archaeological remains and features may be damaged by the initial development works.

#### **16 Operational Statement (pre occupation)**

Prior to each restaurant or museum being brought into operation, an operational statement shall be submitted to and approved in writing by the Local Planning Authority. This should include details of refuse collection and storage, hours of operation, public access to the covered walkway of the colonnade area, use of Boat Stall Lane, cycle storage, and details of deliveries. The development shall thereafter be carried out/occupied in accordance with the approved operational statement.

Reason: To safeguard the residential amenity of the neighbouring occupiers, to ensure public access is retained to the Colonnades and to safeguard the general visual amenities of the area.

#### **17 Lighting (bespoke trigger)**

Prior to the installation of any lighting within the development a full lighting strategy detailing of all forms of lighting (including their fittings) including that to Boat Stall Lane, the Kiosks and the lighting to the undercroft and Colonnades area shall be submitted to and approved in writing by the Local Planning Authority. Development shall thereafter proceed in accordance with the approved details.

Reason: In the interests of residential amenity, visual amenity and ecology.

#### 18 Ecology (bespoke trigger)

No new external lighting shall be installed without full details of proposed lighting design being first submitted and approved in writing by the LPA; details to include:

1. Detailed specifications and plans showing numbers, types, positions and heights of lamps;
2. A lux contour plan showing predicted light spill levels arising from the proposed lighting scheme, which must factor in predicted light spill from internal lighting, and showing dark zones on the river within which predicted lux levels will increase by no more than zero lux compared to existing light levels
3. details of all measures that shall be incorporated into the scheme to minimise light spill onto the river, thus minimising impacts on bats and aquatic ecology; for example, through use of warm white LED; directional lighting, baffles and screening; time switches and remote sensors; adherence to specified times of use and use of 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

#### 19 **Surface water drainage (bespoke trigger)**

A surface water drainage strategy in accordance with that outlined in the Flood Risk Assessment should be submitted to and approved by the Local Planning Authority prior to the occupation of the development hereby approved. Specifically details about the proposed drainage channels in the floor of Boatsall Lane should be supplied.

Reason: In the interests of flood risk management

#### 20 **External adverts (bespoke trigger)**

Prior to the any external advertisements being put in place, a signage strategy is to be submitted to the local planning authority for approval in writing and thereafter signage shall be only installed in accordance with these approved details.

Reason; To safeguard the character and appearance of this area.

#### 21 **Highway structural works**

Prior to the commencement of the development, details of the structural works to form the openings in Grand Parade shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include plans and supporting structural calculations in accordance with Section 180 of the Highways Act 1980. The applicant should be aware that this process can take in the region of 6 weeks to conclude and will incur an additional fee.

Reason: In the interest of highway safety.

## **22 Public access (compliance)**

The public shall be allowed access to the colonnade walkway between the hours 9am and 7pm and this area shall not be closed off during this time.

Reason. To ensure that the public have the benefit of this development.

23 No deliveries or collections shall be taken at or dispatched from the site outside the hours of 07.00hrs to 19.00hrs.

Reason: In the interest of residential amenity.

## **24 Boat Stall Lane access (compliance)**

Access for staff and customers via Boatstall Lane shall be restricted to be permitted from 08.00hrs to 19.00hrs only.

Reason: To safeguard residential amenity

## **25 Sample Panel - Walling (Bespoke Trigger)**

No construction of the external walls surfaces shall commence until a sample panel of all new external walling materials to be used have been erected on site and approved in writing by the Local Planning Authority. They must be kept on site for reference until the development is completed. The development shall be undertaken in accordance with the approved details.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policies D.2 and D.4 of the Bath and North East Somerset Local Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

## **26 Plans List (Compliance)**

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:**

12 Apr 2016 15121\_D\_003\_B UNDERCROFT WINDOW DETAILS

12 Apr 2016	15121_D_004_C	VAULTS WINDOW DETAILS
12 Apr 2016	15121_D_005_B	COLONNADE BRIDGE ABUTMENT STAIRS DETAILS
12 Apr 2016	15121_D_006_B	DOOR TO PARADE GARDENS DETAILS
12 Apr 2016	15121_D_007_C	COLONNADE BALUSTRADE DETAILS
12 Apr 2016	15121_D_011_C	BOATSTALL LANE DETAIL PATH
12 Apr 2016	15121_D_020_D	PROPOSED NORTH ACCESS STAIR DETAILS
12 Apr 2016	15121_L_002_C	PROPOSED UNDERCROFT LEVEL
12 Apr 2016	15121_L_004_D	SECTION THROUGH ACCESS
12 Apr 2016	15121_L_005_E	HARD SURFACING HIGHWAY LEVEL
12 Apr 2016	15121_L_007_D	EXISTING UNDERCROFT PLAN
12 Apr 2016	15121_L_008_C	DEMOLITION PLAN
12 Apr 2016	15121_L_009_C	DEMOLITION RIVER ELEVATION
12 Apr 2016	15121_L_010_C	DEMOLITION INTERNAL
12 Apr 2016	15121_L_011_C	DEMOLITION 3D VIEW
12 Apr 2016	15121_L_012_F	PROPOSED PLAN
12 Apr 2016	15121_L_013_C	EXISTING AND PROPOSED RIVER ELEVATION
12 Apr 2016	15121_L_014_C	PROPOSED ELEVATION FROM PARADE GARDENS
12 Apr 2016	15121_L_015_D	PROPOSED RIVER ELEVATION
12 Apr 2016	15121_L_016_F	PROPOSED SCREEN ELEVATIONS
12 Apr 2016	15121_L_017_C	PROPOSED LONG SECTIONS
12 Apr 2016	15121_L_018_C	PROPOSED UNDERCROFT SECTION
12 Apr 2016	15121_L_020_C	VAULTS SECTIONS
12 Apr 2016	15121_L_021_B	PROPOSED SECTION THROUGH EASY ACCESS PLA...
12 Apr 2016	15121_L_022_C	PROPOSED REAR WALL
12 Apr 2016	15121_L_023_D	PROPOSED 3D VIEW
12 Apr 2016	15121_L_024_C	BOATSTALL LANE NORTH FACING ELEVATIONS
12 Apr 2016	15121_L_025_C	BOATSTALL LANE SOUTH FACING ELEVATION
12 Apr 2016	15121_L_026_C	SECTION THROUGH LIFT
12 Apr 2016	15121_L_1000_B	TOPOGRAPHICAL VAULTS LAYOUT
12 Apr 2016	15121_L_2000_A	PUBLIC REALM EXISTING HIGHWAY
12 Apr 2016	307GPUDM / P30 / 001 T2	INCOMING SERVICES PRINCIPLES
12 Apr 2016	307GPUDM / V50 / 001 T2	LIGHTING LAYOUT UNDERCROFT
12 Apr 2016	307GPUDM / V50 / 002 T2	LANDORD SERVICES PRINCIPLE PLAN
12 Apr 2016	307GPUDM / V50 / 002 T2	LIGHTING LAYOUT STREET
20 May 2016	15121 L028A	LIFT ELEVATIONS
03 May 2016	307GPUDM U90 001	REV T3 VENTILATION STRATEGY UNDERCROFT
08 Jul 2016	D020 E	PROPOSED NORTH ACCESS STAIR DETAILS
08 Jul 2016	L003 G	PROPOSED HIGHWAY PLAN
08 Jul 2016	L005 G	PROPOSED HARD SURFACE AT HIGHWAY LEVEL
08 Jul 2016	SK A	TREEPIT LOCATIONS
OS Extract	12 Apr 2016 15121_L_001_C	SITE LOCATION PLAN

