

**Democratic Services**

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Date: 14 September 2016

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**To: All Members of the Development Management Committee**

**Councillors:-** Sally Davis, Rob Appleyard, Jasper Becker, Paul Crossley, Matthew Davies, Eleanor Jackson, Les Kew, Bryan Organ, Caroline Roberts and David Veale

**Permanent Substitutes:- Councillors:** Neil Butters, Ian Gilchrist, Liz Hardman, Vic Pritchard, Dine Romero, Martin Veal and Karen Warrington

Chief Executive and other appropriate officers  
Press and Public

Dear Member

**Development Management Committee: Wednesday, 21st September, 2016**

You are invited to attend a meeting of the **Development Management Committee**, to be held on **Wednesday, 21st September, 2016** at **2.00 pm** in the **Council Chamber - Guildhall, Bath**

The Chair's Briefing Meeting will be held at 10.00am on Tuesday 20 September 2016 in the Meeting Room, Lewis House, Bath.

The rooms will be available for the meetings of political groups. Coffee etc. will be provided in the Group Rooms before the meeting.

The agenda is set out overleaf.

Yours sincerely



Marie Todd  
for Chief Executive

**If you need to access this agenda or any of the supporting reports in an alternative accessible format please contact Democratic Services or the relevant report author whose details are listed at the end of each report.**

*This Agenda and all accompanying reports are printed on recycled paper*

## NOTES:

- 1. Inspection of Papers:** Any person wishing to inspect minutes, reports, or a list of the background papers relating to any item on this Agenda should contact Marie Todd who is available by telephoning Bath 01225 394414 or by calling at the Guildhall Bath (during normal office hours).
- 2. Public Speaking at Meetings:** The Council has a scheme to encourage the public to make their views known at meetings. They may make a statement relevant to what the meeting has power to do. They may also present a petition or a deputation on behalf of a group. Advance notice is required not less than two full working days before the meeting (this means that for meetings held on Wednesdays notice must be received in Democratic Services by 4.30pm the previous Friday)

The public may also ask a question to which a written answer will be given. Questions must be submitted in writing to Democratic Services at least two full working days in advance of the meeting (this means that for meetings held on Wednesdays, notice must be received in Democratic Services by 4.30pm the previous Friday). If an answer cannot be prepared in time for the meeting it will be sent out within five days afterwards. Further details of the scheme can be obtained by contacting Marie Todd as above.

- 3. Details of Decisions taken at this meeting** can be found in the minutes which will be published as soon as possible after the meeting, and also circulated with the agenda for the next meeting. In the meantime details can be obtained by contacting Marie Todd as above.

Appendices to reports are available for inspection as follows:-

**Public Access points** - Reception: Civic Centre - Keynsham, Guildhall - Bath, The Hollies - Midsomer Norton. Bath Central and Midsomer Norton public libraries.

**For Councillors and Officers** papers may be inspected via Political Group Research Assistants and Group Rooms/Members' Rooms.

- 4. Recording at Meetings:-**

The Openness of Local Government Bodies Regulations 2014 now allows filming and recording by anyone attending a meeting. This is not within the Council's control.

Some of our meetings are webcast. At the start of the meeting, the Chair will confirm if all or part of the meeting is to be filmed. If you would prefer not to be filmed for the webcast, please make yourself known to the camera operators.

To comply with the Data Protection Act 1998, we require the consent of parents or guardians before filming children or young people. For more information, please speak to the camera operator

The Council will broadcast the images and sound live via the internet [www.bathnes.gov.uk/webcast](http://www.bathnes.gov.uk/webcast) An archived recording of the proceedings will also be available for viewing after the meeting. The Council may also use the images/sound recordings on its social media site or share with other organisations, such as broadcasters.

5. **Attendance Register:** Members should sign the Register which will be circulated at the meeting.
6. THE APPENDED SUPPORTING DOCUMENTS ARE IDENTIFIED BY AGENDA ITEM NUMBER.

7. **Emergency Evacuation Procedure**

When the continuous alarm sounds, you must evacuate the building by one of the designated exits and proceed to the named assembly point. The designated exits are sign-posted.

Arrangements are in place for the safe evacuation of disabled people.

**Development Management Committee - Wednesday, 21st September, 2016**

**at 2.00 pm in the Council Chamber - Guildhall, Bath**

**A G E N D A**

1. EMERGENCY EVACUATION PROCEDURE

The Chairman will ask the Committee Administrator to draw attention to the emergency evacuation procedure as set out under Note 7

2. ELECTION OF VICE CHAIRMAN (IF DESIRED)

3. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

4. DECLARATIONS OF INTEREST

At this point in the meeting declarations of interest are received from Members in any of the agenda items under consideration at the meeting. Members are asked to indicate:

(a) The agenda item number and site in which they have an interest to declare.

(b) The nature of their interest.

(c) Whether their interest is **a disclosable pecuniary interest** or **an other interest**, (as defined in Part 2, A and B of the Code of Conduct and Rules for Registration of Interests)

Any Member who needs to clarify any matters relating to the declaration of interests is recommended to seek advice from the Council's Monitoring Officer before the meeting to expedite dealing with the item during the meeting.

5. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

6. ITEMS FROM THE PUBLIC - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS

(1) At the time of publication, no items had been submitted.

(2) To note that, regarding planning applications to be considered, members of the public who have given the requisite notice to the Committee Administrator will be able to make a statement to the Committee immediately before their respective applications are considered. There will be a time limit of 3 minutes for each proposal, ie 3 minutes for the Parish and Town Councils, 3 minutes for the objectors to the proposal and 3 minutes for the applicant, agent and supporters. This allows a maximum of 9 minutes per proposal.

7. ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

To deal with any petitions or questions from Councillors and where appropriate Co-

opted Members

8. MINUTES OF THE PREVIOUS MEETING (PAGES 9 - 32)

To confirm the minutes of the meeting held on 24 August 2016.

9. SITE VISIT LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (PAGES 33 - 38)

10. MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (PAGES 39 - 140)

11. NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES (PAGES 141 - 146)

To note the report

The Committee Administrator for this meeting is Marie Todd who can be contacted on 01225 394414.

Delegated List Web Link: <http://www.bathnes.gov.uk/services/planning-and-building-control/view-and-comment-planning-applications/delegated-report>

## Member and Officer Conduct/Roles Protocol\*

### **Development Management Committee**

(\*NB This is a brief supplementary guidance note not intended to replace or otherwise in any way contradict the Constitution or the Code of Conduct for Members and Co-Opted Members adopted by the Council on 19<sup>th</sup> July 2012 to which full reference should be made as appropriate).

#### **1. Declarations of Interest (Disclosable Pecuniary or Other Interest)**

These are to take place when the agenda item relating to declarations of interest is reached. It is best for Officers' advice (which can only be informal) to be sought and given prior to or outside the Meeting. In all cases, the final decision is that of the individual Member.

#### **2. Local Planning Code of Conduct**

This document, as approved by Full Council and previously noted by the Committee, supplements the above. Should any Member wish to state/declare that further to the provisions of the Code (although not a personal or prejudicial interest) they will not vote on any particular issue(s), they should do so after (1) above.

#### **3. Site Visits**

Under the Council's own Local Code, such visits should only take place when the expected benefit is substantial eg where difficult to visualize from a plan or from written or oral submissions or the proposal is particularly contentious. The reasons for a site visit should be given and recorded. The *attached note* sets out the procedure.

#### **4. Voting & Chair's Casting Vote**

By law, the Chair has a second or "casting" vote. It is recognised and confirmed by Convention within the Authority that the Chair's casting vote will not normally be exercised. A positive decision on all agenda items is, however, highly desirable in the planning context, although exercise of the Chair's casting vote to achieve this remains at the Chair's discretion.

Chairs and Members of the Committee should be mindful of the fact that the Authority has a statutory duty to determine planning applications. A tied vote leaves a planning decision undecided. This leaves the Authority at risk of appeal against non-determination and/or leaving the matter in abeyance with no clearly recorded decision on a matter of public concern/interest.

The consequences of this could include (in an appeal against "non-determination" case) the need for a report to be brought back before the Committee for an indication of what decision the Committee would have come to if it had been empowered to determine the application.

## 5. **Protocol for Decision-Making**

When making decisions, the Committee must ensure that it has regard only to relevant considerations and disregards those that are not material. The Committee must ensure that it bears in mind the following legal duties when making its decisions:

- Equalities considerations
- Risk Management considerations
- Crime and Disorder considerations
- Sustainability considerations
- Natural Environment considerations
- Planning Act 2008 considerations
- Human Rights Act 1998 considerations
- Children Act 2004 considerations
- Public Health & Inequalities considerations

Whilst it is the responsibility of the report author and the Council's Monitoring Officer and Chief Financial Officer to assess the applicability of the legal requirements, decision makers should ensure that they are satisfied that the information presented to them is consistent with and takes due regard of them.

## 6. **Officer Advice**

Officers will advise the meeting as a whole (either of their own initiative or when called upon to do so) where appropriate to clarify issues of fact, law or policy. It is accepted practice that all comments will be addressed through the Chair and any subsequent Member queries addressed likewise.

## 7. **Decisions Contrary to Policy and Officer Advice**

There is a power (not a duty) for Officers to refer any such decision to a subsequent meeting of the Committee. This renders a decision of no effect until it is reconsidered by the Committee at a subsequent meeting when it can make such decision as it sees fit.

## 8. **Officer Contact/Advice**

If Members have any conduct or legal queries prior to the meeting, then they can contact the following Legal Officers for guidance/assistance as appropriate (bearing in mind that informal officer advice is best sought or given prior to or outside the meeting) namely:-

1. Simon Barnes, Principal Solicitor and Deputy Monitoring Officer  
Tel. No. 01225 39 5176
2. Simon Elias, Senior Legal Adviser  
Tel. No. 01225 39 5178

General Member queries relating to the agenda (including public speaking arrangements for example) should continue to be addressed to Marie Todd Democratic Services Officer Tel No. 01225 39 4414

**Planning and Environmental Law Manager, Development Manager,  
Democratic Services Manager, Monitoring Officer to the Council**

### **Site Visit Procedure**

- (1) Any Member of the Development Management or local Member(s) may request at a meeting the deferral of any application (reported to Committee) for the purpose of holding a site visit.
- (2) The attendance at the site inspection is confined to Members of the Development Management Committee and the relevant affected local Member(s).
- (3) The purpose of the site visit is to view the proposal and enhance Members' knowledge of the site and its surroundings. Members will be professionally advised by Officers on site but no debate shall take place.
- (4) There are no formal votes or recommendations made.
- (5) There is no allowance for representation from the applicants or third parties on the site.
- (6) The application is reported back for decision at the next meeting of the Development Management Committee.
- (7) In relation to applications of a controversial nature, a site visit could take place before the application comes to Committee, if Officers feel this is necessary.



**DEVELOPMENT MANAGEMENT COMMITTEE****Minutes of the Meeting held**

Wednesday, 24th August, 2016, 2.00 pm

Councillor Rob Appleyard	-	Bath & North East Somerset Council
Councillor Jasper Martin Becker	-	Bath & North East Somerset Council
Councillor Sally Davis	-	Bath & North East Somerset Council
Councillor Eleanor Jackson	-	Bath & North East Somerset Council
Councillor Les Kew	-	Bath & North East Somerset Council
Councillor Bryan Organ	-	Bath & North East Somerset Council
Councillor Caroline Roberts	-	Bath & North East Somerset Council
Councillor David Veale	-	Bath & North East Somerset Council
Councillor Neil Butters (in place of Councillor Paul Crossley)	-	Bath & North East Somerset Council
Councillor Vic Pritchard (in place of Councillor Matthew Davies)	-	Bath & North East Somerset Council

**33 EMERGENCY EVACUATION PROCEDURE**

The Democratic Services Officer read out the emergency evacuation procedure.

**34 ELECTION OF VICE CHAIRMAN (IF DESIRED)**

A Vice Chairman was not required on this occasion.

**35 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

The following apologies for absence were received:

Councillor Paul Crossley – Councillor Neil Butters acted as substitute  
Councillor Matthew Davies – Councillor Vic Pritchard acted as substitute

**36 DECLARATIONS OF INTEREST**

There were no declarations of interest.

**37 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN**

There was no urgent business.

**38 ITEMS FROM THE PUBLIC - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS**

The Democratic Services Officer informed the meeting that there were a number of people wishing to make statements on planning applications and that they would be able to do so when these items were discussed.

## 39 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

The Chairman informed members that the time of the meeting to be held on 19 October 2016 had been changed due to the Special Cabinet meeting also taking place that day. The meeting will now start at 12 noon to enable members to attend both meetings if they wished to do so.

## 40 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 27 July 2016 were confirmed and signed as a correct record.

## 41 SITE VISIT LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE

The Committee considered:

- A report by the Group Manager (Development Management).
- Oral statements by members of the public and representatives. A copy of the speakers' list is attached as *Appendix 1* to these minutes.

**RESOLVED** that in accordance with the Committee's delegated powers, the applications be determined as set out in the decisions list attached as *Appendix 2* to these minutes.

### Item No. 1 (Site Visit List)

Application No. 16/01581/FUL

Site Location: 104 Faulkland View, Peasedown St John, BA2 8TQ

### Item No. 1 (Main Plans List)

Application No. 16/01580/FUL

Site Location: 106 Faulkland View, Peasedown St John, BA2 8TQ

The Case Officer reported on the applications and her recommendation to grant planning permission.

The registered speaker, Councillor Sarah Bevan, declared a disclosable pecuniary interest in these applications as her property was next door to 104 Faulkland View and would be affected by any decision made by the Committee. Councillor Bevan made a statement against the applications in her capacity as a private individual and then went on to speak against the applications in her capacity as Ward Councillor.

Officers explained that the proposal at 106 Faulkland View to introduce further hardstanding had been withdrawn. The application now proposed the extension of the garage to allow space for a car by removing the storage area at the rear. This would mean that there would be space for one vehicle in the garage and for one vehicle in front of the garage.

In response to a question from Councillor Jackson officers informed members that the Parish Plan for Peasedown St John relating to lorry parking would be a material

consideration but would carry little weight.

In response to a question from Councillor Butters officers explained that if permission were granted there would be a condition requesting that the garage be used principally for that purpose. If there was subsequently any other unauthorised use this would be investigated. Officers also confirmed that any problems caused to the damp course by this development would be a building control and not a planning issue.

Councillor Kew was minded to permit the applications as solutions could be found to resolve any damp course problems. He felt that there would be no loss of off street parking.

Councillor Kew moved to grant planning permission for both applications and this was seconded by Councillor Organ.

On being put to the vote it was **RESOLVED**:

- (1) By 6 votes for, 3 votes against and 1 abstention to **PERMIT** the application for 104 Faulkland View subject to conditions.
- (2) By 6 votes for, 2 votes against and 2 abstentions to **PERMIT** the application for 106 Faulkland View subject to conditions.

#### 42 **MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE**

The Committee considered:

- A report by the Group Manager (Development Management) on various planning applications.
- An update report by the Group Manager (Development Management) on item 16/01609/FUL attached as *Appendix 3* to these minutes.
- Oral statements by members of the public and representatives. A copy of the speakers' list is attached as *Appendix 1* to these minutes.

**RESOLVED** that in accordance with the delegated powers, the applications be determined as set out in the decisions list attached as *Appendix 4* to these minutes.

##### **Item No. 2**

##### **Application No. 16/01609/FUL**

**Site Location: Castle Farm Barn, Midford Road, Bath – Change of use of agricultural barns to a flexible commercial use comprising farm shop and café**

The Case Officer reported on the application and her recommendation to grant planning permission. She informed the Committee that the wording of conditions 5 and 6 had now been revised.

The registered speaker spoke in favour of the application.

Councillor Butters stated that although Southstoke Parish Council had decided not to speak at this meeting they still did not support this application. It would be unsightly and inappropriate in this greenbelt location. The access was via a main road with poor visibility. Councillor Butters asked that this application be considered alongside the application for a 4 bed dwelling on the same site and suggested that a site visit should take place.

Officers advised the Committee not to amend the opening hours as mentioned by the applicant as this would require further consideration. If different opening hours were required in due course then a further application could be made at a future date.

Councillor Jackson pointed out that there was currently outline planning permission for the 4 bed dwelling with only the reserved matters still to be agreed. She felt that this application should be considered in its own right and noted that farms have the right to diversify.

Councillor Jackson then moved that planning permission be granted subject to the conditions set out in the officer report (as updated). This was seconded by Councillor Kew.

In response to a question from Councillor Pritchard officers explained that the farm used poly-tunnels to cultivate their produce all year round.

