

Bath & North East Somerset Council

MEETING: **Development Management Committee**

MEETING DATE: **24th August 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.

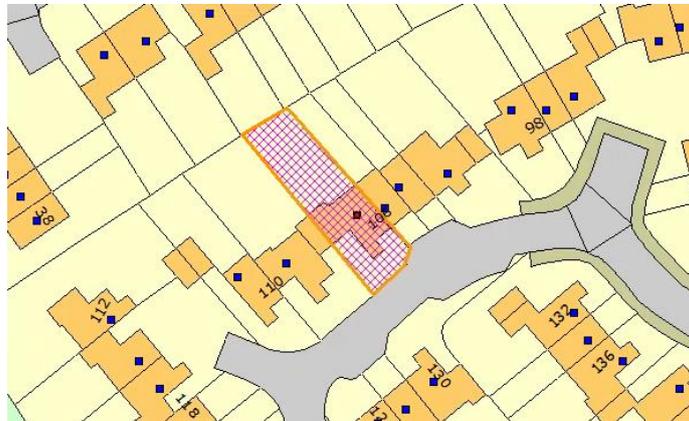
- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting 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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02	16/01609/FUL 22 June 2016	Mr Mark Edwards Castle Farm Barn, Midford Road, Midford, Bath, Bath And North East Somerset Change of use of agricultural barns to a flexible commercial use comprising farm shop and cafe.	Bathavon South	Alice Barnes	PERMIT
03	16/02798/FUL 10 August 2016	Mr James Thomas 65 Canons Close, Southdown, Bath, Bath And North East Somerset, BA2 2LN Change of use from 4 bed HMO (C4) to 7 bed HMO (Sui Generis). Associated internal alterations including erection of partition walls, works to porch, new door and window, and change of wall structures to rear conservatory.	Odd Down	Emma Watts	PERMIT
04	16/02530/FUL 16 July 2016	Mr & Mrs Chris and Josephine Vercoe 23 Lymore Avenue, Twerton, Bath, Bath And North East Somerset, BA2 1BA Demolition of existing single storey rear extension and erection of side and rear, single storey extension	Westmoreland	Jessica Robinson	PERMIT
05	16/00847/FUL 10 June 2016	Mrs Gemma Cozzubbo 27 Albert Road, Keynsham, Bristol, Bath And North East Somerset, BS31 1AA Erection of single storey side extension to existing garage.	Keynsham South	Rachel Tadman	PERMIT

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

Item No: 01
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.

This application was withdrawn from the Agenda of the last Committee in order to address an unresolved highway objection.

DESCRIPTION OF SITE AND APPLICATION:

This application relates to a garage that is attached to the side of no.106 Faulkland View and the garage of no.104 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 proposed extension to the garage for no.104 which is attached to the garage for no.106.

The garage for no.106 is proposed to be extended to the front by 3m with the inclusion, when viewed from the front, of a mono-pitched roof. Behind the mono-pitched roof will be a flat felt roof joining the extension to the existing garage. A planning application for an identical and conjoined proposal for the adjoining garage for no.104 Faulkland View (16/01581/FUL) is also for consideration by committee. If the proposed garage extension to no.106 Faulkland View is built independently from the proposed extension to no.104 Faulkland View then the exposed side wall will be constructed of materials to match the existing wall.

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 culdesac.

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)- Note: this document does not form part of the statutory Development Plan.

Peasedown St John Village Statement (2001)

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 mono-pitched roof design (when viewed from the front), 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. This information will be included within the informatives section of the decision notice.

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: 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.

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.104 Faulkland View it is considered acceptable for this proposal to be constructed on its own, as satisfactory details have been submitted showing what would be the external side wall.

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 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)

No development shall commence until details, including surface treatment of the additional parking space at the front of the house have been submitted to and approved in writing by the Local Planning Authority. The extended garage shall not be brought into use or occupied until the approved details of the parking space have been fully implemented on site and thereafter retained solely for the parking of vehicles in connection with No. 106 Faulkland View.

Reason: In the interests of amenity and highway 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:

1 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.

2 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.

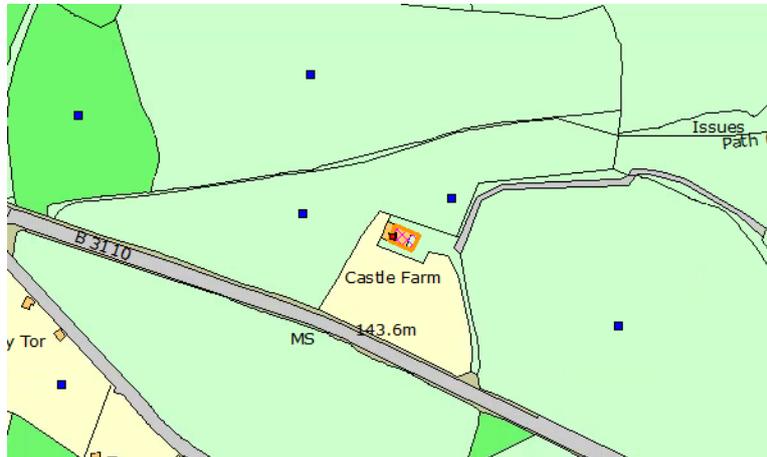
Bespoke Trigger - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

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 or send it direct to 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: 02
Application No: 16/01609/FUL
Site Location: Castle Farm Barn Midford Road Midford Bath Bath And North East Somerset



Ward: Bathavon South **Parish:** South Stoke **LB Grade:** N/A

Ward Members: Councillor Neil Butters

Application Type: Full Application

Proposal: Change of use of agricultural barns to a flexible commercial use comprising farm shop and cafe.

Constraints: Affordable Housing, Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Greenbelt, MOD Safeguarded Areas, SSSI - Impact Risk Zones, Water Source Areas,

Applicant: Mr Mark Edwards

Expiry Date: 22nd June 2016

Case Officer: Alice Barnes

REPORT

Reason for reporting the application to the committee

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

Castle Farm Barn is located to the south of Bath within the open countryside. The existing site is located within the Green Belt and Area of Outstanding Natural Beauty. The application site is located within the open countryside and occupies a hillside position within the valley. The site is accessed from a vehicle entrance on Midford Road to the south of the site. A public footpath runs to the north of the site within the valley.