### Condition Categories

The heading of each condition gives an indication of the type of condition and what is required by it. There are 4 broad categories:

Compliance - The condition specifies matters to which you must comply. These conditions do not require the submission of additional details and do not need to be discharged.

Pre-commencement - The condition requires the submission and approval of further information, drawings or details before any work begins on the approved development. The condition will list any specific works which are exempted from this restriction, e.g. ground investigations, remediation works, etc.

Pre-occupation - The condition requires the submission and approval of further information, drawings or details before occupation of all or part of the approved development.

Bespoke Trigger - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

Please note all conditions should be read fully as these headings are intended as a guide only.

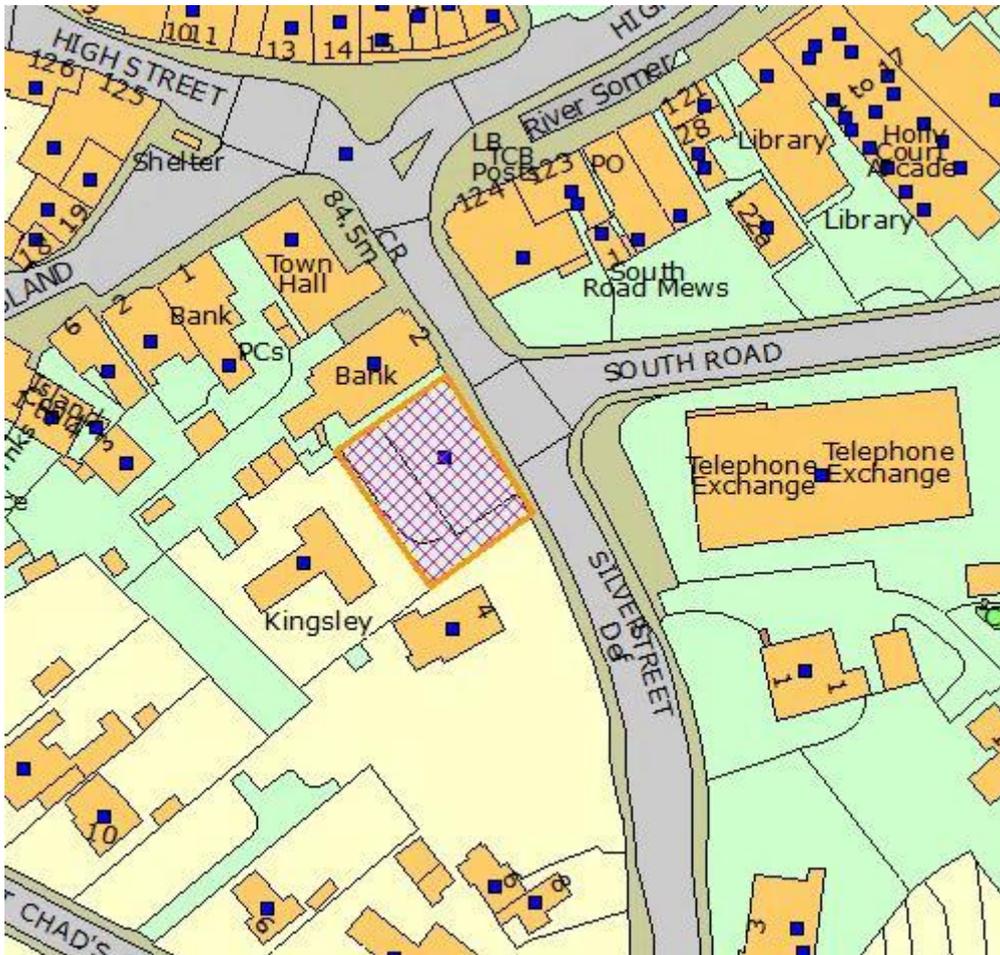
Where approval of further information is required you will need to submit a conditions application and pay the relevant fee, details of the fee can be found on the "what happens after permission" pages of the Council's Website. You can submit your conditions application via the Planning Portal at [www.planningportal.co.uk](http://www.planningportal.co.uk) or send it direct to [planning\\_registration@bathnes.gov.uk](mailto:planning_registration@bathnes.gov.uk). Alternatively this can be sent by post to The Planning Registration Team, Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

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.

This development may require a permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency for any proposed works or structures, in, under, over or within eight metres of the top of the bank of the River Avon, designated a 'main river'. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

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

**Item No:** 05  
**Application No:** 16/01913/FUL  
**Site Location:** Car Park Between 2 And 4 Silver Street Midsomer Norton



**Ward:** Midsomer Norton Redfield      **Parish:** Midsomer Norton      **LB Grade:** N/A  
**Ward Members:** Councillor C Watt      Councillor Paul Myers  
**Application Type:** Full Application  
**Proposal:** Erection of 8no of two bed apartments, associated parking and landscaping.  
**Constraints:** Affordable Housing, Agric Land Class 3b,4,5, Centres and Retailing, Coal - Standing Advice Area, Conservation Area, Forest of Avon, Housing Development Boundary, LLFA - Flood Risk Management, SSSI - Impact Risk Zones,  
**Applicant:** RIG Trading Ltd  
**Expiry Date:** 29th July 2016  
**Case Officer:** Rachel Tadman

## **REPORT**

### **REASON FOR REPORTING APPLICATION TO COMMITTEE:**

The application has been referred to Committee at the request of Cllr Paul Myers and agreement of the Chair. Cllr Myers reasons for requesting are that the proposed development is much better than the other two applications which have been passed. It has parking, sympathetic materials and provides much needed town centre small unit residential accommodation.