Councillor Roberts then asked further questions regarding the irrigation system and the application for the dwelling. She felt that a site visit would be helpful in this instance.

Councillors Jackson and Kew then agreed to withdraw their motion to enable a vote to be taken on the site visit proposal.

Councillor Butters moved that consideration of this application be deferred pending a site visit. This was seconded by Councillor Roberts.

The motion was put to the vote and there were 4 votes for, 5 votes against and 1 abstention. The motion was therefore **LOST**.

Councillor Jackson then moved that planning permission be granted subject to the conditions set out in the officer report (as updated). This was seconded by Councillor Kew.

The motion was put to the vote and it was **RESOLVED** by 5 votes for, 2 votes against and 3 abstentions to **PERMIT** the application subject to conditions.

### **Item No. 3**

#### **Application No. 16/02798/FUL**

**Site Location: 65 Canons Close, Southdown, Bath, 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**

The Case Officer reported on the application and her recommendation to grant planning permission. She also stated that if planning permission were to be granted an additional condition would be added to limit the number of residents at the premises.

It was confirmed that the conservatory would remain as part of the shared reception area.

Councillor Roberts pointed out that there was a proposal to withdraw Council subsidy for one of the bus routes that served Rush Hill.

Councillor Appleyard moved that planning permission be granted subject to the conditions outlined in the officer report and the removal of the word “unrelated” from the occupancy condition to ensure that occupancy is limited to 7 persons only. This was seconded by Councillor Kew.

The motion was put to the vote and it was **RESOLVED** by 7 votes for, 1 vote against and 2 abstentions to **PERMIT** the application subject to conditions.

#### **Item No. 4**

##### **Application No. 16/02530/FUL**

**Site Location: 23 Lymore Avenue, Twerton, Bath, BA2 1BA – Demolition of existing single storey rear extension and erection of side and rear single storey extension**

The Case Officer reported on the application and her recommendation to grant planning permission.

Councillor June Player, local ward member, spoke against the application.

Councillor Jackson stated that the kitchen looked to be very small. Officers explained that any issues relating to this could be dealt with by building control and/or environmental health as necessary.

Councillor Appleyard noted the large number of student accommodation in Lymore Avenue and the Council’s HMO policy. As this house was already an HMO he felt that it would be difficult to refuse the application and moved that planning permission be granted subject to conditions.

Officers suggested that a condition could be included to limit numbers to no more than 6 residents.

Councillor Pritchard stated that he felt there was too much student accommodation in this area and that this application, if permitted, would be to the detriment of the neighbouring property. There was adequate dedicated student accommodation in Bath and any further provision should be controlled. He then moved that the application be refused.

Officers explained that if the Committee wished to refuse the application it would have to demonstrate that just one additional bedroom was harmful.

Councillor Jackson then moved that consideration of this application be deferred

pending a site visit. This was seconded by Councillor Kew.

The motion was put to the vote and it was **RESOLVED** by 6 votes for, 2 votes against and 2 abstentions to **DEFER** consideration of this application pending a site visit.

**Item No. 5**

**Application No. 16/00847/FUL**

**Site Location: 27 Albert Road, Keynsham, BS31 1AA**

The Case Officer reported on the application and her recommendation to grant planning permission.

The registered speakers spoke in favour of the application.

Councillor Organ pointed out that although this was a retrospective application, he felt that it had not had any major effect in the locality. Officers confirmed that if the business developed further and any extension was required then the applicant would be required to seek further planning permission to do this.

In response to a question from Councillor Kew officers explained that any changes to this property and the business, such as employing other people, extending the building, how the building was used etc would be considered on their own merits.

Councillor Organ moved that permission be granted subject to the conditions outlined in the officer report. This was seconded by Councillor Kew.

The motion was put to the vote and it was **RESOLVED** unanimously to **PERMIT** the application subject to conditions.

**Item No. 6**

**Application No. 16/02107/LBA**

**Site Location: Under the Hill, Weston Road, Lower Weston, Bath**

The Case Officer reported on the application and her recommendation to refuse planning permission.

The registered speaker spoke in favour of the application.

Councillor Pritchard read out a statement on behalf of the ward councillor, Councillor Matthew Davies, in favour of the application.

In response to questions the Case Officer confirmed that there would be no loss of cornicing as a result of this application. It was also confirmed that from the front to the middle room was open plan. Officers explained that the property was listed alongside Briar House as it typified a domestic historic late Georgian building.

Councillor Jackson felt that the wedding doors should be preserved to retain the character of the dwelling. She stated that the proposed pair of wedding doors would dominate the room and be out of proportion. She then moved that the application be refused. This was seconded by Councillor Appleyard.

Councillor Kew stated that this application would not cause irrevocable harm and would facilitate modern living requirements. He also noted that Bath Preservation Trust had raised no objection.

The motion was then put to the vote and there were 4 votes for, 5 votes against and 1 abstention. The motion was therefore **LOST**.

Councillor Kew then moved that authority be delegated to officers to permit planning permission subject to conditions. This was seconded by Councillor Organ.

The motion was put to the vote and it was **RESOLVED** by 5 votes for, 4 votes against and 1 abstention to **DELEGATE TO PERMIT** planning permission subject to conditions.

43 **NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES**

The Committee considered the latest appeals report.

**RESOLVED** to **NOTE** the report.

44 **QUARTERLY PERFORMANCE REPORT APRIL - JUNE 2016**

The Committee considered the quarterly performance report from April to June 2016.

It was noted that the enforcement team was now fully staffed and that there was a triage system in place to deal with enforcement cases.

**RESOLVED** to **NOTE** the report.

The meeting ended at 3.55 pm

Chair .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**

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**BATH AND NORTH EAST SOMERSET COUNCIL**

**MEMBERS OF THE PUBLIC AND REPRESENTATIVES WISHING TO MAKE A STATEMENT AT THE MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE ON WEDNESDAY 24 AUGUST 2016**

<b>A. SITE VISIT LIST</b>			
<b>ITEM NO.</b>	<b>SITE NAME</b>	<b>SPEAKER</b>	<b>FOR/AGAINST</b>
1	104 Faulkland View, Peasedown St John	Councillor Sarah Bevan	Against
<b>B. MAIN PLANS LIST</b>			
<b>ITEM NO.</b>	<b>SITE NAME</b>	<b>SPEAKER</b>	<b>FOR/AGAINST</b>
1	106 Faulkland View, Peasedown St John	Councillor Sarah Bevan	Against
2	Castle Farm Barn, Midford Road, Bath	Mark Edwards – Applicant	For
4	23 Lymore Avenue, Twerton, Bath	Councillor June Player	Against
5	27 Albert Road, Keynsham	Craig Denning	For (To share 3 mins)
		John Casselden (Architect)	For (To share 3 mins)
6	Under the Hill, Weston Road, Lower Weston, Bath	Bob Goodman (Agent)	For

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**BATH AND NORTH EAST SOMERSET COUNCIL**  
**DEVELOPMENT MANAGEMENT COMMITTEE**

**24th August 2016**

**SITE VISIT DECISIONS**

<b>Item No:</b>	001	
<b>Application No:</b>	16/01581/FUL	
<b>Site Location:</b>	104 Faulkland View, Peasedown St. John, Bath, Bath And North East Somerset	
<b>Ward:</b> Peasedown St John	<b>Parish:</b> Peasedown St John	<b>LB</b>
<b>Grade:</b> N/A		
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Erection of a single storey extension to garage.	
<b>Constraints:</b>	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	

**DECISION PERMIT**

**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 D) received by the Council on 23rd August 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.

**BATH AND NORTH EAST SOMERSET COUNCIL**

**Development Management Committee**

**Date 24<sup>th</sup> August 2016**

**OBSERVATIONS RECEIVED SINCE THE PREPARATION OF THE MAIN  
AGENDA**

**ITEMS FOR PLANNING PERMISSION**

**ITEM**

<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
2	16/01609/FUL	Castle Farm Barn Midford Road Bath BA2 7BU

A consultation response has been received from the planning policy officer making the following comments;

Planning policy:

This change of use proposal is in conformity with Policy ET.8 (Farm Diversification) of the Local Plan in that it reuses an existing building and will not (due to its small scale, proposed use, and distance to other centres) result in a dispersal of activity that prejudices village viability.

The proposal is also considered to be in conformity with Policy RE3 of the draft Placemaking Plan.

Recommendation

As in the main report

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**BATH AND NORTH EAST SOMERSET COUNCIL**  
**DEVELOPMENT MANAGEMENT COMMITTEE**

**24th August 2016**

**DECISIONS**

<b>Item No:</b>	01	
<b>Application No:</b>	16/01580/FUL	
<b>Site Location:</b>	106 Faulkland View, Peasedown St. John, Bath, Bath And North East Somerset	
<b>Ward:</b> Peasedown St John	<b>Parish:</b> Peasedown St John	<b>LB</b>
<b>Grade:</b> N/A		
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Erection of a single storey extension to garage and inclusion of parking space to the front.	
<b>Constraints:</b>	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 Palmer	
<b>Expiry Date:</b>	30th June 2016	
<b>Case Officer:</b>	Chloe Buckingham	

**DECISION PERMIT**

**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 (Bespoke)**

Within two months of the commencement of development the existing internal store shall be demolished to enable the garage be constructed with a minimum internal length of 4.8m as shown on the approved drawings.

Reason: To ensure that the proposed garage is of sufficient length to satisfactorily accommodate a motor vehicle in the interests of residential 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:**

This decision relates to the Location Plan and the Existing and Proposed Site Plan, Floor Plans and Elevations (16020\_P1 Rev D) received by the Council on 23rd August 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.

<b>Item No:</b>	02	
<b>Application No:</b>	16/01609/FUL	
<b>Site Location:</b>	Castle Farm Barn, Midford Road, Midford, Bath	
<b>Ward:</b> Bathavon South	<b>Parish:</b> South Stoke	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Change of use of agricultural barns to a flexible commercial use comprising farm shop and cafe.	
<b>Constraints:</b>	Affordable Housing, Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Greenbelt, MOD Safeguarded Areas, SSSI - Impact Risk Zones, Water Source Areas,	
<b>Applicant:</b>	Mr Mark Edwards	
<b>Expiry Date:</b>	22nd June 2016	
<b>Case Officer:</b>	Alice Barnes	

## **DECISION PERMIT**

### **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 have been carried out in accordance with the details approved and shall be submitted in writing to the local planning authority

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 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:**

Site location plan  
Block plan  
Cafe layout plan

#### **Advice note:**

It is recommend 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.

## 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.

<b>Item No:</b>	03	
<b>Application No:</b>	16/02798/FUL	
<b>Site Location:</b>	65 Canons Close, Southdown, Bath, Bath And North East Somerset	
<b>Ward:</b> Odd Down	<b>Parish:</b> N/A	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	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.	
<b>Constraints:</b>	Affordable Housing, Agric Land Class 3b,4,5, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,	
<b>Applicant:</b>	Mr James Thomas	
<b>Expiry Date:</b>	10th August 2016	
<b>Case Officer:</b>	Emma Watts	

## **DECISION PERMIT**

### **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 Occupant Numbers (Compliance)**

The occupation of the property known as 65 Canons Close shall be limited to a total of seven persons only.

Reason: In order to protect the residential amenities of neighbouring occupiers in accordance with Policy HG.12 of the Bath and North East Somerset Local Plan.

### **6 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 following drawings: 001, 002, 003, 004 received 03/06/2016 and 006 received 09/08/2016.

### 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.

### 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.

<b>Item No:</b>	04	
<b>Application No:</b>	16/02530/FUL	
<b>Site Location:</b>	23 Lymore Avenue, Twerton, Bath, Bath And North East Somerset	
<b>Ward:</b> Westmoreland	<b>Parish:</b> N/A	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	

<b>Proposal:</b>	Demolition of existing single storey rear extension and erection of side and rear, single storey extension
<b>Constraints:</b>	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,
<b>Applicant:</b>	Mr & Mrs Chris and Josephine Vercoe
<b>Expiry Date:</b>	16th July 2016
<b>Case Officer:</b>	Jessica Robinson

**Defer for site visit – to allow Members to view the site**

<b>Item No:</b>	05
<b>Application No:</b>	16/00847/FUL
<b>Site Location:</b>	27 Albert Road, Keynsham, Bristol, Bath And North East Somerset
<b>Ward:</b> Keynsham South	<b>Parish:</b> Keynsham Town Council
	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application
<b>Proposal:</b>	Erection of single storey side extension to existing garage.
<b>Constraints:</b>	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,
<b>Applicant:</b>	Mrs Gemma Cozzubbo
<b>Expiry Date:</b>	10th June 2016
<b>Case Officer:</b>	Rachel Tadman

**DECISION PERMIT**

**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:**

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

**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.

**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.

<b>Item No:</b>	06	
<b>Application No:</b>	16/02107/LBA	
<b>Site Location:</b>	Under The Hill, Weston Road, Lower Weston, Bath	
<b>Ward:</b> Weston	<b>Parish:</b> N/A	<b>LB Grade:</b> II
<b>Application Type:</b>	Listed Building Consent (Alts/exts)	
<b>Proposal:</b>	Internal alterations for a new opening between the living and family rooms (on ground floor level) to incorporate a set of double 'wedding' doors.	
<b>Constraints:</b>	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,	
<b>Applicant:</b>	Ms McWilliams	
<b>Expiry Date:</b>	24th June 2016	
<b>Case Officer:</b>	Suzanne D'Arcy	

**DECISION    CONSENT**

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

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. Whilst the application was recommended for refusal the Development Management Committee found the proposal acceptable and granted listed building consent.

### **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.



<b>Bath &amp; North East Somerset Council</b>	
<b>MEETING:</b>	<b>Development Management Committee</b>
<b>MEETING DATE:</b>	<b>21st September 2016</b>
<b>RESPONSIBLE OFFICER:</b>	Mark Reynolds – Group Manager (Development Management) (Telephone: 01225 477079)
<b>TITLE:</b>	<b>SITE VISIT AGENDA</b>
<b>WARDS:</b>	ALL
<b>BACKGROUND PAPERS:</b>	
<b>AN OPEN PUBLIC ITEM</b>	

AGENDA  
ITEM  
NUMBER

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**BACKGROUND PAPERS**

List of background papers relating to this report of the Group Manager, Development Management about applications/proposals for Planning Permission etc. The papers are available for inspection online at <http://planning.bathnes.gov.uk/PublicAccess/>.

- [1] Application forms, letters or other consultation documents, certificates, notices, correspondence and all drawings submitted by and/or on behalf of applicants, Government Departments, agencies or Bath and North East Somerset Council in connection with each application/proposal referred to in this Report.
- [2] Department work sheets relating to each application/proposal as above.
- [3] Responses on the application/proposals as above and any subsequent relevant correspondence from:
  - (i) Sections and officers of the Council, including:
    - Building Control
    - Environmental Services
    - Transport Development
    - Planning Policy, Environment and Projects, Urban Design (Sustainability)
  - (ii) The Environment Agency
  - (iii) Wessex Water
  - (iv) Bristol Water
  - (v) Health and Safety Executive
  - (vi) British Gas
  - (vii) Historic Buildings and Monuments Commission for England (English Heritage)
  - (viii) The Garden History Society
  - (ix) Royal Fine Arts Commission
  - (x) Department of Environment, Food and Rural Affairs
  - (xi) Nature Conservancy Council
  - (xii) Natural England
  - (xiii) National and local amenity societies
  - (xiv) Other interested organisations
  - (xv) Neighbours, residents and other interested persons
  - (xvi) Any other document or correspondence specifically identified with an application/proposal
- [4] The relevant provisions of Acts of Parliament, Statutory Instruments or Government Circulars, or documents produced by the Council or another statutory body such as the Bath and North East Somerset Local Plan (including waste and minerals policies) adopted October 2007

**The following notes are for information only:-**

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

- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting the requirements of the above Act, other letters and documents of the above kinds received after the preparation of this report and reported to and taken into account by the Committee will also be available for inspection.
- [4] Copies of documents/plans etc. can be supplied for a reasonable fee if the copyright on the particular item is not thereby infringed or if the copyright is owned by Bath and North East Somerset Council or any other local authority.

## INDEX

ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
001	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

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

**Item No:** 001  
**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

<b>Proposal:</b>	Demolition of existing single storey rear extension and erection of side and rear, single storey extension
<b>Constraints:</b>	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,
<b>Applicant:</b>	Mr & Mrs Chris and Josephine Vercoe
<b>Expiry Date:</b>	16th July 2016
<b>Case Officer:</b>	Jessica Robinson

## REPORT

At the last meeting of the Committee this planning application was deferred for a site visit to allow Members to fully assess the site and potential impacts upon neighbouring properties amenity.