This is an application for the change of use of the existing barn to a farm shop and café. No external alterations will occur. A site visit has confirmed that the barn is not currently in use as a café or shop. The existing holding includes the cultivation of vegetables to be

sold as veg boxes and the rearing of a beef herd. The existing barn is set back from the road edge and has a floor area of approximately 106 sqm.

Relevant History

DC - 02/00764/AGRN - Permission not required - 17 April 2002 - Provision of one greenhouse and two polytunnels.

DC - 02/02316/AGRA - RF - 18 November 2002 - Provision of two polytunnels and one greenhouse

DC - 04/00748/AGRN - PRAPRQ - 1 April 2004 - 2 No Poly tunnels to existing Farm building and access

DC - 96/02323/AGRN - PER - 25 October 1996 - Agricultural storage building for machinery/feed together with farm track for access as by plans received 2nd October 1996.

DC - 97/02313/FUL - PER - 15 July 1997 - Retention of farm track along former way linking agricultural buildings as amended by information received 28th May 1997.

DC - 97/02649/AGRN - PER - 1 August 1997 - Erection of an agricultural building (machinery/hay store)

DC - 97/02885/AGRA - PER - 2 February 1998 - Agricultural storage building as amended/amplified by letter received 24th November 1997 and plans received 18th December 1998, 8th January 1998 and 2nd February 1998.

DC - 98/02309/AGRN - REF - 21 April 1998 - Alterations to existing farm tracks consisting of removal of topsoil to expose stone surface and provision of stone and concrete surfaces to field shelter spring and cattle watering area.

DC - 98/02522/FUL - REF - 1 October 1998 - Stationing of mobile home to house agricultural worker amplified by information received 23rd July 1998, 7th August 1998 and 16th September 1998 (Castle Farm)

DC - 98/02742/AGRA - PER - 20 October 1998 - Details of proposed alterations to farm track and provision of hard surface amplified by information received on 15th September 1998 and amended/amplified by information received on 16th September 1998 and 6th October 1998.

DC - 06/03103/FUL - PERMIT - 26 October 2006 - Installation of wind generator to roof of farm building for sustainable energy.

DC - 12/00707/FUL - RF - 9 May 2012 - Erection of a temporary agricultural dwelling and an extension to cattle shed, appeal allowed

DC - 15/03325/OUT - APP - 17 December 2015 - Erect of an agricultural workers dwelling (Outline application with all matters reserved).

DC - 16/01584/RES - not yet determined - Approval of reserved matters with regard to outline application 15/03325/OUT, for the approval of access, appearance, landscaping, layout and scale of proposed agricultural workers dwelling.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Highways: Visibility to the west is acceptable. Visibility to the east is obstructed by the hedgerow adjacent to the B3110. The hedgerow should be trimmed back to maximise visibility to the east.

South Stoke Parish Council: Object. This indicates a plan for commercial development complete with B & B accommodation.

This barn was originally stated to be required for the development of the small holding.

The site is located on a busy road an increased use of the access will result in greater risk to accidents occurring.

This will lead to urbanisation and commercial use of the site.

It will harm the surrounding Area of Outstanding Natural Beauty.

The creation of a substantial car park to support this new, entirely commercial and non-agricultural venture represents new building in the Green Belt and is therefore inappropriate by definition, unless Very Special Circumstances can be proved to exist, which would outweigh the harm caused.

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

This is an attempt at a creeping commercial use.

The access to the site is dangerous.

A four bedroom dwelling is not farm workers accommodation.

This is a bed and breakfast and restaurant business.

This is out of character with the surrounding Area of Outstanding Natural Beauty.

The development has not been properly advertised.

This could result in higher parking demand and associated infrastructure.

This would result in visual harm to the green belt.

The NPPF does not allow for development within the green belt unless there are very special circumstances.

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

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: Areas of outstanding natural beauty

Ne.4: Trees and Woodland

T.24: General development control and access policy

T.26: On-site parking and servicing provision

ET.8: Farm diversification

ET.9: Re-use of rural buildings

S.9: Retention of local needs shops outside the identified centres and development of new small scale local shops.

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

RE.4 - Essential dwellings for rural workers

NE.2 - Conserving and enhancing the landscape and landscape character

NE6- Trees and woodland conservation

RE.6 - Re-use of rural buildings

OFFICER ASSESSMENT

This is an application for the change of use of the existing barn to a farm shop and café. Castle Farm Barn is located to the south of Bath within the open countryside. The application site is located within the Green Belt and Area of Outstanding Natural Beauty. The application site is located within the open countryside and occupies a hillside position within the existing valley. The site is accessed from a vehicle entrance on Midford Road to the south of the site. A public footpath runs to the north of the site within the valley.

The existing barn is located within a hillside position. On visiting the site the barn is not currently in use. The barn was previously used as a café but this has stopped over the winter months. The barn is currently used for general storage. The use of the barn as a café would usually be permitted development if a prior notification is submitted before the use is commenced. A prior notification was not submitted when the cafe previously operated so planning permission is now required.

The existing farm operation is focused around the growing of vegetables and the beef herd. Part of the farm business supplies veg boxes which are sold on site.

Principle

The application site is located within the green belt. Paragraph 90 of the NPPF allows for the re-use of rural buildings provided that the buildings are of permanent and substantial construction provided that the re-use preserves the openness of the Green Belt and does not conflict with the purposes of inducing land within the Green Belt. Subject to the proposed use not impacting upon the green belt no very special circumstances are required to justify the development within the green belt.

Policy ET.8 relates to farm diversification. It states that the development should not result in a dispersal of activity which prejudices a town or village. The proposed café will be over 1 mile for the local shopping centres within Bath. It will have a floor space of 45sqm and will provide seating for approximately 24 people. The nearest village of Southstoke currently includes no local services (the pub is closed).