### **DESCRIPTION OF SITE AND APPLICATION**

The site is located on the western side of Silver Street, immediately south-east of the Town Hall, opposite the junction with South Road. The site comprises the former car park to Lloyds Bank and is split level with the car park at road level at the front and a raised bank area at the rear. The site has two extant planning permissions for residential development.

The application site is located just inside the defined town centre shopping area, but outside the primary shopping frontage. It is located within the Conservation Area.

The proposed development comprises a three storey building of substantial massing and scale under a large pitched roof. The building would be 13m to the ridge, 8.9m to the eaves, 20.4m wide, 12.8m deep extending to 17.1m with staircases at the rear. In order to prevent overlooking to the rear the first and second floor windows have a privacy screen and the staircase has a screen wall.

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

Highway Development Officer: No objections subject to conditions

Conservation Officer: Object

By reason of its scale, design and use of materials the proposed development would harm the character of the streetscene, the setting of the listed Town Hall and the character of the wider Conservation Area. The scheme would not reinforce local distinctiveness contrary to saved Local Plan and Core Strategy policies and should be refused.

Contaminated Land: No objections subject to conditions.

Drainage and Flooding Team: No objection subject to conditions.

Silver Street immediately outside the proposed site area is highlighted as being at 'medium' risk of surface water flooding.

Surface water flood maps can be found on the Environment Agency website. The applicant will need to demonstrate that the proposals will not increase flood risk in this area. The applicant has not detailed how surface water will be managed other than discharge to mains sewer proposed as such we would recommend a Condition is applied.

Environmental Health Officer: Not acceptable in its current form.

The proposed accommodation will be affected by noise from road traffic and therefore an assessment to determine into which Noise Exposure Category in PPG24 the development falls is required before planning permission is granted.

If the assessment shows that the site falls into NEC C or D then refusal should be recommended on the grounds of excessive exposure to External Noise.

Midsomer Norton Town Council: Supports the proposal on the following grounds:

- High profile location and design will potentially compliment the bank and Town Hall.
- Lack of clarity on materials or reassurance they will sit well alongside existing buildings and should be controlled by condition
- Welcomes on site parking but concerned that further residential development will nevertheless exacerbate parking pressures in the town centre

## OTHER REPRESENTATIONS / THIRD PARTIES

Three objections have been received raising concerns on the following grounds:

1. The existing permissions are more sensitively designed ensuring that they would not overly impact on the surrounding area and that rear windows did not overlook.
2. Limited space retained between the proposal and No 2 Silver Street
3. Development will be overbearing and overdevelopment of the site due to its height and scale.
4. Lack of outdoor amenity space
5. Impact on residential amenity on neighbouring occupiers due to overbearing impact and overlooking
6. Harmful impact on the Conservation Area and setting of the listed Town Hall

## POLICIES/LEGISLATION

### RELEVANT PLANNING HISTORY:

- 12/04456/FUL - 4 terraced dwellings with parking, refused contrary to Officer recommendation at Committee but allowed at Appeal on 11 November 2013.
- 14/03867/FUL - 3 terraced dwellings with parking, permitted on 22 December 2014.

### POLICY CONTEXT:

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

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

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

- DW1 District-wide spatial Strategy

- SV1 Somer Valley Spatial Strategy
- CP2: Sustainable Construction
- CP5 Flood Risk Management
- CP6 Environmental Quality
- CP7 Green Infrastructure
- 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.

- Policy CF.3 - Developer Contributions for community facilities
- Policy D2 and D4 - Design considerations and amenity
- Policy HG.4 - Housing development in urban areas
- Policy BH.2 - Development affecting a listed building or its setting
- Policy BH.6 - Development in Conservation Areas
- Policy T.24 and T.26 - Highway safety and parking

At the Council's Cabinet meeting on 2nd December 2015 the draft Placemaking Plan was approved for consultation purposes and also approved for Development Management purposes. However, currently the Plan has limited weight in the determination of planning applications. The following policies are relevant:

- Policy SD1 - Presumption in favour of sustainable development
- SV1 - Somer Valley Spatial Strategy
- Policy CP7 - Green Infrastructure
- Policy CP13 - Infrastructure Provision
- Policy D1 - General Urban Design Principles
- Policy D2 - Local Character and Distinctiveness
- Policy D3 - Urban Fabric
- Policy D4 - Streets and Spaces
- Policy D5 - Building Design
- Policy D6 - Amenity
- Policy D10 - Public Realm
- Policy NE1 - Development and Green Infrastructure
- Policy ST1 - Promoting Sustainable Travel

Other possible Relevant Considerations (without limitation):

- Planning Obligations SPD
- National Planning Policy Framework
- National Planning Practice Guidance
- Historic Environment Good Practice Advice in Planning Notes issued by Historic England
- Other Supplementary Planning Guidance

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**

Principle of Development:

The proposal would result in the loss of an open area used as a car park to residential use. This site is a sustainable location for residential development, being in close proximity to the town centre with its facilities and bus routes. Furthermore there are two extant planning permissions for residential development of this site.

There is no objection in principle to the proposed residential development of this site.

## **DESIGN OF THE DEVELOPMENT AND IMPACT ON THE STREET SCENE AND THE CONSERVATION AREA:**

In terms of the overall design of the proposed development, the site has a planning history that is a significant material consideration. The site has two extant planning permissions for modest sized two storey dwellings with gardens at the rear and which reflect in size and scale the terraced dwellings that form part of the character of Midsomer Norton. One permission is for three dwellings and the other is for four dwellings but both are of a similar scale and following the same design principles.

The first permission for four dwellings (12/04456/FUL) was refused by Development Management Committee, overturning the Officer recommendation to Permit, for two reasons, one of which stated:

The proposed development is of a poor quality design and layout that does not adequately reflect the character of this part of the Midsomer Norton Conservation Area and would have a detrimental impact on the street scene and represent overdevelopment of the site. Overall the development would have an unacceptable detrimental impact on the street scene and the character and appearance of this part of the Midsomer Norton Conservation Area. This is contrary to Policy D2, D4 and BH6 of the Bath & North East Somerset Local Plan including minerals & waste policies adopted 2007.