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:

- o The already poor car parking situation will be worsened
- o Noise issues from the proposed development
- o The lack of need for a 6 bedroom HMO in this location
- o Dust and inconvenience as a result of the development
- o 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:**

PLANS LIST:

- 01 EXISTING GROUND FLOOR PLAN, ELEVATIONS
- 02A COMBINED PLANS

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.

<b>Bath &amp; North East Somerset Council</b>	
<b>MEETING:</b>	<b>Development Management Committee</b>
<b>MEETING DATE:</b>	<b>21st September 2016</b>
<b>RESPONSIBLE OFFICER:</b>	Mark Reynolds – Group Manager (Development Management) (Telephone: 01225 477079)
<b>TITLE:</b>	<b>APPLICATIONS FOR PLANNING PERMISSION</b>
<b>WARDS:</b>	ALL
<b>BACKGROUND PAPERS:</b>	
<b>AN OPEN PUBLIC ITEM</b>	

AGENDA  
ITEM  
NUMBER

**BACKGROUND PAPERS**

List of background papers relating to this report of the Group Manager, Development Management about applications/proposals for Planning Permission etc. The papers are available for inspection online at <http://planning.bathnes.gov.uk/PublicAccess/>.

- [1] Application forms, letters or other consultation documents, certificates, notices, correspondence and all drawings submitted by and/or on behalf of applicants, Government Departments, agencies or Bath and North East Somerset Council in connection with each application/proposal referred to in this Report.
- [2] Department work sheets relating to each application/proposal as above.
- [3] Responses on the application/proposals as above and any subsequent relevant correspondence from:
  - (i) Sections and officers of the Council, including:
    - Building Control
    - Environmental Services
    - Transport Development
    - Planning Policy, Environment and Projects, Urban Design (Sustainability)
  - (ii) The Environment Agency
  - (iii) Wessex Water
  - (iv) Bristol Water
  - (v) Health and Safety Executive
  - (vi) British Gas
  - (vii) Historic Buildings and Monuments Commission for England (English Heritage)
  - (viii) The Garden History Society
  - (ix) Royal Fine Arts Commission
  - (x) Department of Environment, Food and Rural Affairs
  - (xi) Nature Conservancy Council
  - (xii) Natural England
  - (xiii) National and local amenity societies
  - (xiv) Other interested organisations
  - (xv) Neighbours, residents and other interested persons
  - (xvi) Any other document or correspondence specifically identified with an application/proposal
- [4] The relevant provisions of Acts of Parliament, Statutory Instruments or Government Circulars, or documents produced by the Council or another statutory body such as the Bath and North East Somerset Local Plan (including waste and minerals policies) adopted October 2007

**The following notes are for information only:-**

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

- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting the requirements of the above Act, other letters and documents of the above kinds received after the preparation of this report and reported to and taken into account by the Committee will also be available for inspection.
- [4] Copies of documents/plans etc. can be supplied for a reasonable fee if the copyright on the particular item is not thereby infringed or if the copyright is owned by Bath and North East Somerset Council or any other local authority.

## INDEX

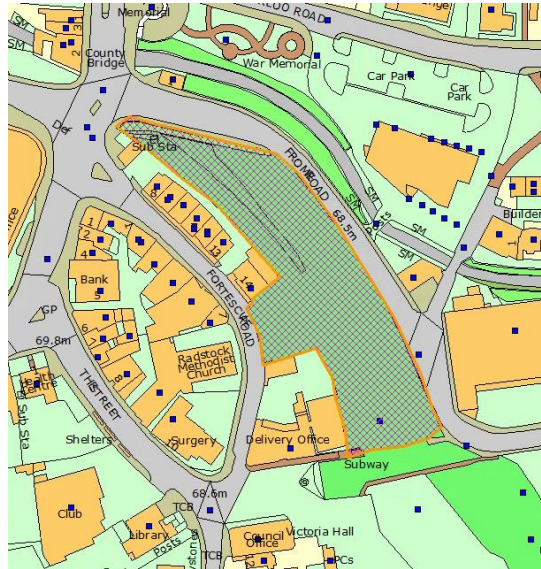
ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	16/01016/RES 2 September 2016	Linden Limited Former Gwr Railway Line, Frome Road, Radstock, , Approval of reserved matters in relation to outline application 13/02436/EOUT for access, appearance, layout, scale and landscaping for area 1 (phase 3 of the development).	Radstock	Chris Gomm	Delegate to PERMIT
02	16/03359/FUL 6 September 2016	Bath Sea Cadets Bath Sea Cadet Corps, St John's Road, Bathwick, Bath, BA2 6PX Mixed use development comprising replacement accommodation for the Sea Cadets with Student Accommodation (18 No. Studios) following demolition of existing buildings	Abbey	Chris Griggs-Trevarthen	PERMIT
03	16/03047/FUL 1 September 2016	Mr Martin Thomas 12 Junction Road, Oldfield Park, Bath, Bath And North East Somerset, BA2 3NH Erection of single storey rear and side extension following demolition of existing outbuilding and conservatory to increase occupancy of HMO from 5 to 6.	Oldfield	Jessica Robinson	REFUSE
04	16/02631/FUL 23 September 2016	Dr Wasfy Yanny 39 High Street, Keynsham, BS31 1DS, , Erection of two storey building to the rear of no.39 High Street to facilitate 2no. self contained flats. (Resubmission)	Keynsham North	Alice Barnes	PERMIT



05	16/03168/FUL 22 September 2016	Ms Zoe Jones 1 Magdalen Avenue, Lyncombe, Bath, Bath And North East Somerset, BA2 4QB Erection of first floor rear extension and rendering of the existing ground floor rear extension (Revised Proposal) (Amended Description)	Widcombe	Kate Whitfield	REFUSE
06	16/02998/FUL 9 August 2016	Mr Paul Haskins and John White The Chapel, Argyle Terrace, Twerton, Bath, Bath And North East Somerset Conversion from existing offices (Class B1) to 4 No. residential maisonettes (Class C3) including external alterations	Westmoreland	Emma Watts	PERMIT
07	16/03172/FUL 23 September 2016	Mr & Mrs Davis Land Between Barton House And Laburnum Cottage, The Barton, Corston, Bath, Erection of a single family dwelling with parking for two vehicles	Farmborough	Emma Watts	REFUSE
08	16/03427/FUL 19 October 2016	Mr & Mrs David And Claire Woolcock 7 Hornbeam Walk, Keynsham, Bristol, Bath And North East Somerset, BS31 2RT Erection of three bedroomed semi- detached house within existing garden area of no. 7 Hornbeam Walk, Keynsham.	Keynsham South	Emma Watts	PERMIT
09	16/03488/FUL 23 September 2016	Ms Anna Keen 63 Purlewent Drive, Upper Weston, Bath, Bath And North East Somerset, BA1 4BD Change of use from a residential dwelling (use class C3) to a 4 bedroom HMO (use class C4).	Weston	Martin Almond	PERMIT
10	15/01802/FUL 16 December 2015	Mr Martin Pera Church Farm Derelict Property, Church Hill, High Littleton, Bristol, Construction of new pedestrian and vehicular access to Church Farm, High Littleton from A39 High Street following removal of section of boundary wall.	High Littleton	Laura Batham	REFUSE
11	16/02692/LBA 19 August 2016	Powell & Powell Ltd Maisonette 2 3 Floor S , 4 Princes Buildings, City Centre, Bath, Bath And North East Somerset Internal alterations to include the removal of stud wall between kitchen and reception room and installation of stud wall and door in corridor to create a laundry cupboard.	Abbey	Adrian Neilson	CONSENT
12	16/02441/FUL 14 July 2016	PCC of St Nicholas Church Care of Mrs A Sealy St Nicholas Church, Church Road, Whitchurch, Bristol, Bath And North East Somerset Erection of disabled WC to front elevation.	Publow And Whitchurch	Adrian Neilson	PERMIT

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

**Item No:** 01  
**Application No:** 16/01016/RES  
**Site Location:** Former Gwr Railway Line Frome Road Radstock



**Ward:** Radstock                      **Parish:** Radstock                      **LB Grade:** N/A  
**Ward Members:** Councillor Christopher J Dando      Councillor Deirdre Horstmann  
**Application Type:** PI Permission (Approval Reserved Matters)  
**Proposal:** Approval of reserved matters in relation to outline application 13/02436/EOUT for access, appearance, layout, scale and landscaping for area 1 (phase 3 of the development).  
**Constraints:** Affordable Housing, Agric Land Class 3b,4,5, Centres and Retailing, Coal - Standing Advice Area, Conservation Area, Flood Zone 2, Forest of Avon, Sites with Planning Permission, Housing Development Boundary, LLFA - Flood Risk Management, Public Right of Way, SSSI - Impact Risk Zones,  
**Applicant:** Linden Limited  
**Expiry Date:** 2nd September 2016  
**Case Officer:** Chris Gomm

**REPORT**

Outline planning permission (Ref: 13/02436/EOUT) was granted in June 2014 for the redevelopment of the former railway land in Radstock town centre in order to provide a mixed-use development of up to 210 dwellings; up to 695sqm of retail floor space; up to 325sqm of B1 (business) or D1 (community) uses and the conversion of a former railway shed to either B1 or D1 use. That permission also included various infrastructure works to facilitate the development including roads, public realm works, changes to ground levels, children's play areas and a new cycle route.

The outline application was the subject of an Environmental Impact Assessment which accordingly is relevant to this application.

The outline planning permission reserves all matters, with the exception of the means of access, for approval at a later date. The current application seeks approval for the reserved matters relating to the final phase of that development - Area 1 (i.e. the layout, scale, appearance and landscaping of that phase). Area 1 is situated alongside Frome Road, to the rear of the existing retail units in Fortescue Road; it is the highest profile element of the wider redevelopment. Earlier phases of the development are completed or under construction.

### Relevant Planning History

DC - 13/02436/EOUT - APP - 18 June 2014 - Demolition and redevelopment of former railway lands to provide mixed use development including up to 210 residential units of varying sizes, up to 695 sq m of retail business floor space (use classes A1-A5 and B1); up to 325 sq m of use class B1 floor space or for community uses (use class D1), conversion of the Brunel rail shed for use class B1 or D1; car parking and new bus stops; works to various existing roads within the town and establishment of new roads to service the development including new bridge structures; new public realm works, ground remediation, alterations to ground levels, works to trees and existing habitat areas; upgrading of below ground utilities; establishment of a new Sustrans route and diversion of existing public right of way

DC - 13/02858/FUL - PERMIT - 20 November 2013 - Change of use for a temporary construction compound

DC - 13/03786/EFUL - PERMIT - 18 June 2014 - Demolition of existing structures and redevelopment of former railway land to provide mixed use development including up to 70 residential units, up to 282 sqm of retail floor space (use classes A1-A5); up to 84 sqm of community uses (use class D1), public car park, associated highways works, ground remediation, alterations to ground levels, works to trees and existing habitat areas; upgrading of below ground utilities.

DC - 13/03787/CA - CON - 18 June 2014 - Demolition of existing structures

DC - 14/02994/NMA - APP - 29 July 2014 - Non-material amendment to application 13/02436/EOUT. (Demolition and redevelopment of former railway lands to provide mixed use development including up to 210 residential units of varying sizes, up to 695 sq m of retail business floor space (use classes A1-A5 and B1); up to 325 sq m of use class B1 floor space or for community uses (use class D1), conversion of the Brunel rail shed for use class B1 or D1; car parking and new bus stops; works to various existing roads within the town and establishment of new roads to service the development including new bridge structures; new public realm works, ground remediation, alterations to ground levels, works to trees and existing habitat areas; upgrading of below ground utilities; establishment of a new Sustrans route and diversion of existing public right of way)

DC - 14/04510/NMA - APP - 4 February 2015 - Non Material Amendment to Application 13/03786/EFUL (Demolition of existing structures and redevelopment of former railway land to provide mixed use development including up to 70 residential units, up to 282 sqm

of retail floor space (use classes A1-A5); up to 84 sqm of community uses (use class D1), public car park, associated highways works, ground remediation, alterations to ground levels, works to trees and existing habitat areas; upgrading of below ground utilities).

DC - 14/05184/NMA - APP - 14 November 2014 - Non-Material Amendment to Application 13/02436/EOUT (Demolition and redevelopment of former railway lands to provide mixed use development including up to 210 residential units of varying sizes, up to 695 sq m of retail business floor space (use classes A1-A5 and B1); up to 325 sq m of use class B1 floor space or for community uses (use class D1), conversion of the Brunel rail shed for use class B1 or D1; car parking and new bus stops; works to various existing roads within the town and establishment of new roads to service the development including new bridge structures; new public realm works, ground remediation, alterations to ground levels, works to trees and existing habitat areas; upgrading of below ground utilities; establishment of a new Sustrans route and diversion of existing public right of way)

DC - 15/01004/TCA - NOOBJ - 26 March 2015 - A009 - fell self-set Ash, Sycamore and Willow. RRP2, RRP3 and RRP4 - fell 2x Hawthorn and 1x Sycamore

DC - 15/01141/AR - CON - 14 May 2015 - Display of 3 no. non-illuminated panel signs on same double posts.

DC - 15/01871/RES - APP - 27 August 2015 - Approval of reserved matters with regard to outline application 13/02436/EOUT for the construction of a road on Area 3 of the development site.

DC - 15/01965/RES - APP - 6 November 2015 - Approval of reserved matters with regard to outline application 13/02436/EOUT for access, appearance, layout, scale and landscaping for area 3 (phase 2) of the development.

DC - 15/02448/TCA - NOOBJ - 30 June 2015 - Removal of a multi-stemmed Ash tree having Ash Bacterial Canker (*Pseudomonas syringae*) throughout, cavities in stems, deadwood throughout it's canopy.

DC - 15/04171/TCA - NOOBJ - 26 October 2015 - Removal of trees within Area 1 to include A001 (an area of Goat Willow), A002 (an area of Birch, Hawthorn, Holly, Sycamore and Willow), G004 (a group of Hawthorn), T006 (Ash), T008 (Cherry) and T009 (Sycamore).

DC - 15/04335/COND - DISCHG - 17 November 2015 - Discharge of condition 1 of application 15/01871/RES (Approval of reserved matters with regard to outline application 13/02436/EOUT for the construction of a road on Area 3 of the development site.)

DC - 15/05700/TC5 - EXEMPT - 18 December 2015 - 1x Willow - fell

DC - 16/03526/NMA - APP - 4 August 2016 - Non Material Amendment to application 15/01965/RES (Approval of reserved matters with regard to outline application 13/02436/EOUT for access, appearance, layout, scale and landscaping for area 3 (phase 2) of the development)

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Radstock Town Council: SUPPORT (for the following reasons):

- o Provides additional housing for the town;
- o The higher the buildings the better (to hide unattractive buildings);
- o Further work required re. parking and the environment;
- o High buildings in Radstock are the norm - will not be out of keeping

B&NES Land Contamination: No objection as conditions imposed on the outline permission deal with such matters

B&NES Rights of Way: No objection

B&NES Drainage and Flooding: No objection (earlier objection withdrawn)

Environment Agency: No comments

B&NES Archaeology: No comments

Avon & Somerset Police: General design comments

B&NES Highways: OBJECTION

Visibility at the exit of each car park is now considered acceptable and complies with the requirements of Manual for Streets.

The submitted Parking Statement states that a maximum of 134 parking spaces should be supplied to serve the proposal (103 for the residential uses and 31 for the commercial and retail elements). The application proposes the provision of 39 spaces, representing a shortfall of 95 spaces. The proposed provision for 49 flats is 39 spaces with no onsite space at all to serve the commercial or retail elements of the proposal. The Parking Statement then asserts that, because the maximum standard is not exceeded, the proposal complies with current standards. It goes on to suggest, without providing evidence to show that there is substantial spare capacity to accommodate it, that the shortfall will be accommodated in existing public car parks in the town centre. Such a response is woefully inadequate.

Saved Local Plan policy T26 states that development will only be permitted if an appropriate level of on- site servicing and parking is provided.

The applicant argues that the parking standards are maximums; this is agreed but provision must still be appropriate for need, and fully justified. The applicant also argues that commercial need (for car parking) is met by the new public car park in Area 2 (14 spaces); this level of provision has to be compared with the standard of 31 spaces for the commercial and retail elements of Area 1 alone. It has also been argued by the applicant that there is extensive existing car parking available in Radstock to meet the needs of the development. Several of the car parks identified on the plan are not truly public and are not owned and operated by the local authority. Some are provided by businesses to serve their customers, are strictly time limited, and are not suitable for use by residents, or staff employed in the commercial elements of Area 1. No survey evidence has been submitted

to demonstrate that sufficient spare capacity is regularly available in the town centre car parks to meet the unmet- demand for car parking that this application would generate.