The next nearest village is Midford where the only local service is a pub. The proposed café would open during the daytime whilst the public house at Midford opens within the evening and is closed for part of the afternoon. Therefore the two business would not be in direct competition and would operate at different times.

Therefore the proposed development is considered to be a sufficient distance away so as not to result in harm to the vitality of the closest local centres. The policy also requires existing buildings to be used in accordance with policy ET.9 which is discussed below.

Policy ET.9 of the local plan relates to the change of use of rural buildings. Policy ET.9 sets out the criteria with which a conversion must comply.

Part 1 of policy ET.9 states that the general design of the development should be in keeping with its surroundings. The exterior of the building will not be altered.

Part 2 of ET.9 states that the appearance of the building should not be adversely affected. As stated above the exterior of the building will not be altered.

Part 3 of policy ET.9 states that the building should be capable of conversion without substantial reconstruction. The applicant will not make any physical changes to the building and the structure will not be altered.

Part 4 of policy ET.9 states that the development should not result in the dispersal of activity that prejudices a villages vitality. The site is located outside of any settlement. The nearest village is South Stoke village which does not include a shop or café therefore the development will not impact on the vitality of South Stoke village. The development is located close to the city of Bath. The provision of a farm shop and café is unlikely to harm the vitality of nearby local centres within the city.

Part 5 b, of policy ET.9 states that the development should not be in a position isolated from public service, community facilities and unrelated to an existing group of buildings. The site is located within the existing farm holding. Whilst is located outside of the City of

Bath there is pavement access to the nearby dwellings where there is access to a bus service. The existing site is not considered not to be in such an isolated position, as to warrant refusal of the application.

Part 6 of policy ET.9 states that the development should not result in the provision of a replacement agricultural building. The applicant has advised that the front section of the barn has previously been used to provide food and drink to farm workers and the back section is used for the packing of produce. A new building is not required for livestock as this was approved in 2012 at a different location within the holding. Therefore the proposed café will not result in the need for a further building within the site.

Part 7 of the policy states that in the case of buildings in the green belt the development should not have a materially greater impact than the present use on the openness of the green belt. The existing barn will not be enlarged or altered. The existing site already includes a parking area so the surrounding site will not be changed. The development will not harm the openness of the surrounding green belt.

The applicant has advised that the café would operate between the hours of 11:00 and 17:00. It is intended to offer refreshments, snacks and a lunch menu. Produce from the farm will be sold on site and the farm produce will be prioritised within the café. It is accepted that some produce would have to be brought in for example milk which is not produced on site. The applicant has advised that the seating within the barn will provide seating for a maximum of 25 people.

The provision of a café could be regarded as ancillary to the existing farm operation on site and the holding will continue to operate as a farm with the main focus being on the growing of vegetables and its beef herd. The principle of the development is accepted provided that the café is conditioned to remain of a size that could be regarded as ancillary to the existing farm business.

Such a change of use may have been considered under permitted development prior notification procedures. However if a barn is to be converted under permitted development the applicant should make an application for prior notification to the local authority. As the applicant used the barn as a café in the last year without submitting an application for prior notification it is considered that planning permission is now required.

Highways

The existing farm is located on Midford Road which is a classified road of national speed limit. Outline permission has been granted for an agricultural workers dwelling and the reserved matters are currently being considered under application 16/01584/RES. The proposed dwelling includes on site parking and vehicles associated with the dwelling would not be parked within the hardstanding.

Concern has been raised within the representations that the proposed development will result in an increase in traffic to the site. The existing site includes an area of hardstanding that includes a parking area and turning area. Vehicles will be able to park on site and enter and leave in forward gear. The highways officer has commented that the hardstanding would be able to accommodate 20 vehicles. Current parking standards require one space per 10sqm of dining area. The proposed café has a floor space of

45sqm so the level of parking provided is considered to be appropriate as it would still allow for parking for workers on site.

Following the granting of permission for the temporary works dwelling in 2012 works were undertaken to the existing farm access to improve visibility when exiting the site. The highways officer has reviewed the existing access arrangements. Visibility to the east is partially obstructed by a mature hedgerow which would need to be trimmed back to maximise visibility to the east. This could be secured by condition. Visibility to the west is considered to be acceptable and the proposed development will not be considered to cause harm to highway safety.

Other matters

The representations received have made reference to an agricultural workers dwellings and the possibility of it being used as bed and breakfast accommodation. Outline permission has been granted for an agricultural workers dwelling under a separate application which has been conditioned so that it must be used for agricultural workers accommodation, it cannot be used as a bed and breakfast without further permission and in any event the dwelling is subject to an application that is considered separately to this proposal .

Concern has been raised that the development will harm the surrounding Area of Outstanding Natural Beauty. As stated above the application is not proposing to alter the existing building. There is a parking area to the front of the site and the applicant has not proposed to alter this. The exterior of the site will remain the same if permission is granted for the change of use. Therefore the proposed development will not harm the appearance of the surrounding Area of Outstanding Natural Beauty or the openness of the green belt.

Concern has been raised that the development has not been advertised correctly. There are few houses which surround the site therefore a site notice has been displayed at the farm entrance and the application advertised in the local paper, which accords with the council guidance in this matter.

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 Time limit (Compliance)

The use hereby approved shall not be carried on and no customer shall be served or remain on the premises outside the hours of 11:00 and 17:00.

Reason: To safeguard the amenities of nearby occupiers in accordance with Policy D.2 of the Bath and North East Somerset Local Plan.

3 Use (Compliance)

The proposed use hereby permitted shall not be used other than for purposes ancillary to the existing farm operations at Castle Farm Barn and shall remain within the red line shown on the submitted block plan.

Reason: The proposed use is considered to be acceptable on the scale outlined by the application. Any increase in the size of the operation could have a detrimental impact on highway safety and the openness of the green belt.

4 Highways (prior to commencement)

No development shall commence until details of the works of the cutting back and maintenance of the hedgerow to the east of the vehicle entrance shall be submitted to and approved in writing by the local planning authority

Reason: In the interests of highway safety.