This decision was challenged at appeal and was subsequently allowed by the Planning Inspectorate and in the decision letter the Inspector makes some comments regarding the prevailing character of this part of the Conservation Area.

The Inspector notes at paragraph 5 'that much of the character and appearance of the Conservation Area derives from its fine grained urban form and the homogeneous palette of materials of the historic buildings, largely white lias limestone, with a mix of clay and slate tiles. This part of the CA is characterised by large single buildings, such as the Town Hall, a substantial grade II listed building of Italianate style, and the adjacent Lloyds Bank premises, together with short terraces that front onto the streets.'

She then goes on to state in paragraph 6 that she agreed with 'Officer advice ... that a pastiche design would be inappropriate here.' And further states that '... the proportions of the building block, whilst having a street presence, do not compete with the Town Hall or bank'.

The Inspector concluded that the appeal proposal was 'well considered and of a high standard (of design) that is respectful of its setting. It responds well to its context, without being pastiche, and would reinforce local distinctiveness' the proposed development is significantly larger

The views of the Inspector form a material consideration to this proposal and furthermore 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.

It is accepted that the existing car park is not a positive element in the townscape and that there is an opportunity for sensitive redevelopment, in contrast to the appeal scheme the proposed development comprises a substantially larger building that is of a poor quality design and fails to reflect or respect the character of the Conservation Area or setting of the Grade II listed Town Hall.

The site directly abuts the town centre of Midsomer Norton and is alongside two of the principal civic buildings that historically form the focal point of the town's activities both in terms of the size and stature but also their design; the Grade II listed Town Hall and the substantial bank building at No 2 Silver Street.

However the proposed development would be noticeably taller than the bank, around 1.2m taller at the ridge, and only 1m lower in height than the Town Hall. It is also of substantial mass being 3 storeys and in excess of 20m wide. Furthermore the design includes a rather palatial frontage incorporating a central pediment which is out of character with the area and does not reflect the design of any buildings within the vicinity.

Furthermore the side elevation of 2 Silver Street, which currently looks out onto the existing car park, is of a high quality and interesting design with a number of large bay windows running from ground floor to first floor and also a large lead roofed bay window. This elevation is considered to form part of the character of the area and is currently highly visible in views from the street. It would also appear from the design of this elevation that it was always intended to form an important elevation of the bank building.

The proposed building is to be located right up alongside this elevation leaving only a 3.5m gap between its side elevation and the edge of the ground floor bay window. This would block all views of the side elevation and its importance within the streetscene would be lost.

Also of significant concern is the appearance of the building at ground floor level. The building abuts the pavement of Silver Street and at this level comprises a car park for the flats above with openings looking in to the parking area and a large opening for the access. This is considered to present a dead frontage with little or no prospect of landscaping to help soften this aspect and is another indicator of the overall poor quality design approach to the redevelopment of this site.

At the rear the building proposes the use of external staircases to access the dwellings with a rear screen wall as well as screens covering the windows at second floor level to prevent overlooking at the rear. This aspect of the development is considered to be

particularly contrived and would appear as an obtrusive element from dwellings at the side and rear and also the side of the bank building.

It should also be noted that the building does not include a 'front door' with residents having to access the rear staircase, and their homes, from the rear of the ground floor car park. The plans of the car park do not show any gates or doors to the external staircase. This shows a lack of regard for the security of the residents, the car park and staircase would be directly open for the public to enter and could potentially comprise an insecure and inhospitable environment for the future residents to access their homes.

When these elements are considered together, the significant massing, substantial height, palatial design, dead frontage, insecure access, it is considered that the building is of a poor quality and unacceptable design. The proposed development would be in direct competition to the town's civic architecture and would, overall, harm the character of the street scene and the wider Conservation Area as well as the setting of the Grade II listed building.

In terms of materials, the use of natural materials was noted by the Inspector as being important to the character of the Conservation Area and it is considered that materials such as white lias and clay or slate tiles would be expected on this site to ensure that it not only reflected the character of the Conservation Area but also to ensure that it sits comfortably alongside the Town Hall and Bank.

Unfortunately the scheme proposes the use of large areas of reconstructed stone on the front elevation which is of significant concern. Midsomer Norton Town Council raised the lack of clarity on materials as a concern and it is considered that the substantial use of reconstructed stone, rather than natural materials, would not sit well alongside the neighbouring Town Hall and Bank and would have a harmful impact.

For such a large imposing building within a town centre location in the centre of the Conservation Area it would be expected that natural external walling and roofing materials would form a significant part of the design approach.

Overall the proposed development comprises a substantial quantity of poorly designed elements that, when considered in conjunction with each other join together to form a development that is of a very poor quality and which would have a significant and unacceptably harmful impact on the character of the streetscene, the setting of the Grade II listed Town Hall and would fail to preserve or enhance this part of the Conservation Area.

Whilst it is considered that there will be harm to the character and appearance of the Conservation Area this harm is considered to be less than substantial. Therefore in accordance with paragraph 134 of the NPPF this harm should be weighed against the public benefits of the proposal, including securing the optimum viable use of the site. It is recognised that the proposal will provide residential accommodation in a sustainable location but this is not considered to outweigh the harm referred to above, particularly as the Council can demonstrate that it has a five land supply for housing and that this particular scheme is not critical to the supply of that housing.

**IMPACT ON RESIDENTIAL AMENITY:**

Concerns have been raised by neighbouring residents that the development will have a harmful impact on their residential amenity by way of overlooking and overbearing impact.

In terms of overlooking it is considered that the impact would be marginal as, due to the distances involved and the relationships between the proposed building and neighbouring dwellings and gardens, existing vegetation plus the provision of screens on the rear windows, any overlooking would not be so harmful as to be considered unacceptable.

Notwithstanding the above, the privacy screens at the rear are considered to be contrived in order to overcome a specific overlooking issue and would provide a poor quality outlook for the future residents. This is considered especially so given that this would form the only window to the main living accommodation and is considered harmful to their amenity. The external staircases to the rear, with screen walls are also considered to be contrived and of a poor quality design.

In terms of overbearing impact, again due to the distances involved, the design of the building and the layout of the site, it is considered that any overbearing impact on the neighbouring dwellings would not be so significant as to justify refusal of the scheme.

However the proposed building would be in very close proximity to the side elevation of the neighbouring bank building which has large windows and bay windows on the side elevation looking towards the site. The building would be 3.5m from the bay windows. The bank is considered to comprise sensitive premises in terms of Policy D2 of the Local Plan as occupiers should reasonably have natural light and outlook from the windows. The proposed building is therefore considered to have an overbearing impact on the side windows of the bank at 2 Silver Street which is contrary to Policy D2 of the Local Plan.