It is recommended that the application be refused due to inadequate parking provision.

Bristol Water: The developers should contact Bristol Water for discussions

B&NES Urban Design: Not acceptable in its current form\* (summary)

Natural stone is required on primary elevations. There is no viability report demonstrating that the increased use of natural stone is unviable. The red line should include all of the proposed public square [i.e. extend all the way to Fortescue Road]. The Council is not expecting the applicant to build out anything that is not on their own land but it should be designed as part of the scheme. There remains an objection to the scale of the buildings; they should be demonstrably appropriate for the site in terms of size, scale, massing and height. An up-to-date acceptable Building for Life assessment should be submitted.

[At the time of writing revised comments from the Urban Design Team in relation to the amended plans had not been received; they are expected to be received in advance of the meeting and members will be updated accordingly].

B&NES Waste Services: No acceptable in its current form

Significant concerns about the accessibility of the site for the waste and recycling collection services. There is insufficient space for a refuse collection vehicle to turn safely without mounting pedestrian areas and encroaching on parked cars. Despite a parking space being removed in front of block D to help accommodate the RCV, it still comes unacceptably close to those cars parked on the opposite side. The bin store serving Block C is too far from the entrance to the car park; it should be closer to the entrance so that the refuse vehicle does not need to navigate around the car park.

The Radstock 'Town Team': Comments as follows (summary)

- o Insufficient car parking;
- o The link through to the Methodist Church is not included;
- o Lost opportunity to provide a new town square
- o Buildings are too tall

A letter has been received from a Town Councillor (on behalf of himself not the town council) objecting to the application for the following reasons (summary):

- o the application is contrary to Policy BH6;
- o all front and side elevations should be natural stone;
- o the development must be in keeping with new flats in Area 2 and;
- o the excessive use of reconstituted stone is objected to strongly

## **POLICIES/LEGISLATION**

Policies/Legislation:

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

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

The following Core Strategy policies are relevant:

Policy DW1: District Wide Spatial Strategy  
Policy SV1: Somer Valley Spatial Strategy  
Policy SV3: Radstock Town Centre Strategic Policy  
Policy SD1: Presumption in favour of Sustainable Development  
Policy CP6: Environmental Quality  
Policy CP10: Housing Mix  
Policy CP13: Infrastructure Provision

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

The following saved Local Plan Policies are relevant:

Policy D2: General design and public realm considerations  
Policy D4: Townscape considerations  
Policy ES5: Foul and surface water drainage  
Policy ES9: Pollution and nuisance  
Policy ES10: Air quality  
Policy ES12: Noise and vibration  
Policy ES15: Contaminated land  
Policy HG7: Minimum residential density  
Policy GDS.1: Site allocations and development requirements - Site NR2 Radstock  
Railway Land  
Policy NE.9: Locally important wildlife sites  
Policy BH.2: Listed buildings and their settings  
Policy BH.5: Locally Important Buildings  
Policy BH.6: Development within/ affecting Conservation Areas  
Policy T.1: Overarching access policy  
Policy T.24: General development control and access policy  
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. However, currently the Plan has limited weight in the determination of planning applications. The following draft policies are relevant:

Policy DW1: District-wide spatial strategy  
Policy SD1: Presumption in favour of sustainable development

Policy SU1: Sustainable drainage policy  
Policy CP6: Environmental quality  
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 PCS1: Pollution and nuisance  
Policy PCS2: Noise and vibration  
Policy PCS3: Air quality  
Policy PCS5: Contamination  
Policy PCS Sewage Infrastructure  
Policy CP12: Centres and retailing  
Policy ST3: Transport infrastructure  
Policy ST7: Transport requirements for managing development  
Policy SV1: Somer Valley Spatial Strategy  
Policy SV3: Radstock Town Centre Strategic Policy

## **OFFICER ASSESSMENT**

### Principle

The principle of developing this site (Area 1) for a mix of residential and commercial purposes is long-established by the site's historic allocation for such in the adopted Local Plan and by the granting of outline consent in 2014. The outline consent prescribes that Area 1 be a mix of residential, retail, office and public realm - which it is.

Condition 45 of the outline consent specifies that the development as a whole (i.e. Areas 1-3) shall not exceed 190 dwellings in total. Areas 2 and 3 have been approved and implemented. 70 dwellings have been approved on Area 2 and 71 dwellings have been approved on Area 3; the maximum that can be approved on Area 1 (if acceptable in all other respects) is therefore 49. The current application seeks consent for 49 dwellings and therefore accords with the outline consent in this respect.

The principle of the development cannot now be revisited and this application, as stated, is concerned only with those matters reserved by the outline consent.

### Design and Layout

The proposed development takes the form of four blocks, three of which will front Frome Road whereas the fourth will front both Frome Road and the new road link (adjacent to the new roundabout). Three blocks (Blocks A-C) have commercial units on the ground floor with two floors of residential above (there are a total of five commercial units of varying sizes); Block D is wholly residential. Car parking areas are to be situated between each block with the exception of the space between Blocks B & C; this will be occupied by a public square. This layout is considered to be an acceptable and logical way in which to develop the site and is broadly as envisaged at the outline stage.

Condition 2 of the outline consent prescribes certain parameters which the final proposal is obliged to comply with. Outline Condition 2 requires the development to comply with



the Building Heights Plan; this plan requires Area 1 to be between 2-3 storeys in height. The proposed buildings are all three storeys in height and as such compliant with Buildings Heights Parameters Plan. A greater variation in building heights would have been preferable, particularly along the Frome Road frontage, and this is reflected in the Urban Designer's comments but the lack of variation does not render the scheme unacceptable on balance.

Stylistically the proposed buildings will be similar to the buildings that have been erected at Area 2; as stated they are three storey in nature and they are traditional in design and appearance. (note some minor revisions to Block D are sought as discussed in more detail below). Vernacular features such as apex chimney stacks and coped roof verges are included. It is considered that the proposed buildings are broadly acceptable in architectural terms and will respect the character and appearance of surrounding development including earlier phases of the wider redevelopment of Radstock town centre. The application accords with saved LP policies D2 and D4 in respect of design and layout matters as well as Policy CP6 of the Core Strategy.

### External Materials

The proposed materials palette comprises natural stone and render as per the adjacent earlier phases of the development. An Ashlar style render finish with struck joints is to be applied at ground floor level to all blocks.

Initially natural stone was only proposed on Block A and Block D, Block B and C were to be faced in reconstituted stone. Following discussions, the plans have been amended so that all four proposed blocks are now to be faced in natural stone (coursed random rubble white lias) on all elevations facing Frome Road and the new link road, as well as all adjoining side elevations. Rear elevations and other side elevations are to be faced in render. No reconstituted stone is now proposed as part of this phase of the development except detailing. These revisions represent a significant improvement to the scheme.

Notwithstanding there are some concerns outstanding in relation to part of Block D specifically the westernmost part of the south elevation and the west elevation. These parts of Block D effectively turn the corner of the building at the most prominent part of the site i.e. adjacent to the double roundabouts central to Radstock. This effectively increases the importance of the south (back) elevation at this point as it would appear as a front facing elevation and would be prominent in views coming in to Radstock from the south side. The west (or end) elevation includes a render inset gable that is out of keeping with the building and which would be improved by simpler fenestration and more robust materials to reflect the surroundings and the proximity to the highly trafficked junction. Further discussion is required on these aspects and that is reflected in the Officers recommendation. Subject to appropriate resolution of these points the application would accord with saved LP policies D2 and D4 in respect of the proposed materials palette as well as Policy CP6 of the Core Strategy.

### The Public Square

Outline Condition 2 requires that Area 1 provides an area of public realm forward of the Methodist Church which is to include a pedestrian link through to Fortescue Road. A triangular strip of land, adjacent to Fortescue Road, is not in the ownership nor control of

the applicant and as such was excluded from the public square proposals as originally submitted and as such failed to provide the requisite pedestrian link.

The application has now been amended; a revised layout plan has been submitted and this now shows the proposed square connecting with Fortescue Road by encompassing the triangular area of land not currently in the applicants control. This amendment ensures that the public square as a whole benefits from reserved matters approval. It is accepted that the developer may not be able to secure ownership or control over the triangular area of land and the local planning authority is unable to reasonably require the developer to construct and complete a square on land which they do not own or control. If the developer is not able to secure the triangular land in question, then the square as originally proposed will be constructed i.e. a square not reaching Fortescue Road and with no pedestrian link; Condition 4 deals with this matter.

### Impact on Residential Amenity

Existing residential development is situated in close proximity to the proposed buildings. There are a number of first floor flats above a rank of shops in Fortescue Road to the immediate west of the application site. Block D will be situated approximately 9 metres from this rank of shops at its closest point although distances will typically be between 9-21m.

It is not considered that the proposed development will have an unacceptable adverse impact upon the amenity of the aforementioned residents in Fortescue Road. Whilst parts of Block D will be very close to the Fortescue Road flats, a first floor external walkway runs along the rear of the Fortescue Road flats and this already significantly reduces the privacy available to occupants. It is not considered that the proposed development will worsen this existing situation. Block D and the development as a whole will not cause unacceptable levels of overshadowing due to its position to the north and north-east of the Fortescue Road flats.

There are other residential properties in the vicinity of the application site including opposite the site across Frome Road and opposite the site within the earlier phases of the development, these are considered too distant however for an adverse impact to result. The application is acceptable in respect of its impact on residential amenity and thus accords with saved Local Plan Policy D2.

### Highway Issues

The Council's parking standards as set out in the saved Local Plan require (as a maximum) 1 space per 1-bed dwelling and 2 spaces per 2-bed dwelling with an additional visitor parking space for every 4 dwellings. The submitted Parking Statement states that a maximum of 134 parking spaces should be supplied to serve the proposal (103 for the residential uses and 31 for the commercial and retail elements); this is not disputed by the Highways Team.

The development proposes a total of 39 car parking spaces within two distinct car parking areas; this is less than one-third of the maximum requirement (i.e. a shortfall of 95 spaces). The submission confirms that none of the 8 one-bed flats will have an allocated parking space and that each of the 41 two-bed flats will have one allocated parking space.

It is also confirmed that visitors and those using the commercial units will be expected to use existing town centre parking facilities including the new car park situated within Area 2.

It is argued by the applicant that because the Council's parking standards are expressed as a maximum; the level of proposed parking is policy compliant. It has also been highlighted by the applicant that a new (albeit small) town centre car park has been provided within an earlier phase of the development and that extensive car parking is available nearby within the town centre (228 spaces are quoted as being within a 2.5 minute walk of the site).

The Highways Team continues to object to the application, their principal concern being that it has not been demonstrated that existing local car parks have the capacity to accommodate overspill car parking from this development.

The concerns of the Highway Team are noted but it is not considered that a refusal based upon insufficient car parking here could be successfully defended at appeal. This is a highly sustainable, highly accessible town centre location where reduced levels of parking provision are to be expected. The NPPF at Paragraph 39 advises that local planning authorities, when setting local parking standards, should take into account the accessibility of the development; the type, mix and use of development; the availability of and opportunities for public transport; local car ownership levels; and an overall need to reduce the use of high-emission vehicles. Whilst this paragraph relates to the setting of policy standards rather than the assessment of individual planning applications, the principles are the same. This site is highly accessible and the availability and opportunities for using public transport is very good. Furthermore the development comprises solely flatted residential development which often attracts lower levels of car ownership.

It is agreed that in all likelihood customers of the proposed commercial units will utilise existing car parks within the town centre as is the case at present. The development, as stated, will therefore provide 39 spaces for the 49 units. This level of provision is not considered to be inadequate given the site's aforementioned town centre location and 1-2 bed flatted nature of the scheme. It should also be noted that should the developer be required to significantly increase the level of parking provision, this would adversely impact upon the quality of the development, in particular the quality of the public realm and the wider conservation area and that in either event there is little scope for such an increase given the constraints of the site. It is also to be noted that this is a reserved matters scheme and is in line with what was anticipated by the Outline permission in terms of parking availability.

The Highways Team initially expressed concerns that the level of visibility achievable (when exiting the two car parking areas) may be substandard. Revised plans showing visibility splays measuring 2.4m x 25m in both directions at the southern parking area and 2.4m x 23/25m at the northern parking area has been submitted and this issue is therefore resolved. The application complies with saved Policy T26 of the Local Plan in that the maximum parking standards have not been exceeded as well as saved Policy T1 and T24 in respect of highway safety.

Waste Services have raised concerns that refuse vehicles will have difficulty in servicing the site without encroaching into a pedestrian area and passing close to parked cars. Whilst these concerns are noted, given the low frequency that the site will be serviced by refuse vehicles and the small-scale nature of the actual encroachment (slight incursion into a flush pedestrianised area) it is not considered that the proposal will have an unacceptable adverse impact on pedestrian safety.

#### Impact on Heritage Assets

There are no listed buildings in close proximity to the application site and as such it is not considered that the development will affect the setting of any listed buildings. The site however is situated within the Radstock Conservation Area.

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. Here it is considered that the Radstock Conservation Area will be significantly enhanced by the regeneration of a long-vacant site with a scheme which is respectful, sympathetic and complementary to the established built-form surrounding it.

Radstock Methodist Church (which is intended to form the focus of the public square) is not listed but is considered to be an undesignated heritage asset. Be that as it may it is not considered that the proposed development will adversely affect its setting; indeed the new square will enhance it. The application accords with CS Policy CP6 as well as saved Policy BH5 and BH6 in respect of its impact on the historic environment.

#### Conclusion

The proposed development accords with the Council's long-term aspirations for the site and accords with the provisions of the outline planning permission. The design and layout of the scheme is acceptable subject to some amendments (specifically those raised in relation to Block D) and will enhance the character and appearance of the Conservation Area. The use of natural stone on all high profile/highly visible elevations will be particularly effective in reinforcing the character and appearance of the Conservation Area as well as raising the overall quality of the scheme. The new public square will provide a new focal point in Radstock town centre as envisaged in the outline planning permission and the cluster of new commercial units around it (and along Frome Road) will improve the vitality of, and retail offer within, the town centre. The level of car parking is considered acceptable for a mixed-use development of this nature in a highly sustainable and accessible town centre location. The proposed development is for the above reasons acceptable and it is recommended that this application is delegated to officers to resolve the outstanding elevations on Block D and permit subject to conditions.

#### **RECOMMENDATION**

Delegate to PERMIT

#### **CONDITIONS**

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

No construction of the external walls of Blocks A-D inclusive shall commence until a sample panel of all natural stone walling to be used has been erected on site, approved in writing by the Local Planning Authority, and kept on site for reference until the development is completed. The development shall 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.

### **2 Materials - Sample of Render (Bespoke Trigger)**

No external walls of the development shall be rendered until a sample of the colour and texture of the render to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the approved materials.

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 Roofing Materials (Bespoke Trigger)**

No construction of the roof of the development shall commence until a sample of all external roofing materials has 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: 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 The central pedestrian square between Frome Road and Fortescue Road shall, unless otherwise agreed in writing by the local planning authority, be completed either:

(i) in accordance with the following drawings: Hard Works Proposals: Drawing No. 4930\_100\_D; Soft Works Proposals: Drawing No. 4930\_200\_D; Lighting Plan: Drawing No. 12638-1-B and Proposed Site Layout: Drawing No. (05) 02 Rev S or;

(ii) if the land identified by red hatch in drawing no. 15043 (05) 008 Rev C becomes available to the developer of the scheme for development prior to first occupation of the development, in accordance with the 'Church Square Option Plan': Drawing No. (05) 009 Rev A as supplemented by additional detail required by Condition 5 below

Reason: To ensure that best endeavours are taken to provide a fully functional public square incorporating a pedestrian link to Fortescue Road.

5 In the event that the hatched area referred to in Condition 4 forms part of the public square, prior to work commencing on that element of the square the following supplemental information shall be submitted for the local planning authority's written approval:

- o details of softworks/planting within the hatched area;
- o details of hardworks within the hatched area;
- o detail of any lighting within the hatched area and;
- o details of how vehicles will be prevented from entering the square from Fortescue Road

The square shall be constructed in accordance with the details so approved:

Reason: To ensure high quality design.