5 Highways (Compliance)

Prior to the occupation of the cafe confirmation that the works to the hedgerow shall have been carried out in accordance with the details approved

Reason: In the interests of highway safety.

6 Highways (Compliance)

The area allocated for parking on the submitted plan shall be kept clear of obstruction and shall not be used for any other purpose other than for the parking of cars in connection with the permitted development.

Reason: In the interests of highway safety.

7 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:

1 Site location plan
Block plan
Cafe layout plan

Advice note:

It is recommended by the highways officer that the existing hedgerow to the east of the site is trimmed back to maximise visibility to the east.

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.

2 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.

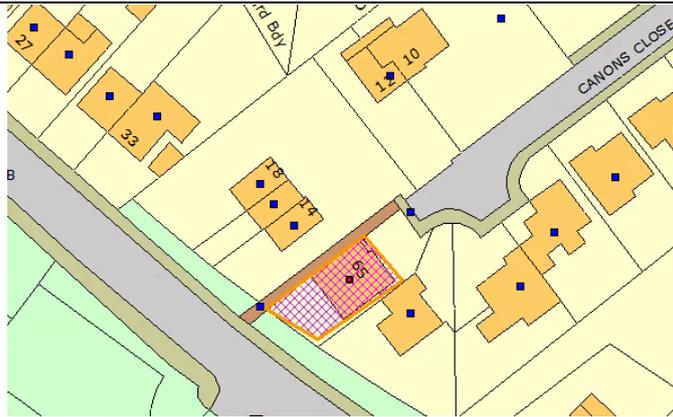
Pre-occupation - The condition requires the submission and approval of further information, drawings or details before occupation of all or part of the approved development.

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 or send it direct to 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:	03
Application No:	16/02798/FUL
Site Location:	65 Canons Close Southdown Bath Bath And North East Somerset BA2 2LN



Ward: Odd Down

Parish: N/A

LB Grade: N/A

Ward Members: Councillor Steve Hedges Councillor Nigel Roberts

Application Type: Full Application

Proposal: Change of use from 4 bed HMO (C4) to 7 bed HMO (Sui Generis). Associated internal alterations including erection of partition walls, works to porch, new door and window, and change of wall structures to rear conservatory.

Constraints: Affordable Housing, Agric Land Class 3b,4,5, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,

Applicant: Mr James Thomas

Expiry Date: 10th August 2016

Case Officer: Emma Watts

REPORT

Reason for reporting application to Committee:

The application is being referred to the Committee because Councillor Roberts has called the application in if Officers are minded to recommend approval. The application has been referred to the Chair who agrees that the application should be considered by the Committee.

Description of site and application:

The application property is a two storey detached dwelling located at the south western end of Canons Close. The site backs on to Rush Hill to the rear. The property is currently used as a four bedroom House in Multiple Occupation. There is an existing rear conservatory extension. The locality is primarily residential and is characterised by a range of two storey detached and semi-detached houses. The site is located to the north east of Bath Spa University Rush Hill Campus, Culverhay Sports Centre and Bath Community Academy.

Planning permission is sought to convert the property from a four bed House in Multiple Occupation (Use Class C4) to a seven bedroom HMO (sui generis use). As part of the proposal the existing garage would be converted to a bedroom, shower room and utility area with single storey front infill extension measuring approximately 1.15m in depth and

2.55m wide. The main entrance to the property would be repositioned to the front elevation. An internal partition would subdivide the existing living room to create two further bedrooms and one ground floor side window would be installed facing towards No. 63 to serve one of the bedrooms. Alterations are also proposed to the external walls of the existing conservatory to replace some glazing with rendered blockwork cavity walls.

Relevant planning history:

02/00983/FUL - Rear Conservatory. Permitted 8/07/2002

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Councillor Roberts: I believe this is an over development of this dwelling, changing it out of all proportions. That there is not suitable parking for this number of residents. The dwelling is not on a suitable bus route being half way up a hill from both Bath Spa and Bath University.

Objections have been received from the owners/occupiers of Nos. 3, 4, 10, 18, 49, 51, 57, 59, 61 and 63 Canons Close and 18 Arundel Road, the content of which is summarised below:

- Concerns regarding increased car parking demand;
- Concerns that the turning head will be parked on and access to the footpath alongside the site will be blocked;
- The cul-de-sac already experiences parking congestion. People from the nearby school, university annexe and doctors and dentist surgeries park in the street. Existing on street parking makes it difficult for residents to manoeuvre into and out of their driveways;
- Concerns that existing on street parking already limits access by emergency vehicles;
- The property will be overcrowded;
- There have been four additional properties constructed in this part of the close in recent years;
- Canons Close is a quiet residential area and not suited to an HMO of this size;
- The Highways Department's use of car ownership data for non-owner occupied houses is being misused and is not applicable to HMOs;
- The condition of the property lets down the area;
- Concerns regarding noise and disturbance from increased bedroom numbers.

Highways: no objection subject to bicycle storage condition.

POLICIES/LEGISLATION

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

Core Strategy (2014)

Saved Policies in the B&NES Local Plan (2007)

West of England Joint Waste Core Strategy (2011) which supersedes all 2007 Local Plan policies on Waste apart from Policies WM.4 and WM.9

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

DW1: District wide spatial strategy
B1: Bath spatial strategy
SD1: Presumption in favour of sustainable development
CP6: Environmental quality

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

D.2: General design and public realm considerations
D.4: Townscape considerations
HG.12: Residential development involving dwelling subdivision, re-use of buildings for multiple occupation
T.24: General development control and access policy
T.26: On-site parking and servicing provision

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. Currently the Plan has limited weight in the determination of planning applications; however, the following policies are relevant to the determination of this application:

D.2: Local character and distinctiveness
D5: Building design
D.6: Amenity
H.2: Houses in Multiple Occupation
ST1: Promoting sustainable travel
ST.7: Transport requirements for managing development

The following Supplementary Planning Documents are relevant to the determination of this application:

Houses in Multiple Occupation in Bath SPD

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

OFFICER ASSESSMENT

PRINCIPLE OF DEVELOPMENT

The property is already used as a 4 bedroom HMO. The acceptability of an HMO in this location is therefore not a matter for consideration. As such, the Article 4 Direction and the tests contained in the Houses in Multiple Occupation SPD are not applicable in this case. The key issue is the impact of the proposed increase in bedrooms numbers from 4 to 7.