Finally the site is located close to a busy road and Environmental Health has requested the submission of a noise assessment to clarify within which noise category the site falls to ensure that future residents are not adversely affected by road noise. Despite requests a noise assessment has not been submitted.

#### PLANNING OFFICER ASSESSMENT OF HIGHWAY ISSUES:

Whilst the location of the access is less than ideal (it is close to a signalised junction and also opposite the junction with South Road), the site comprises an existing car park which would have the potential to generate a higher level of vehicle movements than the proposed development and it would be unreasonable for an objection on highway safety grounds to be raised in this case. It is also therefore unlikely that the proposed development would have a material impact on the operation of the local highway network.

Given the location of the development and the number of bedrooms being provided, the level of car parking is considered to be appropriate. Overspill parking is unlikely to be an issue, and there are local restrictions present in any case. Furthermore the site is well located and there would be good access to local services and public transport connections for prospective residents.

Overall it is considered that the proposal would not have a material or harmful impact on highway safety.

## CONCLUSION:

Overall it is considered that the development is of a poor quality design which would have a significant harmful impact on the character of the streetscene, the setting of the Grade II listed Town Hall and the character of this part of the conservation area.

Furthermore it is considered that the development would have a significant overbearing impact on the side windows of the neighbouring bank at 2 Silver Street. In addition the proposed development would provide a poor quality level of amenity for those living within the second floor flats due to the lack of outlook from the main residential living space.

## RECOMMENDATION

REFUSE

## REASON(S) FOR REFUSAL

1 The proposed development, by reason of its design, size and layout, would have an unacceptable overbearing impact on the side windows of 2 Silver Street, Midsomer Norton facing the development, and also provide a poor quality level of outlook to the future residents of the second floor flats which are considered to have a detrimental impact on the amenity of the occupiers of 2 Silver Street and the future occupiers of the second floor flats. This is contrary to Policy D2 of the Bath & North East Somerset Local Plan, adopted October 2007.

2 The proposed development, by reason of its design, size and layout, is considered to be of a poor quality design which result in an insecure an unwelcoming environment for residents and would have a significant harmful impact on the character and appearance of the street scene, the setting of the Grade II listed Town Hall and fails to preserve or enhance the character and appearance of this part of the Midsomer Norton Conservation Area. This is contrary to Policies D2, D4, BH2 and BH6 of the Bath & North East Somerset Local Plan, adopted October 2007 and Policy CP6 of the Bath & North East Somerset Core Strategy, adopted July 2015.

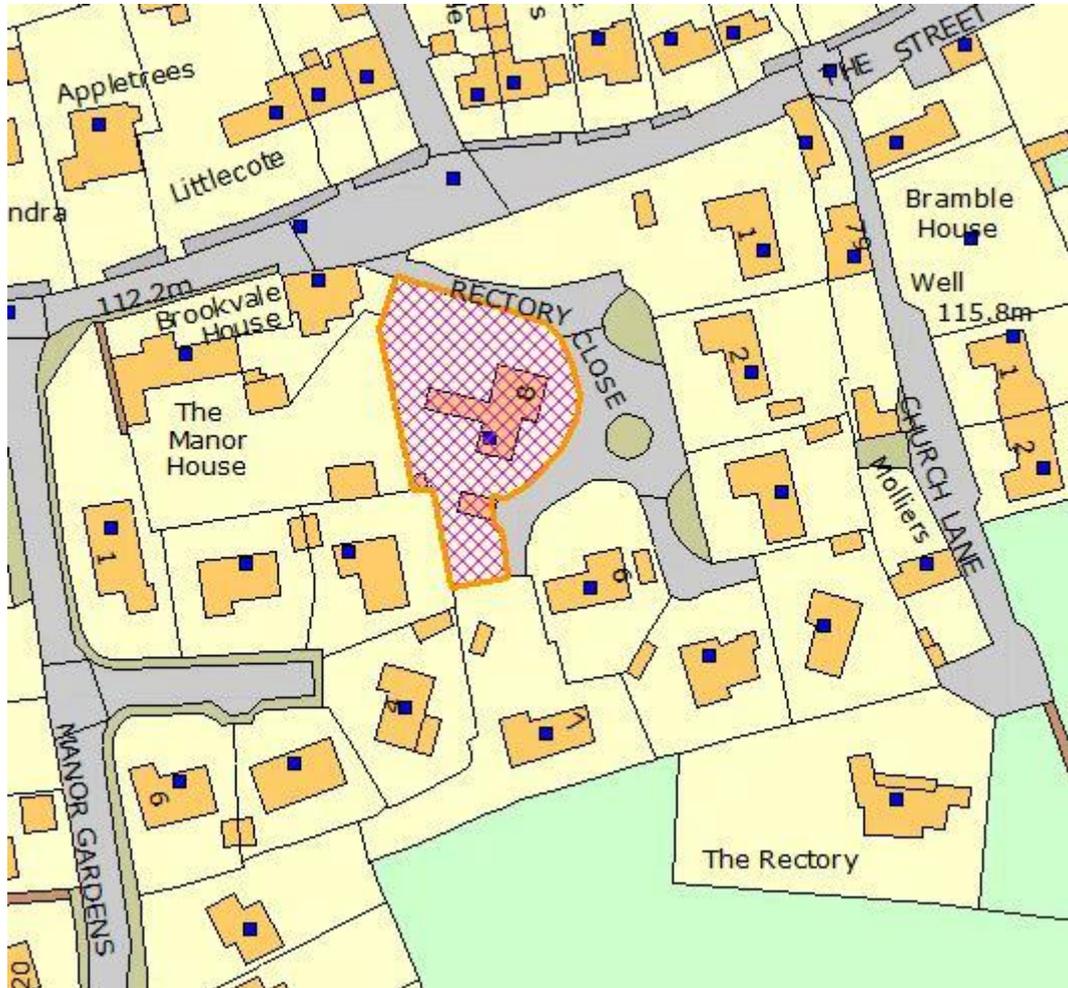
## PLANS LIST:

This decision relates to drawing nos 15/0823/01, 15/0823/02, 15/0823/03, 15/0823/04, 15/0823/05, 15/0823/06, 15/0823/07, 15/0823/08, 15/0823/09, 15/0823/10, 15/0823/11, 15/0823/12

## Decision Making Statement:

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Policy Framework. The submitted application was found to be 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.