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:**

#### Plans List

- Site Location Plan: Drawing No. (05) 01 Rev B
- Proposed Site Layout: Drawing No. (05) 02 Rev S
- Block A Proposed Elevations: Drawing No. (05) 101 Rev A
- Block A Proposed Floor and Roof Plans: Drawing No. (05) 100 Rev C
- Block B Proposed Elevations: Drawing No. (05) 103 Rev B
- Block B Proposed Floor and Roof Plans: Drawing No. (05) 102 Rev B
- Block C Proposed Elevations: Drawing No. (05) 105 Rev B
- Block C Proposed Floor and Roof Plans: Drawing No. (05) 104 Rev C
- Block D Proposed Elevations: Drawing No. (05) 108 Rev H
- Block D Proposed Ground and First Floor Plan: Drawing No. (05) 106 Rev D
- Block D Proposed Second Floor and Roof Plan: Drawing No. (05) 107 Rev D
- Material Finishes Plan: Drawing No. (05) 007 Rev E
- Soft Works Proposals: Drawing No. 4930\_200\_D
- Hard Works Proposals: Drawing No. 4930\_100\_D
- Lighting Plan: Drawing No. 12638-1-B
- Bin and Cycle Storage Plan and Elevations: Drawing No (05) 109 Rev A
- Proposed Levels: Drawing No. 110 Rev P3
- Pavement Construction and Kerbing: Drawing No. 700 Rev P4
- Drainage Layout: Drawing No. 500 Rev P4
- Church Square Option Plan: Drawing No. (05) 009 Rev A
- Hatched Area Plan: Drawing No. 15043 (05) 008 Rev C

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.

### **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.

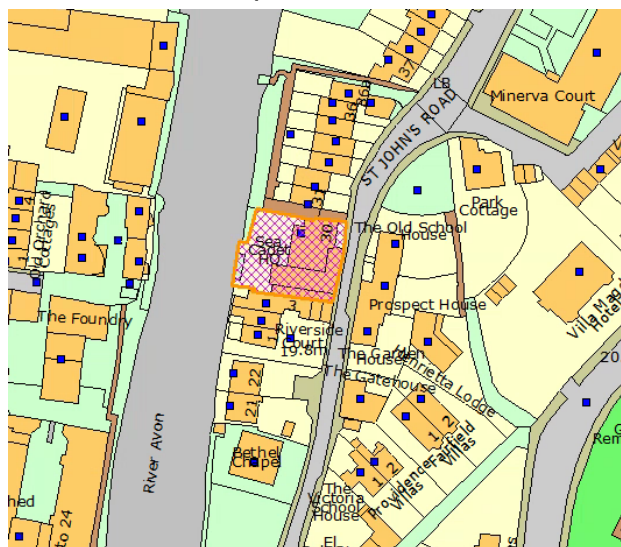
Pre-occupation - The condition requires the submission and approval of further information, drawings or details before occupation of all or part of the approved development.

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:** 16/03359/FUL  
**Site Location:** Bath Sea Cadet Corps St John's Road Bathwick Bath BA2 6PX



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

<b>Application Type:</b>	Full Application
<b>Proposal:</b>	Mixed use development comprising replacement accommodation for the Sea Cadets with Student Accommodation (18 No. Studios) following demolition of existing buildings
<b>Constraints:</b>	Affordable Housing, Agric Land Class 3b,4,5, Article 4, Article 4, Conservation Area, Flood Zone 2, Flood Zone 3, Forest of Avon, Hotspring Protection, LLFA - Flood Risk Management, MOD Safeguarded Areas, Sites of Nature Conservation Interest, SSSI - Impact Risk Zones, World Heritage Site,
<b>Applicant:</b>	Bath Sea Cadets
<b>Expiry Date:</b>	6th September 2016
<b>Case Officer:</b>	Chris Griggs-Trevarthen

## REPORT

### REASON FOR REPORTING APPLICATION TO COMMITTEE

Cllr. Jonathan Carr and Cllr. Peter Turner have both requested that the application be determined by committee.

Cllr Jonathan Carr has given the following reasons:

- o Proposals to build student accommodation instead of residential accommodation are contrary to the core strategy which requires an increase and intensification of residential properties in the city;
- o Consideration must be given to the impacts upon residential amenity;
- o Consideration of the impact of a substantial increase in accommodation upon a small residential street;
- o Failure to meet a number of criteria on the sustainability checklist.

Cllr. Peter Turner has given the following reasons:

- o New premise will be ideally suited for the Sea Cadets
- o The provision of 18 residential studios will make the project viable
- o Sea Cadets perform a role for young people
- o The application satisfies all social, economic and environmental considerations.

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

## DESCRIPTION

The application site is situated on the west side of St Johns Road adjacent to the River Avon. It is situated on the outside of a bend in St Johns Road and is located opposite the Grade II listed former Bathwick Church of England School. It currently comprises a two storey Victorian building, originally built as a dwelling, set back approximately 3m from the road. The existing building has had a number of alterations and additions and now includes a number of single storey extensions around it.

The site is located within the Bath World Heritage Site and Conservation Area. It is also located within flood zones 2 and 3a. The River Avon adjacent to the site is designated as a Site of Nature Conservation Interest ("SNCI").



The proposal is for a mixed use development comprising replacement accommodation for the Sea Cadets with Student Accommodation above (18 No. Studios) following demolition of the existing buildings on the site.

The site has no relevant planning history.

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

HIGHWAYS: No objection, subject to conditions

ECOLOGY: No objection, subject to conditions

CONSERVATION: No objection, subject to conditions

ARCHAEOLOGY: No objection, subject to conditions

DRAINAGE AND FLOOD RISK: No objection, subject to conditions

EMERGENCY PLANNING: No objection

ENVIRONMENT AGENCY: No objection, subject to conditions

AVON AND SOMERSET POLICE: No objection, subject to comments.

CANAL AND RIVERS TRUST: No comments

THIRD PARTIES/NEIGHBOURS: An objection petition with 16 signatures was received. A further 11 objection comments were received. The main issues raised were:

St John's Road is a quiet residential street

Introduction of student accommodation will adversely impact upon the quality of life for - the street's existing residents.

Student accommodation will not help to meet housing need

Proposal is grossly overdeveloped

It is situated at a pinch point in the road with limited visibility

Vehicle movements servicing the student accommodation (refuse, etc.) is a concern

Seagulls will be attracted by the development due to the increased refuse

Scale, height and intensive occupation would be out keeping with the character and amenity of the area

It will be visually overbearing in the street

Security and use by students of open areas

Noise arising from the students

Loss of light to adjoining properties

Overlooking of adjoining properties

Overbearing impact on adjoining properties

Height is in excess of the existing buildings and is overbearing

No parking facilities plus increase in car use

Concern about use of flat roof as a social area for students

A petition of support with 259 signatures was received. 97 of those signing this petition gave comments. A further 3 comments of support were received. The main issues raised were:

Sea Cadets is a charity supported entirely by its ability to fund raise  
Existing building is in need of significant repair and has resulted in escalating maintenance costs.  
Development will secure the future of the Sea Cadets in Bath  
Proposal offers brand new, purpose built facilities with upgraded classrooms, disabled access and improved water access.  
Current costs of repairs to existing building not achievable  
Many young people benefit from the support of the Sea Cadets  
Impact from the student residence will be minimal for local residents  
Adequate plans have been made for waste storage, cycle storage and access

### **POLICIES/LEGISLATION**

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

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

### **RELEVANT CORE STRATEGY POLICIES**

- B1 Bath Spatial Strategy
- B4 The World Heritage Site and its Setting
- B5 Strategic Policy for Bath's Universities
- CP2 Sustainable Construction
- CP5 Flood Risk Management
- CP6 Environmental Quality
- CP7 Green Infrastructure

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

### **RELEVANT LOCAL PLAN POLICIES**

- D.2 General Design and public realm considerations
- D.4 Townscape considerations
- CF.1 Protection of land and buildings used for community purposes
- CF.2 Provision of new or replacement community facilities
- ES.5 Foul and surface water drainage
- ES.12 Noise and vibration
- ES.15 Contaminated Land
- NE.9 Locally important wildlife sites
- NE.10 Nationally important species and habitats
- NE.11 Locally important species and habitats
- NE.15 Character, amenity and wildlife value of water courses
- BH.2 Listed buildings and their setting

- BH.6 Conservation Areas
- BH.7 Demolition in Conservation Areas
- BH.12 Important archaeological remains
- BH.13 Significant archaeological remains in Bath
- BH.22 External lighting
- T.1 Overarching access policy
- T.3 Promotion of walking and use of public transport
- T.6 Cycling Strategy: cycle parking
- 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. The draft plan was submitted to the Secretary of State for Examination on the 12th April 2016 and the Examination hearings will commence on 13th September 2016. The plan is therefore considered to be at an advanced stage and greater weight can be afforded to it according to the extent to which there are unresolved objections to the relevant policies.

#### 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
- D8 Lighting
- H1 Historic Environment
- NE3 Sites, species and habitats
- PCS2 Noise and vibration
- PCS5 Contamination
- LCR2 New or replacement community facilities
- ST1 Promoting sustainable travel
- ST7 Transport requirements for managing development
- BD1 Bath Design policy

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

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

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

#### OFFICER ASSESSMENT

The main issues to consider are:

1. Demolition of a building in the Conservation Area
2. Principle of replacement community facilities
3. Principle of student accommodation
4. Flood risk
5. Character and appearance
6. Residential amenity
7. Highways safety and parking
8. Ecology
9. Archaeology
10. Surface water drainage
11. Other matters

## DEMOLITION OF A BUILDING IN THE CONSERVATION AREA

In accordance with policy BH.7, the demolition of an existing building which makes a positive contribution to the special character and appearance of the Conservation Area should only be permitted if, inter alia, the proposed development would make a similar or greater contribution to the special character or appearance of the area.

The existing building on the development site appears to be a mid to late 19th Century, two storey residential unit. This building has been subject to a number of extensive additions, since the Sea Cadets took over ownership in 1953, in order to adapt it for facilities tied to the Sea Cadets use of the site.

Whilst this building does make a minor positive contribution towards the Conservation Area, it has been subject to a number of additions that detract from its original architectural qualities, together with some unfortunate alterations such as the removal of its original windows. This has diminished the significance of this building within the context of the Conservation Area to a minor role.

The proposed development is considered to make a greater contribution to the special character and appearance of the area than the existing building. This is discussed in more detail in the 'character and appearance' section below.

In light of the above, it is considered that the proposed demolition is acceptable in accordance with policy BH.7.

## PRINCIPLE OF REPLACEMENT COMMUNITY FACILITIES

The existing building used by the Bath Sea Cadets is considered to be a community facility. In accordance with policy CF.2 of the Local Plan, the replacement of community facilities will be permitted provided that they are within or well related to a settlement. The site is located close to the centre of Bath and clearly meets this requirement. The principle of replacement of the Sea Cadets facilities is therefore acceptable.

Furthermore, the existing facilities are run down and delapidated. The replacement of the Sea Cadets' existing facilities will therefore provide a range of benefits which are discussed in greater detail in the sections below.

## PRINCIPLE OF STUDENT ACCOMODATION

Policy B5 of the Core Strategy seeks to restrict proposals for off-campus student accommodation within the Central Area or Enterprise Area of Bath where this would adversely affect the realisation of other aspects of the vision and spatial strategy for the city in relation to housing and economic development.

The application site is situated outside of the Central Area and Enterprise Area and so is not restricted by policy B5.

Comments made by Cllr. Jonathon Carr suggests that the proposal for student accommodation on this site could undermine the Core Strategy policy B1 (3a) for accommodating an additional 1,150 new homes through small scale intensification distributed throughout the existing urban area of Bath. However, the site is not allocated for residential development and has not been included within the Strategic Housing Land Available Assessment ("SHLAA"). This is therefore considered to be a windfall site which does not undermine the vision or spatial strategy in respect of housing provision.

Cllr. Carr and other representations received raise further concerns about the impact of student accommodation upon the character of St Johns Road and upon residential amenity. These are discussed further in the relevant sections below.

## FLOOD RISK

The site falls within flood zone 2 and 3a which means it is classified as having a medium/high probability of flooding. The proposed community use on the ground floor is categorised as a 'less vulnerable' use and the proposed student accommodation on the upper floors is categorised as being 'more vulnerable'. The NPPG advises that where developments contain different elements of vulnerability, the highest vulnerability category should be used.

Accordingly, the proposed development is considered to be a 'more vulnerable' use within flood zone 3a. The proposal is therefore required to pass both the sequential and exception test.

The sequential test requires the applicant to demonstrate that there are no other reasonably available sites which could accommodate the proposed development in an area of lower flood risk. When apply the sequential test, the NPPG advises that a pragmatic approach should be taken.

The proposed development is a partnership between the Bath Sea Cadets and a commercial developer. The Sea Cadets are governed by a national charity, the Marine Society and Sea Cadets. Their charitable status enables them to raise funds to meet their running costs, but it is stated that they have insufficient surplus to fund the capital

investment required to upgrade their facilities. The development delivery model therefore requires the input of their only asset, the land in their ownership, whilst the commercial developer funds the rest of the development.

Given that delivery of the development relies upon the input of the Sea Cadets' existing site, it is considered, taking a pragmatic approach, that this is the only reasonably available site where the proposed development could come forward.

The Sea Cadet aims to give young people instruction on a naval theme within their community. The Bath Sea Cadets operate and draw a large part of their membership from the city of Bath. It is therefore considered that the area of search of alternative sites should be reasonably limited to the city of Bath. Furthermore, the activities of the Sea Cadets includes instruction and practice about a range of nautical activities. It is therefore also necessary to consider that by the very nature of the use, the Sea Cadets require a riverside location much of which is, unsurprisingly, at similarly high levels of flood risk as the application site. The potential area of search for an alternative site would therefore be significantly limited and unlikely to uncover a preferable site in terms of flood risk.

In any case, due to the unique development model and aims of the development, which is reliant upon the Sea Cadets inputting land which is already in their ownership, undertaking the development on an alternative site would not be feasible or pragmatic. The proposal is therefore considered to pass the sequential test.

The exception test consists of two parts. The first requires that the development provides wider sustainability benefits to the community that outweigh flood risk. In determining the wider sustainability benefits to the community it is necessary to the three dimensions of sustainable development as set out in paragraph 7 of the NPPF: economic, social and environmental.

In terms of economic benefit to the community, the proposal will support the continued growth and success of the city's Universities, the importance of which to the city's economy is reflected within the emerging Placemaking Plan. The applicant has also submitted information to support the claim that each additional student contributes £9,560 in extra added value, resulting in the development supporting a potential economic contribution of £162,520 to the local economy. Additionally, the proposed development will give rise to approximately 60 jobs during its construction and will generate approximately £48,280 in Community Infrastructure Levy.

There are numerous social benefits arising from the scheme. The Bath Sea Cadets provide an important social and community function through their work, in particular providing opportunities for personal and skills development of young people. The proposals enable the Sea Cadets to upgrade their existing dilapidated facilities with modern up-to-date facilities. The applicants state that the existing facilities are in a poor state of repair attracting ever increasing maintenance costs. It is suggested that the provision of modern facilities at zero cost to the Sea Cadets, will reduce their maintenance costs helping to secure the future of the Sea Cadets in Bath. Whilst no figures or costs have been submitted to support these assertions, it stands to reason that the proposed modern facilities are likely to have lower maintenance costs than the existing dilapidated building.

In environmental terms, the proposals utilise previously developed land to deliver the above benefits. The proposals are also considered to make a more efficient use of the land. Whilst the proposals involve the loss of a building making a minor contribution to the Conservation Area, the proposed replacement will make a greater contribution to the area and will be designed to meet the latest building regulations and sustainability standard. This will be discussed further in the character and appearance section below.

In light of the above, it is considered that the proposals will provide economic, social and environmental benefits to the wider community which are sufficient to outweigh the flood risk.

The second part of the exception test requires that a site-specific flood risk assessment ("FRA") to demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

An FRA has been submitted with the application. This has been reviewed by the Environment Agency who have raised no objection to the proposal subject to conditions requiring finished floor levels above 23.64m AOD and compliance with flood resilience measures set out in the FRA. The Council's Drainage and Flood Risk Team have also reviewed the development and raised no objection, subject to the completion of a flood warning and evacuation plan prior to its occupation.

In light of the advice received, it is considered that the proposed development will be safe for its lifetime and will not increase flood risk elsewhere. The proposal is therefore considered to meet both parts of the exception test and is acceptable in flood risk terms.