IMPACT ON CHARACTER AND APPEARANCE

The proposal includes minor external changes to the building, including a modest single storey front infill extension as part of the proposed garage conversion, repositioning the main entrance door, installation of a ground floor side window and alterations to the external walls of the rear conservatory. These changes would be in compatible with the design of the host building and would have an acceptable impact on the character and appearance of the street scene and the general locality.

Aside from the proposed single storey front infill extension, the scale of built development on the site would remain unchanged compared to the existing situation.

The proposal would increase the occupancy level of the property. However, compared to the existing 4 bed HMO, it is not considered that this would cause demonstrable harm to the character or amenity of the locality.

Whilst local objectors have raised concerns that HMOs disturb the quiet of residential areas and can result in a less well kept property, this cannot be said to be exclusively limited to Houses in Multiple Occupation.

Overall, it is considered that the proposal would be compatible with the character and appearance of the host building, adjacent uses, the street scene and the general locality in accordance with the relevant provisions of Local Plan Policies HG.12, D.2 and D4.

IMPACT ON RESIDENTIAL AMENITIES

The proposed ground floor side window would face onto a solid wall along the party boundary with 66 Canons Close. This would not result in an adverse impact on overlooking and privacy for the occupiers of that neighbouring property.

Given the scale and nature of the external changes, the proposals would not cause demonstrable harm to the amenities of neighbouring occupiers through loss of light, overshadowing, loss of privacy or visual impact.

Compared to 4 occupants, it is not considered that an increase to 7 occupants would cause demonstrable harm to neighbours' amenities through increased noise levels. Environmental protection legislation would protect neighbours should a statutory nuisance be identified.

In regards to the amenities of future occupants, the level of residential accommodation and services is considered acceptable for the number of future residents. In addition, the dwelling benefits from private amenity space within the rear garden.

Overall, the proposal would provide an acceptable standard of amenity for neighbouring occupiers and future occupiers of the development. The proposal would therefore comply with the relevant provisions of Policy D.2 of the Local Plan and the aims of the National Planning Policy Framework.

IMPACT ON CAR PARKING PROVISION AND HIGHWAY SAFETY

Three car parking spaces would be retained on the existing hardstanding on the site's frontage. No changes are proposed to the existing access.

Policy T.26 would normally require three car parking spaces for a dwellinghouse in use class C 3 with four or more bedrooms. Whilst car ownership at the property may increase as a result of the increase in bedrooms numbers, there is evidence from surveys carried out by the Department for Communities and Local Government which indicates that rented accommodation can generate fewer cars than owner occupied households.

It should also be noted that the site is located very close to bus stops on Rush Hill which run bus services to Sainsbury's supermarket, Royal United Hospital, University of Bath and the city centre Monday through to Saturday. The site is also close to a Bath Spa University annexe campus. The site is therefore considered to be in a sustainable location. A condition is recommended requiring secure bicycle storage to be provided within the site to promote use of this sustainable mode of transport.

All properties along this part of Canons Close benefit from private driveways with most accommodating two vehicles. Notwithstanding neighbour comments regarding on street parking from non-residents, the level of off street parking at Canons Close properties should have a positive impact on the level of demand for on street car parking.

Taking into account all the above factors, it is considered that the level of retained car parking at the site would sufficient for the needs of the proposed larger HMO. The proposal is therefore considered to comply with saved Policies T.24 and T.26 of the Local Plan and the aims of the National Planning Policy Framework.

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 Materials (Compliance)

All external walling materials to be used shall match those of the existing building type, size, colour, pointing, coursing, jointing and texture.

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.

3 Parking (Compliance)

The parking area shown on the proposed block plan shall be kept clear of obstruction and shall not be used at any time other than for the parking of vehicles in connection with the development hereby permitted.

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

4 Bicycle Storage (Pre-occupation)

No occupation of the development shall commence until bicycle storage for at least four bicycles has been provided in accordance with the details shown on drawing No. 006. The bicycle storage shall be retained permanently thereafter.

Reason: To secure adequate off street parking provision for bicycles and to promote sustainable transport use 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:

1 This decision relates to the following drawings: 001, 002, 003, 004 received 03/06/2016 and 006 received 09/08/2016.

2 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 or send it direct to

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 Decision Making Statement

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

Item No: 04
Application No: 16/02530/FUL
Site Location: 23 Lymore Avenue Twerton Bath Bath And North East Somerset BA2 1BA



Ward: Westmoreland **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Colin Blackburn Councillor June Player
Application Type: Full Application
Proposal: Demolition of existing single storey rear extension and erection of side and rear, single storey extension
Constraints: Affordable Housing, Agric Land Class 3b,4,5, Article 4, Forest of Avon, HMO Stage 2 test required, Hotspring Protection, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,
Applicant: Mr & Mrs Chris and Josephine Vercoe
Expiry Date: 16th July 2016
Case Officer: Jessica Robinson

REPORT

Reason for reporting application to Committee

Cllr June Player has requested that this application is considered by Committee if it is recommended that the application be granted permission. The Chair of Committee has

agreed to this request as she considers the issue relating to the impact on neighbour's residential amenity is controversial.

The application relates to the erection of a single storey extension to the side and rear of the existing dwellinghouse following the demolition of the existing single storey rear extension.

The property is a mid-terrace dwelling and located within an established residential street fronting a highway.

The application site also falls within the World Heritage Site.

Relevant History

None located.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Highway Development Officer: I refer to the above consultation received 29th June 2016 and confirm that Highway Development Control wishes to make no comment on the above planning application.

Cllr June Player has requested this application be called to committee should the officer be minded to approve this application as it will be detrimental to the neighbouring properties and area in general and will be contrary to saved Policies D.2 and T.24 of the Bath and North East Somerset Local Plan including minerals and waste policies, Adopted October 2007.