**Item No:** 06  
**Application No:** 16/01982/FUL  
**Site Location:** 8 Rectory Close Farmborough Bath Bath And North East Somerset BA2 0AW



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

**Ward Members:** Councillor S Davis

**Application Type:** Full Application

**Proposal:** Erection of double garage following demolition of 2no existing.

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

**Applicant:** Mr & Mrs Brown

**Expiry Date:** 20th June 2016

**Case Officer:** Rachel Tadman

## **REPORT**

Referral to Chair:

The application has been referred to the Chair following an objection by Farmborough Parish Council. The Chair is of the view that the scheme should be considered by the Development Management Committee as an increase of 1m in height of the garage is relatively high amongst the development of bungalows.

Description of Development:

The application relates to 8 Rectory Close, a detached bungalow located within the Housing Development Boundary of Farmborough. The dwelling is located on a large plot with two existing double garages to the south of the dwelling.

This proposal is for the erection of a detached double garage building following the demolition of the two existing garages.

The proposed garage would be 7.3m deep, 6m wide at the front widening to 8.2m at the rear and would be 4.4m high at the ridge.

Relevant history:

None.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Consultation responses:

Farmborough Parish Council - Object in principle:

"The main reason for objecting is the height of the proposed garage, stated as 4.3m. The design includes a mezzanine floor, thus creating a one and half storey building.

This overall height appears greater than the adjacent buildings in Rectory Close, and also those backing onto the property in Manor Gardens all of which are single storey bungalows. The increased height would affect the roof line of the close and stand prominent in the area.

With the change to "electronic planning" the Parish Council was not supplied with paper scale drawings for this application. Any drawings had to be printed (not to scale) or viewed on a screen.

A number of the on-line drawings have neither scale nor dimensions and so made it difficult to accurately compare the existing to proposed floor space.

The Parish Council will request that any future applications are not validated unless adequate drawings indicating scales and dimensions are supplied."

Arboricultural Officer - No objection:

The proposal does not affect the protected trees, including a Horse Chestnut, growing on the adjacent property to the west.

Highways - No objection:

"The application seeks permission to erect a double garage following the demolition of 2 no. existing garages at 8 Rectory Close, Farmborough, Bath. Access to the proposed garage will be taken off Rectory Close, which is unadopted.

I recommend that no highway objection be raised subject to the following conditions being attached to any permission granted:

1. The garage hereby approved shall be retained for the garaging of private motor vehicles associated with the dwelling and ancillary domestic storage and for no other purpose without the prior written permission of the Local Planning Authority."

Third party 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:

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

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

CP6 - Environmental Quality

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

D.2: General design and public realm considerations  
D.4: Townscape considerations  
T.24 - General development control and access policy

At the Council's Cabinet meeting on 2nd December 2015 the draft Placemaking Plan was approved for consultation purposes and also approved for Development Management purposes. However, currently the Plan has limited weight in the determination of planning applications. The following policies are relevant:

D.1 - General urban design principles  
D.2 - Local character and distinctiveness  
D.3 - Urban fabric  
D.4 - Streets and spaces  
D.5 - Building design  
D.6 - Amenity  
D.10 - Public realm

National guidance in the National Planning Policy Framework (NPPF) is also a material consideration.

## **OFFICER ASSESSMENT**

Impact on the streetscene and surrounding area:

The proposed garage building is located within a piece of land adjacent to the existing dwelling, and currently contains two smaller garages.

The two existing garages have a ridge height of 3.2m, with a proposed ridge height of 4.3m. The topography of the close means that the existing garage buildings already sit higher than 8 Rectory Close, but lower than its neighbours. The increase in height by around 1m is not considered to be significant in this case, and the neighbouring buildings will not be dominated by the roof of this garage building.

Given the location of the building, it is not considered to have a significant nor dominant appearance within the streetscene.

Impact on Residential Amenity:

It is considered that the proposed garage would not have a detrimental impact on the residential amenity of any neighbouring occupiers.

Impact on Highway Safety:

The proposed development is considered to be acceptable by the Highways Development Officer subject to conditions. The proposal is not therefore considered to have a harmful impact on highway safety.

Conclusion:

Although the proposed garage is taller than the existing garages on the site it is not considered to have a detrimental impact on the surrounding area or streetscene and is considered to be acceptable.

## **RECOMMENDATION**

PERMIT

### **CONDITIONS**

#### **1 Standard Time Limit (Compliance)**

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 permission

#### **2 Highways - Garages (Compliance)**

The garage hereby approved shall be retained for the garaging of private motor vehicles associated with the dwelling and ancillary domestic storage and for no other purpose.

Reason: To ensure adequate off-street parking provision is retained in accordance with Policy T.26 of the Bath and North East Somerset Local Plan.

### **3 Plans List (Compliance)**

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

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

### **PLANS LIST:**

This decision relates to drawing nos Proposed Plans, Existing Plans, Proposed Building Regulations.

### **Condition Categories**

The heading of each condition gives an indication of the type of condition and what is required by it. There are 4 broad categories:

Compliance - The condition specifies matters to which you must comply. These conditions do not require the submission of additional details and do not need to be discharged.

Pre-commencement - The condition requires the submission and approval of further information, drawings or details before any work begins on the approved development. The condition will list any specific works which are exempted from this restriction, e.g. ground investigations, remediation works, etc.