## CHARACTER AND APPEARANCE

The site is in the Bath Conservation Area on the outside of a bend on St Johns Road and addresses the river. To the north, the site is adjacent to a set of two and three storey dwellings of a modern appearance and varied building line. To the south, the frontage abuts a single storey garage and is adjacent to a three storey Georgian house set back approximately 15m from the frontage. It is opposite the Grade II listed former Bathwick Church of England School, which has a strong presence in the street, although its original function is no longer current. The school is particularly important for its interpretation of Gothic Revivalist architecture. Further down St John's Road is the grade II listed Church of St John the Baptist.

There are views through the existing site across the river towards the spire of 'St Michael's Without' Church and glimpsed views of the Paragon.

The proposed replacement building is a combination of two and three storeys and occupies the majority of the width of the site. The arrangement of the built form enables important, high level views through the site to be retained.

The footprint of the building is slightly smaller than the existing building and is slightly set back from the building line of the existing building. However, the proposed building is taller than the adjoining properties and does not have the same subservient relationship to the

listed building opposite as the existing building does. However, the massing has been successfully articulated which helps to moderate this impact and acts as a step down towards the more traditional group of terrace houses to the south allowing the proposed building to sit comfortably within the street scene.

The style of the proposed building is deliberately contemporary in its approach. Given the variety of different architectural styles in the surrounding area this approach is considered acceptable. The proposed palette of materials includes a mixture of natural bath stone (ashlar and rubble-coursed), horizontal timber cladding, pre-patinated zinc standing seam roof and aluminium frame windows (dark grey). This is considered to be an acceptable palette of materials and ensure that the proposed development is of an appropriately high quality which sits comfortably within this context.

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

## RESIDENTIAL AMENITY

The proposed building would be adjacent to both no. 31 St Johns Road, to the north, and no. 3 Riverside Court, to the south. Both neighbouring properties contain side and front facing windows.

The height of the proposed building adjacent to 3 Riverside Court is limited to two storey and there is a reasonable degree of separation between the two properties. The first floor and second floor windows on the side elevation which face the development site contain non-habitable rooms. The proposed development results in a large building being positioned in a similar location near to these windows. However, given that they do not serve habitable rooms and are north facing, the impacts upon these windows are considered to be relatively minor.

The proposed building is three storeys adjacent to 31 St Johns Road to the north, but with a separation of approximately 3m. There is a single, first floor, bathroom window in the side of 31 St Johns Road which faces the application site. The separation retained between the building means that there only be a minor impact upon this window and, given that it serves a non-habitable room, it is not considered to have any significant impact on the amenity of this building.

The three storey height of the building means that the proposed building will be visible from the front facing windows of both 31 St Johns Road and 3 Riverside Court. However, the proposed building does not directly obscure the outlook from these windows and, due to the separation will not appear overbearing. Some direct sunlight, during certain times of the morning, will potentially be restricted from the front facing windows of 31 St Johns Road, but the overall level of daylight received from these windows is acceptable and will not result in significant harm to amenity to warrant refusal of the application.

The proposed building contains a few windows within its north and south elevations which will face towards 31 St Johns Road and 3 Riverside Court respectively.



The only window on the south elevation with a potential view towards 3 Riverside Court is a secondary window within the southernmost studio on the first floor. Given that this is a secondary window, a condition can require that it is obscurely glazed without adversely affect the living environment of the studio. The windows in the south elevation at second floor level will not offer any direct views into the private areas of 3 Riverside Court due to their set back from the edge of the first floor flat roof area.

Glazing in the north elevation is limited to the circulation areas of the student accommodation at first and second floor level. These windows will face towards 31 St Johns Road and could offer potential views towards the existing first floor bathroom window. It is therefore considered necessary and reasonable that these windows are obscurely glazed. The north facing, ground floor windows will not offer the same views and do not need to be obscurely glazed.

The former Bathwick Church of England School situated opposite the site contains some ground floor windows facing the development site. However, these are separated from the proposed building by the width of the street and will continue to receive a good level of light, such that the amenity of the occupiers will not be significantly affected.

Opposite the rear of the site across the river lies two residential properties forming part of The Stoneyard development accessed off Old Orchard (via Walcot Street). The proposed development will contain a number of windows facing towards the windows within no. 3 and 4 The Stoneyard. However, the distance between these properties and the proposed building is more than 30m and is considered sufficient to prevent any harmful overlooking from occurring.

Some comments have been made about the potential for the student accommodation to give rise to noise and disturbance of existing residents. The proposed use of the site for 18 units of student accommodation is not considered to be excessive or to inherently lead to any increase in noise or disturbance. However, further comfort can be derived from the fact that the student occupiers will not have access to the outside rear area of the site. This will be restricted to use by the Sea Cadets and will be secured with a locked gate. There are therefore no outside areas within the site available for congregating in a manner which may result in potential noise disturbance. Furthermore, clarity has been provided by the applicant that the access shown onto the first floor flat roof area is provided for maintenance only and will not be accessible to student occupiers. These matters can be secured through a condition requiring a student management plan which will also assist in ensuring that there are no adverse impacts in terms of noise and disturbance.

## HIGHWAYS SAFETY AND PARKING

St Johns Road is a relatively low speed, residential street. The application site is located adjacent to a part of the street where the road narrows and priority signs are in place. The site is in an area of parking restrictions with some short stay parking available in the local area. No parking is proposed as part of the application.

The replacement of the Sea Cadet facilities on this site is unlikely to have any significant impact on the operation of the local highway. The Highways Officer has also advised that the introduction of student accommodation in this location is unlikely to have a significant

impact on the operation of the local highway because it is unlikely that student residents would be entitled to any on-street parking permits. The short stay parking is available in the area and would need to be used at the start and end of each University semester for student drop off / pick up. Further control of the drop off / pick up process can be achieved through a student management plan which can be secured by condition. The Highways Officer therefore has no objection to the proposal.

Secure long stay cycle parking would be provided as part of the scheme. The Highways Officer also requested some additional cycle stands at the front of the building to be used by visitors to the Sea Cadets and students alike. The applicant has agreed to this request and incorporated the changes into the proposed plans.

The Highways Officer considers that, whilst the operational phase of the development is unlikely to have a significant impact, the construction phase in this sensitive part of Bath will need to be actively managed. A Construction Management Plan therefore requires agreement prior to the commencement of development.

## ECOLOGY

The proposal lies immediately adjacent to the River Avon which is of high ecological and aquatic habitat value. It is used by a range of wildlife including protected species such as bats (including light sensitive horseshoe bats associated with the Bath & Bradford on Avon Bats SAC), otter and kingfisher and is a designated Site of Nature Conservation Interest (SNCI).

A bat survey report was submitted with the planning application and reviewed by the Council's Ecologist. Following some initial concerns about the possibility of bat roosts being missed, the applicant's ecologist has undertaken further endoscope inspections and confirmed that there are no roosts present in the existing building. The Council's ecologist is satisfied with this approach and has raised no objection. They have also requested a precautionary working methods statement for the protection of bats during the demolition and construction. This can be secured through a condition requiring a Construction Environmental Management Plan.

The Council's ecologist had initially raised some concerns about the potential impacts of light spill from the proposed building onto the river. However, additional information has now been submitted in relation to the lighting, including proposed use of the glazing product Solaveil to reduce light spill. This information satisfactorily addresses the issues around light spill and the Council's ecologist is confident that with this, the risk of harm to bats of the SAC or their flight activity and use of the river can be eliminated and that they will not be harmed by the proposal. Demonstration of acceptable light levels can be secured by condition.

## ARCHAEOLOGY

The Council's Senior Archaeological Officer advises that the proposed development lies in close proximity to the Bathwick and Henrietta Gardens area of Roman occupation and

burial activity. An archaeological watching brief condition is therefore proposed to ensure that that any items of interest are examined and recorded.

## SURFACE WATER DRAINAGE

The submitted FRA makes reference to allowing the discharging of surface water from the site into the River Avon. This approach is considered to prevent discharge of water onto the highway and does represent a more sustainable methodology for the management of surface water and is accepted by the Council's Flood Risk and Drainage Team. However, limited details have thus far been provided and a detailed drainage strategy is required. This can be secured by condition.

## OTHER MATTERS

Some concerns have been raised about refuse storage and management on the site, particularly that associated with the proposed student accommodation. The submitted drawings show an area on the ground floor allocated as a bin store. The majority of purpose built student accommodation blocks operate a communal waste storage and collection approach, rather than requiring individual occupiers to leave a black bag for kerbside collection. This is likely to be the case with the current proposal and further details of the waste storage, collection and management can be secured as part of the student management plan condition.

Allied to the concerns about refuse, are concerns about urban gulls potentially attracted by the outside storage of waste. As discussed above, the proposed bin storage is located internally on the ground floor and is therefore unlikely to result in attracting or encouraging the proliferation of urban gulls.

Concern have been raised by Cllr. Carr about the sustainability of the proposal given that it fails to meet some of the criteria on the sustainability checklist required by policy CP2 of the Core Strategy. In fact, the proposal does meet quite a number of the sustainability criteria including, inter alia, the orientation of built form to maximise natural daylight and sunlight into the building, a south facing pitched roof which can accommodate solar PV panels, a design incorporating natural ventilation, use of heavyweight materials, the avoidance of cold bridging, energy efficient fittings and windows and efforts to reduce waste. Whilst it does not meet all of the criteria, it is considered to meet enough to be considered a reasonably sustainable construction and comply with the requirements of policy CP2.

The Crime Prevention Design Advisor from Avon and Somerset Police has offered a number of comments about the security of the site. These comments largely relate to the specification of the various built elements of the scheme, e.g. windows, doors, cycle store, etc. They have also provided advice about positioning of CCTV and good management practices to ensure the security of the site and its occupiers. The comments are noted and have been passed onto the applicant to incorporate into the student management plan.

## CONCLUSION

The proposals accord with the above listed relevant policies of the Bath and North East Somerset Core Strategy, the Bath and North East Somerset Local Plan and the emerging Bath and North East Somerset Placemaking Plan and, in accordance with paragraph 17 of the National Planning Policy Framework, should be approved without delay.

## **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 The construction of the external walls shall not commence until large scale details of the proposed windows (1:20), including details of the reveals, have been submitted to and approved in writing by the Local Planning Authority. The windows shall thereafter be installed in accordance with the approved details.

Reason: In the interests of the character and appearance of the development and the surrounding Conservation Area in accordance with policies D.2, D.4 and BH.6 of the Bath and North East Somerset Local Plan and policy CP6 of the Bath and North East Somerset Core Strategy.

### **3 Construction Environmental Management Plan (Pre-commencement)**

No development shall commence until a Construction and Environmental 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 ;

site compound arrangements.;

The measures to be used during the development in order to minimise environmental impact of the works (considering both potential disturbance and pollution);

Construction methods;

Any necessary pollution protection methods;

Information on the persons/bodies responsible for particular activities associated with the method statement that demonstrates they are qualified for the activity they are undertaking;

A name supervisory licence bat worker ecologist; and,

Precautionary working methods to avoid harm to bats.

The development hereby permitted shall thereafter be carried out only in accordance with the approved CEMP.

Reason: To ensure that safe operation of the highway, in the interests of protecting residential amenity, to avoid harm to bats and the River Avon during site preparation demolition and construction in accordance with Policies T.24, D.2, NE.9, NE.10, NE.11 and ES.15 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 these matters.

#### **4 Surface Water Drainage Strategy (Bespoke Trigger)**

No development, exception demolition, shall commence until a detailed surface water drainage strategy has been submitted to and approved in writing by the Local Planning Authority. The approved strategy shall be completed prior to the occupation of the building and retained permanently thereafter.

Reason: To ensure that there is a satisfactory strategy for surface water drainage in the interest of flood risk management and highway safety in accordance with policy CP5 of the Bath and North East Somerset Core Strategy.

#### **5 Archaeology (Bespoke Trigger)**

No development, except for demolition, shall take place within the site 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 in accordance with policies BH.12 and BH.13 of the Bath and North East Somerset Local Plan.

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

No construction of the external walls of the development shall commence until a sample panel of all external walling and roofing materials to be used has been erected on site, approved in writing by the Local Planning Authority, and kept on site for reference until the development is completed. The development shall 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.

#### **7 Student Management Plan (Pre-occupation)**

No occupation of the development shall commence until a student management plan has been submitted to and approved in writing by the Local Planning Authority. This shall include details of:

The arrangements for student drop off / pick up at the start and end of each University semester;  
refuse storage, management and collection;  
site security; and,  
any supervision and management arrangements.

The student accommodation use shall thereafter operate only in accordance with the approved student management plan.

Reason: In the interests of highways safety, residential amenity, to reduce potential noise and disturbance and to ensure the good management of the building in accordance with policies T.24, D.2 and ES.12 of the Bath and North East Somerset Local Plan.

### **8 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.

### **9 Light assessment (Bespoke Trigger)**

Within 12 months of occupation of the approved building a light level assessment shall be submitted containing a methodology for light level sampling that shall have previously been agreed in writing with the LPA, together with the lux level measurement data. This shall include preconstruction lux levels and post occupation lux levels taken from the riverside at a variety of heights at a time of year and time of evening when lights are in use and maximum typical usage of internal and external lights would be considered likely. The details shall demonstrate zero lux light spill onto the river Avon and the river bank, above pre-construction lux levels. Detailed proposals of any necessary remediation measures and further monitoring and reporting of lux levels shall also be provided if applicable.

Reason: To ensure the avoidance of increased light levels onto the River Avon and associated harm to wildlife including bats using the River Avon in accordance with policy NE.10 of the Bath and North East Somerset Local Plan.

### **10 Finished Floor Levels (Compliance)**

The development hereby permitted shall be constructed with Finished floor levels of the residential accommodation on the first floor set at a minimum 23.64mAOD.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with policy CP5 of the Core Strategy and the National Planning Policy Framework.

### **11 Flood Resilience Measures (Compliance)**

The development permitted by this planning permission shall be carried out in full accordance with the Flood Risk Assessment (FRA) dated 26 June 2016 by Clive Onions Consulting Civil Engineer and the following mitigation measures detailed in section 9:

Flood resilient materials up to a height of 2m on the ground floor e.g. hard floors; and, Services such as the electrical consumer board, boiler and IT equipment will be located above the 2039 climate change level.

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

Reason: To reduce the risk of flooding to the proposed development and future occupants.

### **12 Obscure Glazing Window(s) (Compliance)**

The proposed first floor window in the south elevation and the first and second floor windows in the north elevation shall be obscurely glazed and non-opening. Thereafter the window shall be permanently retained as such.

Reason: To safeguard the residential amenities of adjoining occupiers from overlooking and loss of privacy in accordance with Policy D.2 of the Bath and North East Somerset Local Plan.

### **13 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:**

P001	Site Location Plan
P002	Existing Site Plan
P003	Existing Elevations 1 of 2
P004	Existing Elevations 2 of 2
P005	Proposed Site Plan
P006 Rev A	Proposed Ground Floor Plan
P007	Proposed First Floor Plan
P008	Proposed Second Floor Plan
P009	Proposed Roof Plan
P010	Proposed Elevations 1 of 2
P011	Proposed Elevations 2 of 2
P012	Proposed Sections
P015	Existing Site Plan Enlarged
P016	Existing Building Section

#### **DECISION MAKING STATEMENT**

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

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

### **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.

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

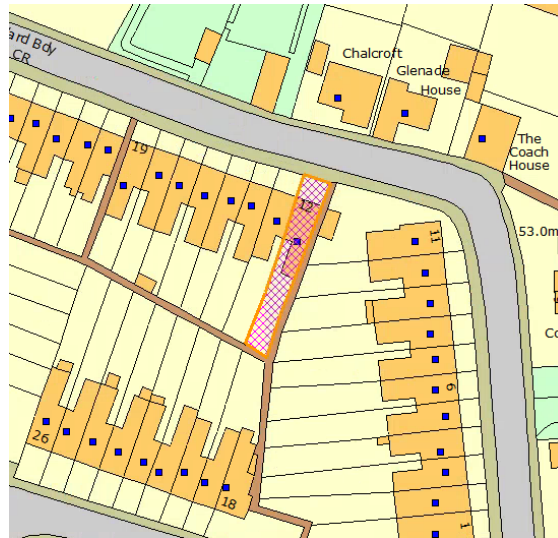
The applicant should note that the site is located within a Controlled Parking Zone where existing permits exceed the supply of parking spaces. As such, in accordance with Single Executive Member Decision E1176, dated 14th August 2006, residents of this proposed development will not be entitled to apply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

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>.