Although already a House of Multiple Occupancy, to introduce an extra bedroom in this property, which already is a student let for FIVE, will obviously put added pressure as regards parking as there is no proposed on-site parking provision. Therefore it will NOT avoid an increase in on-street parking in the vicinity and so WILL detract from Highway Safety and Residential Amenity - Policy T.24 (vii).

As regards Residential Amenity for the next neighbours it will definitely have a negative impact on them. It will cause extra noise, smell and overlooking and so impact on their quality of life especially when using their garden. It will therefore be contrary to Policy D. 2 (f).

I am also concerned that this will be overdevelopment of this site.

4 letter of objection have been received detailing concerns regarding:

- The already poor car parking situation will be worsened
- Noise issues from the proposed development
- The lack of need for a 6 bedroom HMO in this location
- Dust and inconvenience as a result of the development
- Only for financial gain and will result in a destruction of family community

POLICIES/LEGISLATION

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

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

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

CP6 Environmental Quality
B4 The World Heritage Site and its Setting

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

D.2: General design and public realm considerations
D.4: Townscape considerations
NE.5 Forest of Avon

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.1 General Urban Design Principals
D.2 Local character and distinctiveness
D.3 Urban Fabric
D.5 Building design
D.6 Amenity
ST.1 Promoting Sustainable Travel
ST.7 Transport access and development management

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

Houses in Multiple Occupation in Bath (HMO) SPD 2013 - this document is not applicable to this application as the property is already an established HMO and there is no change of use involved.

OFFICER ASSESSMENT

The key issues relate to the impact on the character and appearance of the dwelling and locality, and the amenities of the neighbouring properties.

The alterations will be located to the side and rear of the existing dwellinghouse and comprise a single story structure with a flat roof.

The proposed extension will extend out from the existing side wall of the property to in fill a courtyard area between the existing kitchen/bathroom and the boundary wall. The existing bathroom structure will be demolished and a single story, flat roof structure will replace this and extend out a further approx. 2.5 metres. The proposed development will comprise Bath stone ashlar walls, white UPVC windows/doors and a single membrane roof.

It is considered that the proposed extension is subservient to the main dwelling, and it is considered to respect the character of the property. The propose materials/finishes are considered to be in keeping with the original dwellinghouse. Furthermore, it is considered that the proposed extension will not be detrimental to the streetscene or character of the locality.

The proposed extension will include no windows to either side elevation. There will be 1 no. window and 1 no. door to the rear elevation. Due to the distance and location of surrounding dwellings it is considered there would not be an unacceptable loss of privacy or overlooking.

Due to the single storey nature and flat roof construction of the proposed extension the proposed development is not considered to appear overbearing or cause a detrimental loss of light to neighbouring dwellings.

It is considered that the increase on 1 no. bedroom to the rear of the property will not materially increase the noise generated from the property. As such this is considered to not impede the residential amenities of neighbouring dwellings.

Furthermore it is considered that the increase of this HMO from 5 no. bedrooms to 6 no. bedrooms is not a material change of use requiring express planning permission as the property is already classed as a HMO. Also, under the Use Class Order (GDPO 2015) a property such as this can be inhabited by up to 6 no. non related inhabitants without planning permission from the Council.

In regards to the highways objections made by local residents; it is taken into consideration that the Highways Officer has made no objection or comment in regards to this application. It is therefore considered that there would not be a material increase in the potential use or safety of the highway.

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 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:

1 PLANS LIST:

01 EXISTING GROUND FLOOR PLAN, ELEVATIONS

02A COMBINED PLANS

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

Item No: 05
Application No: 16/00847/FUL
Site Location: 27 Albert Road Keynsham Bristol Bath And North East Somerset BS31 1AA



Ward: Keynsham South

Parish: Keynsham Town Council

LB Grade: N/A

Ward Members: Councillor Alan Hale Councillor Lisa O'Brien

Application Type: Full Application

Proposal: Erection of single storey side extension to existing garage.

Constraints: Affordable Housing, Airport Safeguarding Zones, Agric Land Class 3b,4,5, Forest of Avon, Housing Development Boundary, LLFA - Flood Risk Management, SSSI - Impact Risk Zones,

Applicant: Mrs Gemma Cozzubbo

Expiry Date: 10th June 2016

Case Officer: Rachel Tadman

REPORT

Reason for reporting the application to the committee

A request for the application to be considered by Development Management Committee has been received from the Local Ward Councillor Alan Hale. His objections to the scheme are summarised below:

1. The existing garage appears to be in use as a beauty therapy studio with the applicant working there together with employees or workers who 'rent a chair' as well as at times a receptionist which amounts to a change of use from a domestic garage to business use.
2. Increase in traffic with inadequate parking provided for customers and staff
3. Harmful impact on on-street parking availability and congestion within the area
4. The proposal represents overdevelopment of the site.
5. Harmful impact on the street scene due to the introduction of a commercial use into a predominantly residential street.

The application was therefore referred to the Chair who decided that the application should be considered by Development Management Committee.

Description of development:

The application relates to an existing outbuilding/garage located to the rear of 27 Albert Road, but which faces onto and is accessed from the adjoining St Clements Road.

The proposal is to erect an extension to the existing garage/outbuilding. The application is retrospective with the works having already been carried out.

Previously the outbuilding was laid out as three separate rooms each with an external door to the outside. The application is to regularise a side extension to the outbuilding to create a lobby area with an external door fronting onto St Clements Road to access the front two rooms with a separate entrance at the side to the rear room. The extension measures 9.7m long x 1.6m wide constructed with fibre cement cladding to match the existing.

Relevant History:

03/01877/FUL - PERMIT - 15 September 2003 - Single storey rear extension.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Highways Development Officer: The current use of this garage/outbuilding is unclear as the proposed plans only show a lobby and a number of room spaces. The applicant shall be required to clarify the current and proposed use of the building. Without clarification of this information, Highways DC are unable to make a formal recommendation for approval.