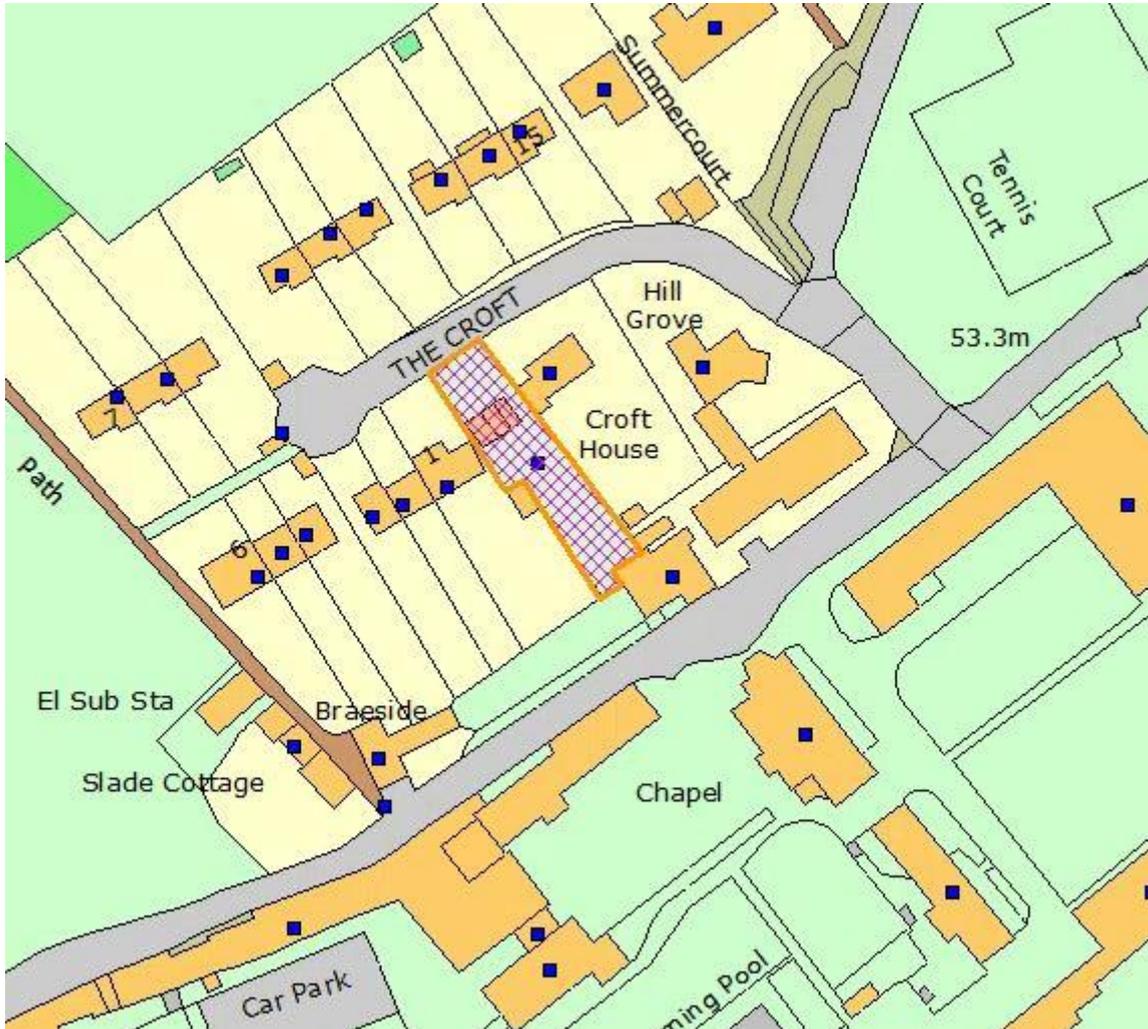
Pre-occupation - The condition requires the submission and approval of further information, drawings or details before occupation of all or part of the approved development.

Bespoke Trigger - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

Please note all conditions should be read fully as these headings are intended as a guide only.

Where approval of further information is required you will need to submit a conditions application and pay the relevant fee, details of the fee can be found on the "what happens after permission" pages of the Council's Website. You can submit your conditions application via the Planning Portal at [www.planningportal.co.uk](http://www.planningportal.co.uk) or send it direct to [planning\\_registration@bathnes.gov.uk](mailto:planning_registration@bathnes.gov.uk). Alternatively this can be sent by post to The Planning Registration Team, Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

**Item No:** 07  
**Application No:** 16/01145/FUL  
**Site Location:** Plot Between Croft House And 1 The Croft Monkton Combe Bath



**Ward:** Bathavon South      **Parish:** Monkton Combe      **LB Grade:** N/A

**Ward Members:** Councillor Neil Butters

**Application Type:** Full Application

**Proposal:** Erection of single dwelling and car parking for 2 vehicles following demolition of existing garages

**Constraints:** Affordable Housing, Agric Land Class 3b,4,5, Area of Outstanding Natural Beauty, Greenbelt, Housing Development Boundary, MOD Safeguarded Areas, SSSI - Impact Risk Zones,

**Applicant:** Monkton Combe School

**Expiry Date:** 29th July 2016

**Case Officer:** Alice Barnes

## **REPORT**

The application is being referred to the committee as the parish council have objected to the application contrary to the case officer's recommendation to permit the application.

The Croft is located within Monkton Combe village. The site is located outside of the Conservation Area and within the Green Belt. The Croft is a cul-de-sac characterised by two storey properties. Due to the topography of the site the dwellings on the southern side of the cul-de-sac are set partly down below road level and the dwellings on the north side are set above road level.

The application site currently comprises three detached garages on the southern side of the cul-de-sac between Croft House and number 1. This is an application for the demolition of three garages and the construction of a single dwelling with parking for two cars. The dwelling is proposed to be a two storey property with accommodation also included within the roof.

### **Relevant History**

There is no relevant history relating to this application.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Monkton Combe Parish Council: Objection.

1) It's a three storey house in a two storey row and the effect is to make the structure ungainly in comparison. As stated in the Design and Access Statement:- the dwelling is relatively narrow and a full hip looks incongruous, we consider the effect of a half hip design to accommodate an extra bedroom only accentuates the incongruity and looks far worse. We question why the applicant is determined to make this a 4 bedroom house.

2) The roof is specified as 'slate' when all other properties in the street are tile.

3) Another house in the close will only exacerbate the parking problems that residents currently suffer. Even though there is the provision of two parking spaces at the front, access to them will be restricted, if not impossible, if there are cars parked, as they usually do, on the opposite side of the road.

At the same time, no account seems to have been taken of access to the parking spaces, which would require a dropped kerb and need approval by the maintainers of the un-adopted road - which in the past has been a group of residents of the Croft.

We ask that this application is refused and fresh proposals submitted that better respect the location, adjoining the Conservation Area of Monkton Combe, and the neighbouring properties.

Drainage and flooding: No objection subject to conditions.

Highways: Following the submission of further information no objection is raised.

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

Extra cars will be parked in the private road.