**Item No:** 03  
**Application No:** 16/03047/FUL  
**Site Location:** 12 Junction Road Oldfield Park Bath Bath And North East Somerset BA2 3NH



**Ward:** Oldfield                      **Parish:** N/A                      **LB Grade:** N/A  
**Ward Members:** Councillor Shaun Andrew Stephenson-McGall    Councillor W    Sandry  
**Application Type:** Full Application  
**Proposal:** Erection of single storey rear and side extension following demolition of existing outbuilding and conservatory to increase occupancy of HMO from 5 to 6.  
**Constraints:** Affordable Housing, Agric Land Class 3b,4,5, Article 4, Article 4, Article 4, Conservation Area, Forest of Avon, HMO Stage 2 test required, Hotspring Protection, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,  
**Applicant:** Mr Martin Thomas  
**Expiry Date:** 1st September 2016  
**Case Officer:** Jessica Robinson

## REPORT

Reasons for reporting application to committee:

This application had been brought before the development management committee because it has been submitted by a local member.

The application relates to the erection of a single storey extension to the rear of an existing HMO following the demolition of an existing outbuilding and conservatory. The proposed development will also increase the number of bedrooms from five to six.

The property is an end of terrace dwelling situated within the Conservation Area and World Heritage site.

#### Relevant History

None.

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

#### Highways:

The applicant is seeking permission to erect a single storey rear and side extension following the demolition of an existing outbuilding and conservatory at 12 Junction Road, Oldfield Park, Bath. The existing property is a 5 bedroom HMO which will be increased to a 6 bed HMO as part of the development.

The site is located on a residential street where there appears to be a high demand for on-street parking which is unrestricted. While occupancy is likely to increase, and there may be concerns over increased parking demand and vehicle movements, the site is very sustainable with good access to bus and train services and car-use should therefore be less intense. The provision of storage for bicycles should be considered as this will help promote more sustainable modes of transport.

There is also the evidence from surveys carried out by Dept. for Communities and Local Govt. which states that rented accommodation with 6 bedrooms has an average car ownership of 0.8 per household while rented properties with 5 bedrooms has an average of 0.7 cars. In this instance the difference in level of car ownership will be negligible based on this survey information.

Given this, and the site's sustainable location, it is not considered that there would be a significant impact on the local highway. Highways, therefore, have no objection to 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

## B4 The World Heritage Site and its Setting

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

- D.2: General design and public realm considerations
- D.4: Townscape considerations
- BH.6 Development within or affecting Conservation Areas
- NE.5 Forest of Avon
- NE.13A Bath Hot Springs

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 Principles
- D.2 Local character and distinctiveness
- D.3 Urban Fabric
- D.5 Building design
- D.6 Amenity
- HE.1 Safeguarding Heritage Assets
- 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

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

### **OFFICER ASSESSMENT**

It should be noted that the property is already a HMO therefore the principal of a HMO is already established and therefore the increase from 5 beds to 6 beds does not require permission as a HMO can accommodate up to 6 unrelated individuals.

The key issues therefore relate to the impact on the character and appearance of the dwelling, the terrace and the wider street scene and Conservation Area, along with the potential impact upon residential amenity.

The alterations will be located to the rear of the dwellinghouse and comprise a dual pitched single storey extension. The extension will infill the area to the side of the existing two storey rear projection and then extend approx. 4.5 metres past the furthest most existing rear wall. The height to the eaves will be approx. 2.4 metres and the height to the ridge will be approx. 3.5 metres. There will be a series of roof lights through the extension and one window and one set of patio doors to the rear elevation.

Policy D.2 of the Local Plan states that development will only be permitted if, amongst other things, the character of the public realm is maintained or enhanced that the development is of a high quality and that the proposed development will not cause significant harm to the amenities of existing or proposed occupiers of residential premises. Policy D.4 states that development will only be permitted where, amongst other things, it responds to the local context in terms of appearance, materials, siting, spacing and layout and the appearance of extensions respect and complement their host building. This is further reinforced by policies BH.6 and B4 which particularly address the impact upon the world heritage site and conservation area.

It is considered that the proposed extension by virtue of its size and height is unacceptable in this location. The overall length of the extension to the rear of the property is disproportionate to the main dwellinghouse and is considered overdevelopment of the site. The dual pitched roof further adds to the mass of built form to the rear of the property, especially set over a length of 4.5 metres. As such it is considered that due to the size, mass form and location of the development there would be an unacceptable impact upon the character of the dwelling, streetscene and locality.

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 considered that the proposal would not preserve or enhance the character or appearance of the Conservation Area and would cause harm to the character and setting of the area. The harm to the significance of the Conservation Area as a whole is considered to be less than substantial, given the relatively minor nature of the proposed development. Therefore, in accordance with paragraph 134 of the NPPF, the public benefits of the scheme need to be weighed against the identified harm. The proposed development would provide only private benefits and in the absence of any public benefits, there is nothing to outweigh the identified harm.

It is also considered that the proposed extension would cause harm to the residential amenities of the neighbouring property to the west. The overall size of the extension along with a propose dual pitched roof would have an overbearing affect upon the neighbouring dwelling. Therefore it is considered that the proposed extension by virtue of its size, form, mass and location would be detrimental to the amenities of the neighbouring dwelling.

As such, it is considered that the proposed development would fail to display the high quality of design that is required to both complement the existing dwelling and to maintain or enhance the character and appearance of the surrounding Conservation Area. Furthermore the proposed development would cause harm to the amenities of neighbouring dwellings. In this regard the proposal would be contrary to Policies BH.6, D.2 and D.4 of the Bath and North East Somerset Local Plan including minerals and waste policies (2007).

Having regard to the location of the property and the relatively minor scale of the development, it is deemed that it will not be detrimental to the significance of Bath's setting as a World Heritage Site.

**RECOMMENDATION**  
**REFUSE**

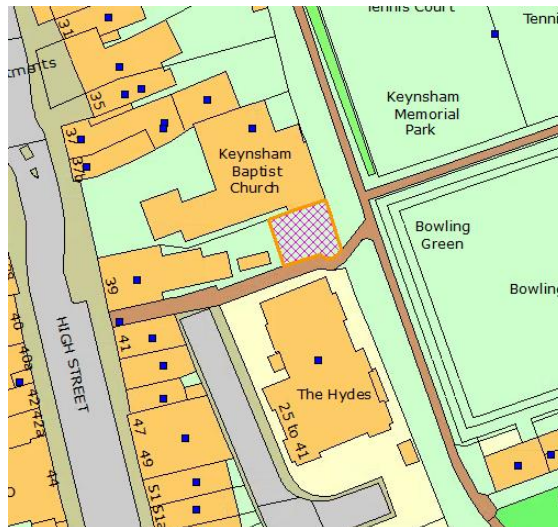
## REASON(S) FOR REFUSAL

1 The proposed development fails to display the high quality of design that is required to both complement the existing dwelling and to maintain or enhance the character and appearance of the surrounding Conservation Area. Furthermore the proposed development would cause harm to the residential amenities of the neighbouring dwelling. The proposal is therefore contrary to saved Policies BH.6, D.2 and D.4 of the Bath and North East Somerset Local Plan including minerals and waste policies (2007), and the guidance within the NPPF.

## PLANS LIST:

- 01 EXISTING AND PROPOSED GROUND FLOOR AND ROOF PLANS
- 02 EXISTING AND PROPOSED REAR AND EAST ELEVATION
- 03 EXISTING AND PROPOSED WEST ELEVATION
- 04 SITE AND LOCATION PLAN

**Item No:** 04  
**Application No:** 16/02631/FUL  
**Site Location:** 39 High Street Keynsham BS31 1DS



**Ward:** Keynsham North      **Parish:** Keynsham Town Council      **LB Grade:** N/A  
**Ward Members:** Councillor Brian Simmons Councillor Charles Gerrish  
**Application Type:** Full Application  
**Proposal:** Erection of two storey building to the rear of no.39 High Street to facilitate 2no. self contained flats. (Resubmission)  
**Constraints:** Affordable Housing, Agric Land Class 3b,4,5, Centres and Retailing, Conservation Area, Forest of Avon, Housing Development Boundary, SSSI - Impact Risk Zones,  
**Applicant:** Dr Wasfy Yanny

<b>Expiry Date:</b>	23rd September 2016
<b>Case Officer:</b>	Alice Barnes

## **REPORT**

Reason for reporting application to committee

The parish council have objected to the application contrary to the case officers recommendation to permit. The application has been referred to the chair who has agreed that the application will be considered by the committee.

### Description of site and application

The application site is located to the rear of Keynsham High Street. The site comprises an area of disused land to the rear of number 39. The land is situated between Keynsham Baptist Church to the north and The Hydes development to the south. There is a pedestrian footpath which runs to the south of the site connecting the High Street with the Memorial Park. The memorial park is located on the rear western boundary. The application site is located within the Conservation Area.

The application relates to the erection of a two storey building to be used as two, two bedroom flats. The proposed development will utilise the existing pedestrian entrance from the footpath. The building has been designed to include a pitched roof and gable ends. It includes dormer windows on the front and rear elevations. The site would be accessed through the existing pedestrian entrance.

### Relevant History

DC - 04/01087/FUL - PERMIT - 25 November 2004 - Change of use from bank (Use Class A2) to restaurant (Use Class A3) (adjacent property).

DC - 13/05275/FUL - PERMIT - 28 January 2014 - Change of use of the first floor into two 2no. bedroomed flats (adjacent property).

DC - 14/00907/FUL - WD - 17 July 2014 - Erection of two storey building to the rear of no.39 High Street to facilitate 2no. self contained flats with cycle/bin store

DC - 15/02419/FUL - RF - 22 July 2015 - Erection of two storey building to the rear of no.39 High Street to facilitate 2no. self contained flats. (Resubmission)

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Highways: The flats are proposed to be accessed by an existing opening in the stone boundary wall adjoining the east-west footpath link between High Street and the park. It should be noted that this path is not a Public Right of Way or an adopted footpath, but as there are already pedestrian accesses from the site onto the path, I assume there to be appropriate rights of access over the path. If access rights do not exist, this is considered to be a private matter between the affected parties.

The construction of the proposed flats will need careful management, particularly having regard to the need to cross the footpath for the deliveries and construction traffic, and this will need to be agreed with the landowner, and as part of a Construction Management Plan.

Drainage: No objection subject to condition.

Archaeology: The proposed development site lies within the historic core of Keynsham to the rear of buildings on the High Street and within their medieval burgrave plots. The neighbouring site to the south in Back Lane was evaluated and excavated by Avon Archaeology Unit in 1991/1994 (HER Reports 2006/287 and 2006/288) revealing late medieval occupation along with possible evidence of the medieval abbey precinct wall. Relevant conditions should be attached.

Environmental Protection: No comment

Councillor Charles Gerrish: The only access to the site is across an existing footpath. Construction cannot be managed safely so close to the footpath.

Keynsham Town Council: Object. The proposed development is of an incongruous nature with the existing Back Lane properties. The scale of the proposed plan is overbearing and would constitute an over development of the site (Policy D2 of the Local Plan).

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

There will be a loss of light to dwellings to the south of the property.

Refuse should not be left on the footpath.

If permission is given, how will the development be constructed?

There will be an increase in traffic to the site. The road could be blocked.

Construction vehicles will block the lane.

The proposed flats will overlook nearby buildings.

There is no parking.

There will be a loss of light to nearby properties.

There will be noise from construction.

There will be a breaching of an ancient wall.

The development will cross a right of way.

The development appears cramped within its site.

It is similar to an application which has been refused.

The plans are not accurate, measurements differ between drawings.

The development may be overbearing on the streetscene.

The access footpath is privately owned.

It would be difficult to escape if there was a fire.

There is no vehicle access.

Construction vehicles could endanger the safety of users of the footpath.

The site may be contaminated.

## **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  
Bh.6: Development within or affecting Conservation Areas.  
T.24: General development control and access policy  
T.26: On-site parking and servicing provision

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

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

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**

The application relates to the erection of a two storey building to be used as two flats. The applicant site forms a disused area of land behind number 39. It is surrounded by a stone boundary wall.

Planning history

An application was submitted in 2014 for two flats. This building was larger than the development proposed under this application and the application was withdrawn.



An application for two flats was submitted in 2015 and was refused as the development was considered to appear to be visually cramped within the existing plot and did not preserve the character of the Conservation Area. This application is for a reduced scheme.

### Principle

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

### Design

The application site is an area of disused land to the rear of number 39. Number 39 is used as an A3 use and includes a number of extensions to the rear and a garden seating area. To the north of the site is Keynsham Baptist church which borders the site, to the south is a footpath which connects Keynsham High Street and the park. Beyond the footpath is the Hydes development which comprises of blocks of flats. The site is surrounded by a stone boundary wall.

The proposed development would be constructed as a two storey property. As stated above it has been designed as a reduced scheme from the previous application. The building has not been set against the rear boundary with the existing park so the existing boundary walls will be retained. The building has been set back from the side boundaries. It is considered that the reduction in the height and depth of the development has removed the cramped appearance of the previous proposal.

The building has been designed to include a pitched roof and gable ends. There is a variety of built forms within the surrounding area and the built form of the proposed development is considered to be accepted. The proposed dormers have been designed so that they do not cover the full width of the roof. They have been set above the eaves and below the ridge and therefore appear subservient to the building.

The height of the building has now been reduced so that it is no higher than the neighbouring Baptist church. The building will not be visible from the street so is not considered to encroach into the setting of the existing Baptist church.

The building will be constructed using rendered walls with cement slates. Such materials are likely to be acceptable but a schedule of materials should be required by condition to ensure that the proposed materials are appropriate. For example the proposed render colour has not been specified.

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

### Highways

The highways officer has raised no objection to the application. The proposed development does not make provision for off street parking. The site is located within the town centre with easy access to local facilities and public transport, and where the surrounding roads are subject to parking restrictions. It is therefore considered to be in a sustainable location. The parking restrictions on the surrounding roads would prevent parking on the public highway.

The flats are proposed to be accessed by an existing opening in the stone boundary wall adjoining the east-west footpath link between High Street and the park. It should be noted that this path is not a Public Right of Way or an adopted footpath, but there are already pedestrian accesses from the site onto the path. If access rights do not exist, this is considered to be a private matter between the affected parties.

Concern has been raised within the representations that the proposed development will result in noise and disruption to nearby residents. Residents have also raised concern that the building works will result in cars parked on the highway and that the cramped site could not be developed without disruption to nearby residents. Construction of the building will occur adjacent to a pedestrian footpath. Such concerns can be controlled with a construction management plan and this does not in itself warrant refusal of the application.

#### Amenity

The application building would be set between the Baptist church and the Hydes flats. No glazing has been proposed on the side elevations so that the proposed building will not result in increased overlooking of neighbouring properties.

The building would be located adjacent to the side wall of the Baptist church. The proposed building is not considered to appear overbearing to the Baptist Church.

The building has been located 5m from the side boundary of the nearby flats at the Hydes. The proposed building is set back from the existing side windows at The Hydes so would not be located directly adjacent to the side windows. Whilst the building will be visible to the occupiers of The Hydes it is not considered to result in a loss of light of appear overbearing that would warrant refusal of the application.

#### Other matters

The archaeology officer has commented that the proposed development site lies within the historic core of Keynsham to the rear of buildings on the High Street and within their medieval burgage plots. The neighbouring site to the south in Back Lane was evaluated and excavated by Avon Archaeology Unit in 1991/1994 (HER Reports 2006/287 and 2006/288) revealing late medieval occupation along with possible evidence of the medieval abbey precinct wall. A condition should be attached to secure a programme of archaeology work.

### **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 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.

### **3 Residents Welcome Pack (Pre-occupation)**

No occupation of the approved development shall commence until a new resident's welcome pack has been issued to the first occupier/purchaser of each residential unit of accommodation. The new resident's welcome pack shall have previously been submitted to and approved in writing by the Local Planning Authority and shall include information of bus and train timetable information, information giving examples of fares/ticket options, information on cycle routes, a copy of the Travel Smarter publication, car share, car club information etc., to encourage residents to try public transport.

Reason: To encourage the use of public transport in the interests of sustainable development in accordance with Policy T.1 of the Bath and North East Somerset Local Plan

### **4 Archaeology (Pre-commencement)**

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

Reason: The site is within an area of potential archaeological interest and the Council will wish to evaluate the significance and extent of any archaeological remains.

### **5 Archaeology (Pre-commencement)**

No development shall commence until the applicant, or their agents or successors in title, has presented the results of the archaeological field evaluation to the Local Planning Authority, and has secured the implementation of a subsequent programme of archaeological work in accordance with a written scheme of investigation which has first been agreed and approved in writing by the Local Planning Authority. The agreed programme of archaeological work shall be carried out by a competent person and completed in accordance with the approved written scheme of investigation.