Keynsham Town Council: Comments only - The current use of this garage/outbuilding is unclear as the proposed plans only show a lobby and a number of room spaces. The application needs to detail the current and proposed use of the building.

Without clarification of this information, Keynsham Town Council is unable to make undertake full consideration of this application.

POLICIES/LEGISLATION

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

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

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

CP6 - Environmental Quality

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

D.2: General design and public realm considerations
D.4: Townscape considerations
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

Principle of the Use:

The front area of the building (comprising two rooms) is currently used for beauty treatments is accessed off St Clements Road, and the rear portion (comprising one room) is used for domestic storage and accessed from the private garden on 27 Albert Road.

The scheme does not include an application for a change of use so the proposed single storey side extension should therefore be considered on its merits.

However, notwithstanding this, concerns have been raised regarding the use of the site as a beauty salon and this warrants an explanation at this stage.

Officers have considered at length whether the use of the building constitutes a change of use, or whether the use is considered incidental to the use of the dwellinghouse.

An extract from the applicants' diary shows that there is between 15 to 34 hours of appointments a week, averaging at around 25 hours. In this case, the home and garden are used as a private residence. There are no staff employed by the applicant, and there is only ever one customer on the property at any one time, on occasion an additional beauty therapist does offer treatments at the site.

The site has two parking spaces adjacent to the outbuilding, and although the proposal results in a slight rise in traffic above that associated with a residential dwelling, this is not a significant amount to impact upon the surrounding area. The site is also within a sustainable location where customers can walk or use public transport to gain access.

The potential for noise disturbance to be created by beauty treatments or customers arriving or leaving is also considered to be very low.

In light of this Officers are of the view that the use of the building has not introduced any activities unusual within a residential area, and have concluded that the use of the building is incidental to the dwellinghouse and comprises a 'small business at home'. It is therefore considered that a material change of use has not occurred.

Design of the development and impact on the street scene and surrounding area:

The proposed extension to the garage building is small-scale, and does not significantly alter the character of the building. The proposal retains the existing flat roof, and is considered to be an acceptable alteration within the street scene.

Impact on residential amenity:

The proposal is sited adjacent to The Willows, however the small addition is not considered to create an overbearing impact upon the property, and there are no windows facing the property that would cause harm by overlooking.

Impact on highways safety:

It has been established above that Officers are of the view that the scheme represents a simple single storey extension to the side elevation of the existing outbuilding the impact on highway safety is also a simple consideration.

Whilst it is appreciated that the Highways Development Officer has been unable to comment on the proposed scheme due to a lack of information regarding the use of the garage/outbuilding, the proposed development would not result in the loss of any existing parking spaces and therefore there is no material change in highway safety terms.

Conclusion:

Whilst the development is retrospective and is in a use as a beauty therapist this is not considered to represent a material change of use at this stage.

Therefore the proposed single storey extension should be considered on its merits and in this regard the extension is acceptable and would not have a harmful impact on the character and appearance of the street scene, residential amenity of any neighbouring occupiers or highway safety.

RECOMMENDATION

PERMIT

CONDITIONS

1 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:

1 Plans List:

This decision relates to drawing nos 16.209/01, 16.209/02, Site Location Plan

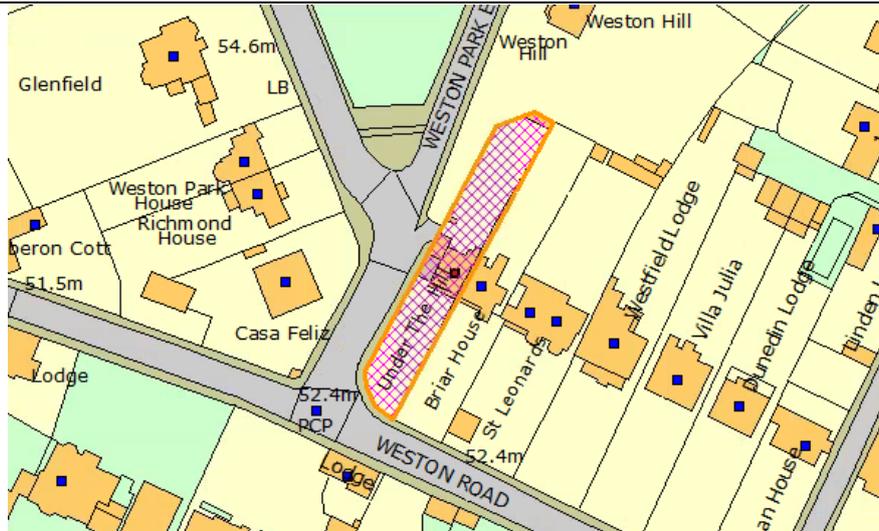
2 INFORMATIVE:

The current commercial use of part of the outbuilding has not been considered to represent a material change of use and is ancillary to the main residential use of the site. However the Applicant should be aware that if the commercial expands, employs staff on a regular basis or extends its hours it is likely that a material change of use will have occurred for which planning permission will be required.

3 Decision Making Statement:

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

Item No:	06
Application No:	16/02107/LBA
Site Location:	Under The Hill Weston Road Lower Weston Bath Bath And North East Somerset



Ward: Weston **Parish:** N/A **LB Grade:** II
Ward Members: Councillor Colin Barrett Councillor Matthew Davies
Application Type: Listed Building Consent (Alts/exts)
Proposal: Internal alterations for a new opening between the living and family rooms (on ground floor level) to incorporate a set of double 'wedding' doors.
Constraints: Affordable Housing, Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, Listed Building, MOD Safeguarded Areas, SSSI - Impact Risk Zones, Tree Preservation Order, World Heritage Site,
Applicant: Ms McWilliams
Expiry Date: 24th June 2016
Case Officer: Suzanne D'Arcy

REPORT

REASON FOR REPORTING THE APPLICATION TO COMMITTEE: The applicants agent is Cllr Bob Goodman

Under the Hill is a grade II listed building, sited within the Bath Conservation Area and wider World Heritage Site

This is a listed building application for the provision of a new opening at ground floor level to incorporate a set of double wedding doors.