The school keeps a check on tenants so that they only keep one car. The school have been selling off houses within the Croft meaning there is no control over car numbers. Emergency vehicles may not be able to reach all parts of the close. The Croft is a private road and each house pays to maintain the road. It will be difficult for machinery and vehicles to gain access during construction. The residents of number 1 currently park on the application site and if the site is developed they will have to park in The Croft. The turning circles are normally full. Seven of the houses within The Croft are owned by the school so the tenants will not object. More parking spaces are needed not another house. Drainage within the site will need to be preserved. Extra cars will be parked within the private road. At present the school exercises a check on tenants so that they only keep one car. If the school sells off the site then this cannot happen. Emergency vehicles may not be able to reach houses within The Croft. All houses in The Croft pay to maintain the existing road. The applicant has included the road within the red line without consulting any other property owners. Permission has not been sought by the home owners.

## **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  
CP8 - Green Belt  
HG.6: Residential development in R.3 settlements

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  
GB.2: Visual Amenities of the Green Belt  
NE.2: Area of Outstanding Natural Beauty  
T.24: General development control and access policy

National Policy  
The National Planning Policy Framework adopted March 2012

## National Planning Practice Guidance 2014

At the Council's Cabinet meeting on 2nd December 2015 the draft Placemaking Plan was approved for consultation purposes and also approved for Development Management purposes. However, currently the Plan has limited weight in the determination of planning applications.

D.2 - Local character and distinctiveness

D.3 - Urban Fabric

D.5 - Building design

D.6 - Amenity

ST.7 - Transport requirements for managing development

### **OFFICER ASSESSMENT**

This is an application for the demolition of three garages and the construction of a single dwelling with parking for two cars. The existing cul-de-sac is characterised by two storey properties. The site is stepped into the hillside with the northern side of the cul-de-sac set above the south side. The proposed dwelling would front onto the cul-de-sac with the land sloping downwards to the rear of the property. The site would be visible from Church Lane which runs to the south of the site.

#### Principle

The existing site is located within the housing development boundary. Limited infilling within the housing development is permitted under policy HG.6 of the local plan. Therefore the principle of residential development is acceptable subject to compliance with all other policies within the local plan in particular compliance with green belt policy.

#### Green Belt

Paragraph 89 of the NPPF states that the construction of new buildings within the green belt is inappropriate development. Exceptions to this can include the limited infilling in villages. The proposed dwelling would infill a gap between two existing plots within the housing development boundary. The development will be accessed from an existing lane and is considered to be an infill development.

The proposed development will result in the provision of a two storey building. From a distance the dwelling would be viewed as part of the existing village development. Being two stories in height the scale of development is not considered to be excessive and is in line with other properties in the surrounding cul-de-sac. The proposed dwelling is not considered to result in harm to the openness of the surrounding green belt.

#### Design

The dwelling has been designed as a two storey property with a pitched roof. Further accommodation will be contained within the roof of the building. The dwelling is of a lower height to the property of Croft House and higher than the neighbouring property of 1 The Croft so that the dwelling will form a graduation in height between the two properties. The dwelling will be constructed from Bath rubble stone with roof tiles to match the

neighbouring dwellings which will complement the appearance of the surrounding properties.

The proposed dwelling will appear as an infill development within the existing streetscene. The proposed dwelling is considered to respect and complement the surrounding properties. Concern has been raised by the parish council that the dwelling is a three storey building. The third storey of the building is contained within the roof and the height of the building will not be higher than the neighbouring property.

### Highways

The proposed development will result in the removal of the existing garages. The applicant is proposing to provide parking for two cars. The highways officer has raised concern with regards to the ownership of the site and this has been referenced in the submitted representations in that the site is within a private road.

The applicant has submitted a revised site location plan which includes the road within the red line demonstrating that the development would connect to the highway. The onus is on the application to provide the correct ownership information. In this case the applicant has signed certificate D of the application form and advertised the application. The applicant has stated that the land registry did not hold information as to who owns the road and therefore certificate D has been submitted.

Concern has been raised from the surrounding residents within regards to the use of the access. In this case the correct ownership certificate has been signed and the use of the access is now a civil matter.

The proposed development will provide adequate off street parking for the proposed development. Vehicles will be able to enter and leave the site in forward gear. The garages are owned by Monkton Combe school and have been used for storage so that the loss of the garages will not result in an increase in cars on the highway. Therefore the proposed development will not result in an increase in on street parking.

### Drainage

Concern has been made within the representations with regards to the drainage of the site. The council's drainage and flooding team have raised no objection to the application subject a condition requiring details of the drainage of the site to be submitted prior to the commencement of the development.

### Amenity

The proposed dwelling will be located in between two existing properties. The side elevation of the proposed dwelling will face the side elevation of the existing properties so will not appear overbearing to the neighbouring properties. Two windows have been proposed on the south west side elevation. These will provide light to a cupboard and a utility room so can be conditioned to be obscured glazed. Subject to the condition the proposed dwelling will not harm the amenity of the neighbouring occupiers.

## **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 development written confirmation from the sewerage company (Wessex Water) accepting the surface water discharge into their network including point of connection and rate shall be submitted to the Local Planning Authority. If the sewerage company are not able to accept the proposed surface water discharge, an alternative method of surface water drainage, which has first been submitted to and approved in writing by the Local Planning Authority, should be installed prior to the occupation of the development.

Reason: To ensure that an appropriate method of surface water drainage is installed and in the interests of flood risk management in accordance with Policy CP5 of the Bath and North East Somerset Core Strategy. This is a condition precedent because it is necessary to understand whether soakaways are appropriate prior to any initial construction works which may prejudice the surface water drainage strategy.

3 The proposed window on the south-west elevation shall be non-opening and glazed with obscure glass and permanently retained as such.

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

4 The areas 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 of vehicles in connection with the development hereby permitted.

Reason: To ensure adequate off-street parking provision is retained in accordance with Policy T.26 of the Bath and North East Somerset Local Plan.

5 No development shall commence until details of the existing and proposed ground levels have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason: For the avoidance of doubt and to clarify the finished ground levels of the development to accord with Policies D.2 and D.4 of the Bath and North East Somerset Local Plan. This is a condition precedent because the ground levels have the potential to affect the overall impact of the development. Therefore these details need to be agreed before work commences as they could not easily be amended after.

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

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

**PLANS LIST:**

Location plan 01  
Existing site plan 02  
Existing north west and east elevations 03  
Existing south east and south west elevations 04  
Existing site sections 05  
Proposed context plan 06  
Proposed site plan 07  
Proposed ground floor plan 08  
Proposed first floor plan 09  
Proposed second floor plan 10  
Proposed roof and landscape plan 11  
Proposed north west and north east elevations 12 A  
Proposed south east and south west elevations 13 A  
Proposed site section AA 14 A  
Proposed site section BB 15  
Proposed site section CC 16

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.