Relevant History

- 01/00273/LBA - Construction of two storey extension after demolition of existing garage, new driveway and alterations to access - Withdrawn 3rd April 2001
- 01/00297/FUL - Construction of two storey extension after demolition of existing garage, new driveway and alterations to access - Withdrawn 3rd April 2001
- 01/01111/LBA - Formation of vehicle access and parking with the reinstatement of the original garden wall - Consent granted 11th July 2001

01/01121/FUL - Formation of vehicle access and parking facilities (Revised proposal) - Permitted 11th July 2001
02/00035/LBA - Erection of a single storey extension to north of building to form an orangery - Consent granted 15th May 2002
02/00078/FUL - Erection of a single storey extension to north of building to form an orangery - Permitted 16th May 2002
07/03298/FUL - Erection of two storey rear extension - Permitted 10th January 2008
07/03299/LBA - Erection of two storey rear extension - Consent granted 10th January 2008
14/00363/LBA - Internal works to form an opening with a pair of doors between dining and family rooms on hall floor level. - Withdrawn 20th March 2014

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Cllr Matthew Davies (Ward Member) - Supports the application, offering the following comments;

- Will enhance the practicality of the home
- Enhance the usability of the space and increase the follow of light to the ground floor
- Its a minor alteration and is not detrimental to the property
- This is an introduction of an original feature of many houses of this period and will add to the well being of family life in the home
- Government guidance acknowledges the need for sensitivity and improvement and enhancement
- Historic England embraces the need for controlled change/enhancement to ensure the successful future use of the building
- Proposal provides a solution to ensure the long term use of the building without negatively affecting its context and preserving its special interest
- DMC has recently approved identical schemes previously
- No objections from Historic England or Bath Preservation Trust (Officer note: Historic England are not a statutory consultee in this case)

Representations - None received

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

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

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

- CP6 - 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 the application.

- BH.2 - Listed buildings and their settings
- BH.6 - Development within or affecting conservation areas

Historic Environment Good Practice Advice in Planning Notes issued by Historic England - Advice Note 2 - Making Changes to Heritage Assets - Published February 2016

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 applications. The following policies are relevant:

- HE1 - Historic Environment

OFFICER ASSESSMENT

The proposals are for the creation of a substantial new opening to connect the front and rear rooms at ground floor level which are the principal reception rooms of the house/villa. It is also proposed to install a pair of wedding doors within the new opening. The application is similar to a previous application in 2014, which was withdrawn following Officer advice that the proposal was unacceptable.

The cellular plan form of this building typifies domestic historic buildings of this type and period and is regarded as a key characteristic of the building. As such it constitutes a critically important element of the special historic and architectural interest of the building. The proposed alterations would cause irrevocable harm to the plan form of the building, as well as the loss of historic fabric, and therefore significantly impact on the significance of the building.

Whilst there is a set of wedding doors on the first floor and the proposal seeks to replicate this on the ground floor, it is typical of the principal rooms on the first floor to be linked in this way and this distinction is important. It is noted that there has been alteration to the rear wall of the building when an extension was previously added but this cannot be seen as justification for compromising the surviving cellular plan form.

The importance of plan form is reflected in the Historic England Advice Note on Making Changes to Heritage Assets, paragraph 45 of which states that "The plan form of a building is frequently one of its most important characteristics Proposals to remove or modify internal arrangements, including the insertion of new openings.... will be

subject to the same considerations of impact on significance as for externally visible alterations". This advice was also published in previous Historic England documents.

In other circumstances, for example, 9 Henrietta Villas, consent was granted for similar alterations. However, the building was assessed as not possessing the same level of significance or surviving architectural interest. Furthermore, the proposals of the listed building application were wide ranging and were deemed to result in significant heritage benefits. Therefore, the harm was weighed against these benefits.

Similar alterations to protected buildings have been rejected by the Planning Inspectorate and there are recent examples of appeals that have been dismissed. For instance, an application at 10 Prior Park Cottages (14/05758/LBA) sought to regularise the alterations of the removal of the wall between the front and rear rooms at ground floor level. The building was substantially altered, particularly at ground floor level. However, notwithstanding this, the Inspector placed considerable importance on maintaining the original, cellular plan of the protected building and consequently upheld the decision of the Council. A similar view has again been taken by the Planning Inspectorate in relation to the creation of an opening between rooms at 15 Somerset Place (15/03097/LBA), where it was concluded that the removal of a section of the wall would disrupt the traditional cellular nature of the plan form.

The comments of the local member are noted. However, it is considered that the property is in a suitable condition for family living as there easy access through a corridor that links the front and back rooms. Furthermore, there are no public benefits to the proposal, which would outweigh the harm caused to the building.

To conclude, every effort should be made to preserve the building in its current state and condition as required by the primary legislation relating to heritage protection and preservation. The proposed open plan form is not regarded as consistent with the character of the building or the preservation of its architectural interest and constitutes unjustifiable harm.

There is a duty under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant listed building consent for any works, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Here it is considered that the proposed alterations to the building are not consistent with the aims and requirements of the primary legislation or planning policy and planning policy guidance to preserve the architectural interest and character of the protected building and will cause unacceptable and unjustifiable harm.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed alterations are regarded as harmful to the protected building and will result in an unacceptable loss of historic plan form and historic fabric and therefore contrary to the requirements and aims of Section 16 of the Planning (Listed Buildings and Conservation Areas) Act and Section 12 'Conserving and enhancing the historic

environment' of the National Planning Policy Framework and the accompanying National Planning Practice Guidance.

PLANS LIST:

1 This decision relates to drawings numbered 5791-1, -2, -3 and -4, received by the Council on 29th April 2016.

2 In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. The Local Planning Authority acknowledges the approach outlined in paragraphs 188-192 in favour of front loading and operates a pre-application advice service. Notwithstanding active encouragement for pre-application dialogue the applicant did not seek to enter into correspondence with the Local Planning Authority. The proposal was considered unacceptable for the reasons given and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application, and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.