Reason: The site is within an area of potential archaeological interest and the Council will wish record and protect any archaeological remains.

### **6 Archaeology (Prior to occupation)**

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

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

### **7 Flood Risk and Drainage - Infiltration Testing (Pre-commencement)**

No development shall commence, except ground investigations and remediation, until infiltration testing and soakaway design in accordance with Building regulations Part H, section 3 (3.30) have been undertaken to verify that soakaways will be suitable for the development. If the infiltration test results demonstrate that soakaways are not appropriate, an alternative method of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority and 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.

### **8 Materials - Submission of Schedule and Samples (Bespoke Trigger)**

No construction of the external walls of the development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only 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.

### **9 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:**

Location plan P-100  
Site massing plan P-200  
Proposed ground floor plan P-600  
Proposed first floor plan P-700  
Proposed west and north elevations P-900  
Proposed east and south elevations P-1000  
Proposed roof plan P-800

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.

### **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.

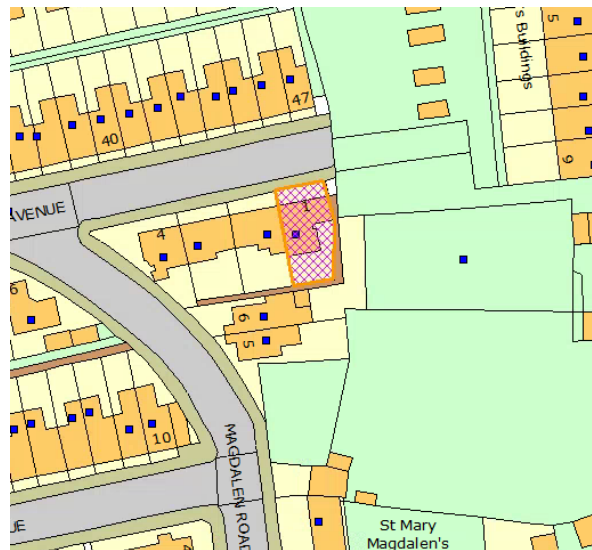
**Bespoke Trigger** - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

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:** 05  
**Application No:** 16/03168/FUL  
**Site Location:** 1 Magdalen Avenue Lyncombe Bath Bath And North East Somerset BA2 4QB



**Ward:** Widcombe                      **Parish:** N/A                      **LB Grade:** N/A  
**Ward Members:** Councillor I A Gilchrist                      Councillor Jasper Martin Becker  
**Application Type:** Full Application  
**Proposal:** Erection of first floor rear extension and rendering of the existing ground floor rear extension (Revised Proposal) (Amended Description)  
**Constraints:** Affordable Housing, Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,  
**Applicant:** Ms Zoe Jones  
**Expiry Date:** 22nd September 2016  
**Case Officer:** Kate Whitfield

**REPORT**

Cllr Ian Gilchrist, Member for the Widcombe Ward, has requested that this application be referred to the Development Management Committee for determination. This referral was agreed by Chair of the Committee.

The application site is an end terrace property located in a residential area just to the south of Bath city centre. The property lies at the eastern end of a terrace of four

properties which front north and are set at a raised level above the road. The terrace is constructed from Bath stone under a tiled roof.

The site lies within the designated Conservation Area for Bath and is within the World Heritage Site boundary.

Planning permission is sought for the erection of a first floor rear extension to provide a bathroom. The application is the resubmission following approval of a previous application in December 2015. The key difference under this application is that it is proposed to clad the rear extension in timber rather than the previously permitted ashlar stone to match the existing building.

### **Relevant Planning History:**

DC - 15/04233/FUL - PERMIT - 17 December 2015 - Erection of two storey rear extension.

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

Cllr Ian Gilchrist, Member of the Widcombe Ward :

My planning reasons for the DMC request are as follows:

I understand that the objection to the proposed extension is primarily focused on the use of timber boarding. There have been numerous uses of timber boarding in recent developments in the area, including Bridge Lock Mews and Widcombe Social Club that all use the same material above ground floor. Both these examples are in a prime and very visible location and were deemed by the Council to be an appropriate material and meet the requirements of policies appropriate within the World Heritage Site and Conservation Area.

I would like the DMC members to have the opportunity to consider whether the arguably less sensitive site in Magdalen Gdns should be treated any more strictly than the arguably more sensitive locations mentioned above (and many more sites across the city).

No other representations have been 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:

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

### **Core Strategy**

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

CP6: Environmental Quality  
B1: Bath Spatial Strategy

B4: World Heritage Site

### **Local Plan**

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

D.2: General Design and public realm considerations

D.4: Townscape considerations

BH.6: Development within or affecting Conservation Areas.

### **Relevant Placemaking Plan Policies**

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. The Plan has limited weight in the determination of planning applications, however, the following policies would be relevant :

D1 : General Urban Design Principles

D2 : Local Character and Distinctiveness

D5: Building design

D6 : Amenity

D9: Advertisements & Outdoor Street Furniture

H1 : Historic Environment

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

Section 7: Requiring good design

Section 12 : Conserving and Enhancing the Historic Environment.

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

### **OFFICER ASSESSMENT**

The host dwelling is an end of terrace property located in the Bath Conservation Area. The rear elevation is particularly visible from a car parking area adjoining the Grade II listed terrace of St Mary's Buildings to the east of the application site and from views further afield.

An planning application was approved in December 2015 for a two storey rear extension on the application site property. At the time of this application there was considerable discussion between Officers and the Agent over the proposed materials for the extension. Officers considered that due to the character of the original terrace, and the visibility of the rear elevation of the dwelling, the extension should be constructed predominantly from natural stone. It should also be noted that the application property sits within the context of natural stone boundary walls and similar houses that are constructed out of natural Bath stone.



Under this new application the design of the extension has slightly altered. An existing ground floor rear extension will be slightly extended but not to the same extent as under the previous application. This extension would be classed as 'permitted development' in terms of scale, however, the plans also indicate that this entire flat roofed extension, which is currently constructed from reconstituted stone, will be rendered. This new material does require permission as the property is on Article 2(3) land. Above this extension a new first floor extension will be built. This extension will lie next to an existing gable which extends back from the rear elevation and will of the same depth with a lean-to roof. The scale and design of this extension is considered acceptable and integrates well with the host dwelling. Furthermore, the proposed extension should not have any impact on residential amenity. As it will provide only a bathroom a condition can be added to state that the windows should be obscure glazed, to prevent any additional overlooking.

However, the crucial difference between this application and the previous approval is that it is now proposed to timber clad the first floor extension. Officers are of the opinion that this is not an appropriate material to use in this location and on this particular property. The host dwelling lies at the end of a stone built terrace. The use of stone gives the Conservation Area an attractive and cohesive appearance and is an important part of its significance. A timber clad extension at first floor level would stand out as a highly conspicuous and obtrusive addition, appearing out of context and having a negative impact on the both the host dwelling and its setting within this part of the Bath Conservation Area.

Attention has been drawn in the application to the use of timber cladding on other buildings in Bath. It is not disputed that in certain circumstances this material may be acceptable, especially in the case of a new build development. However, in this case the extension would be built on the end of a traditional stone built terrace, where the use of timber cladding at first floor level is not considered appropriate.

Saved Local Plan policy BH.6 states that development within or affecting a Conservation Area should only be permitted where it preserves or enhances the character or appearance of the area, in terms of size, scale, form, massing, position, suitability of external materials, design and detailing. Due to the proposed materials it is not considered that the proposal complies with this policy. Furthermore, the LPA has duties under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. The application is therefore recommended for refusal.

## **RECOMMENDATION**

REFUSE

## **REASON(S) FOR REFUSAL**

1 The proposed first floor rear extension, specifically the use of timber cladding on the external elevations, would be an unsympathetic and incongruous addition to the property which will have a detrimental impact upon the character and appearance of the Bath Conservation Area. As such the proposal is contrary to saved policies D.2, D.4 and BH.6 of the Bath and North East Somerset Local Plan (including minerals & waste policies) adopted 2007.

## PLANS LIST:

This decision relates to the following plans dated 23 June 2016 :

Location and Block Plans, drawing reference 039 1000

Ground, First and Roof plans as existing, drawing reference 039 1010

South and East elevations as existing, drawing reference 039 1011

Ground, First and Roof Plans as proposed, drawing reference 039 3010 revision D

South, East and West Elevations as proposed, drawing reference 039 3011 revision E

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. Notwithstanding informal advice offered by the Local Planning Authority the submitted application was unacceptable for the stated reasons and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision. In considering whether to prepare a further application the applicant's attention is drawn to the original discussion/negotiation.

**Item No:** 06  
**Application No:** 16/02998/FUL  
**Site Location:** The Chapel Argyle Terrace Twerton Bath Bath And North East Somerset



**Ward:** Westmoreland

**Parish:** N/A

**LB Grade:** N/A

**Ward Members:** Councillor Colin Blackburn Councillor June Player

**Application Type:** Full Application

**Proposal:** Conversion from existing offices (Class B1) to 4 No. residential maisonettes (Class C3) including external alterations

**Constraints:** Affordable Housing, Agric Land Class 3b,4,5, Air Quality Management Area, Article 4, British Waterways Major and EIA, Forest of Avon, HMO Stage 2 test required, Hotspring Protection, MOD Safeguarded

Areas, SSSI - Impact Risk Zones, Water Source Areas, World Heritage Site,

**Applicant:** Mr Paul Haskins and John White  
**Expiry Date:** 9th August 2016  
**Case Officer:** Emma Watts

## REPORT

Reason for reporting application to Committee:

The application is being referred to the Committee because Councillor June Player has called in the application 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 site consists of a former non-conformist Chapel located at the end of Argyle Terrace on the south east side of Lower Bristol Road, an attached two storey cottage which sits at the southern end of the site and a small front setback area fronting Lower Bristol Road which is enclosed by railings. The public frontages include a northern gable end which faces Lower Bristol Road and a return frontage running along Burnham Road. The site falls within the City of Bath World Heritage Site but is not located within a conservation area.

Planning permission is sought to convert the building from office use (Class B1) to 4 self-contained two bedroom residential maisonettes (Use Class C3). External works would consist of new door and window openings on the east elevation and installation of conservation style rooflights to the east and west roof slopes. A screen would be erected along the front and east sides of the eastern railed enclosure to facilitate use of this area as a bin store. Internal cycle storage is proposed for one bicycle at each of the four units.

Amended plans have been received during the course of the application showing the bin store screen and bicycle storage.

Relevant planning history:

16/00220/FUL - Conversion from existing offices (Class B1) to 4 No. residential maisonettes (Class C3) including roof extension and external alterations. Refused 24/03/2016.

98/00882/FUL - Change of use from Gymnasium (Use Class D2) to offices (Use Class B1) and associated works including formation of new side entrance. Permitted 16/12/1998.

## SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Conservation: No objection subject to conditions to ensure conservation style rooflights and approval of materials (window, doors and panels).

Environmental Protection: no objection subject to condition regarding approval of a sound attenuation assessment prior to occupation.

Highways: no grounds to refuse the application based on parking. No objection subject to conditions requiring the approval of a Construction Management Plan, provision of new residents' welcome pack and provision of bicycle storage (one bicycle per unit).

Councillor Player: (summarised) The proposal will be harmful to the residential amenities of local residents as it will exacerbate existing significant parking issues. The sustainable location will not deter future occupiers from having their own cars, just as there is existing high car parking demand in the area. Welcome packs for residents will not prevent vehicle ownership. The site is perfect for its existing use as offices and there is a real need and demand for office space close to the city centre. Office use results in less parking conflict due to the differing times of parking demand. The application is contrary to Policies D.2 and T.24 of the Local Plan.

19 objections have been received from the owners/occupiers of the following addresses:

- Nos. 4, 7, 14, 21a, 23 and 36 Inverness Road
- Nos. 10, 15, 16, 27 and 28 Burnham Road
- Nos. 8 and 12 Albert Terrace
- No. 11 King George's Road
- No. 33 Sedgemoor Road
- No. 57 Lynfield Park
- No. 46 Elmhurst Estate

The content of these representations is summarised below:

- The proposed dwellings are too small to provide a good level of residential amenity.
- There is already a high level of parking demand in the area, partly because of the high concentration of HMOs occupied by students. This will be exacerbated by converting the offices to dwellings.
- Low car use households generally still have one car for holidays, large purchases, visiting relatives etc.
- The transport statement is incorrect to state that there are 51 overnight car parking spaces available.
- 44 of the 51 available overnight spaces are on single yellow lines (restricted 0800-1800) along Lower Bristol Road which are not practical to use because they cause congestion and highway safety issues from reduced visibility pulling out of Burnham Road, Vernon Park, Jews Lane and Bellots Road. The other identified spare spaces are not within practical walking distance.
- Large developments at Roseberry Place and Bath Press have been permitted in the area which are likely to result in some additional demand for on street parking.
- Increasing the number of cars parking on the route to the Two Tunnels cycle path will increase safety issues for cyclists.
- Permit parking should be implemented in the area allowing one vehicle per household to park on the street.
- Use of the building as offices results in parking demand during the day time when there is some spare capacity.
- The building is a heritage asset and should be preserved in its current state without altering the layout for conversion.
- The proposed external changes are out of keeping with the building and the street scene.

- The building should be retained as an office or returned to an exercise facility.
- The number of units is an overdevelopment of the site.
- Concerns regarding rubbish storage provision.
- There are not enough jobs in Bath. Converting the office to new dwellings will further increase the number of people commuting out of the city rather than encouraging work within the city.
- Concerns regarding air quality impact for the occupants of the proposed development in this Air Quality Management Area.
- Increased vehicle numbers will worsen the air quality in the Lower Bristol Road area.
- Residents of Burnham Road, Inverness Road and Vernon Terrace were not consulted by the developers, only those on Argyle Terrace.

Bath Preservation Trust: The Trust welcomes the significant changes to this development which result in a scheme which is sympathetic and respectful of the non-designated heritage asset. Our only comments are that we are concerned about the use of the front railed area for bin storage and would assume that if bins are to be visible they should be designed in such a way to ensure they do not detract from or excessively clutter the simple front elevation of the chapel. We also recommend that a timber interpretation board is placed externally on site to explain the important history of this chapel as part of the Twerton Methodist tradition and that the building was used as a community medical dispensary prior to the establishment of the NHS.

## **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:

- B1: Bath spatial strategy
- B4: The World Heritage Site and its setting
- CP2: Sustainable construction
- CP6: Environmental quality
- CP10: Housing mix

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
- ET.3: Core employment sites
- HG.12: Residential development involving conversion of non-residential buildings
- T.1: Overarching access policy

T.5: Cycling strategy: improved facilities  
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 in the consideration of this application:

D2: Local character and distinctiveness  
D5: Building design  
D6: Amenity  
ST7: Transport requirements for managing development

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

## **OFFICER ASSESSMENT**

### **BACKGROUND**

Planning permission was refused under application 16/00220/FUL for conversion of the building to 4No. maisonettes including raising the roof of the building, addition of dormer windows and other external alterations. The application was refused on 24/03/16 for the following reason:

"The proposed conversion and extension of the former Chapel building and associated cottage would result in a building that by virtue of its size, scale and design would fail to preserve the architectural qualities of the host building and consequently detract from the character and appearance of this part of Argyle Terrace and Lower Bristol Road. It is therefore contrary to saved Policies D.2 and D.4 of the Bath and North East Somerset Local Plan including minerals and wastes policies adopted October 2007."

No extensions are proposed to the building under the current application.

### **PRINCIPLE OF THE DEVELOPMENT**

The site is not located within the Bath city centre core office employment area. The loss of office floor area is therefore acceptable in principle. The conversion of non-residential buildings to residential use is generally acceptable in this location provided that the proposal is compatible with the character and amenities of adjacent established uses and is not detrimental to the residential amenities of future occupants (Policy HG.12).

The principle of the proposed development is therefore acceptable. This was established in the assessment for previous application 16/00220/FUL.

### **HERITAGE IMPACT AND IMPACT ON CHARACTER AND APPEARANCE**

The proposal is a significant improvement on the previous refused scheme. Whilst the building is not listed, it is considered an undesignated heritage asset and should be preserved as such. The proposal includes alterations to fenestration details and the addition of doors on the side elevation. Whilst the increase in window and door openings is not ideal, the current windows are modern and not of any historical interest. Furthermore, the profile of the building will remain unchanged. There is no objection to the use of powder coated aluminium windows and doors in this case. The original railings along the Lower Bristol Road frontage would be retained and would form an enclosure for bin storage. Amended plans have been received to screen the bins from view in order to avoid a negative impact on the front elevation of the building, the street scene and the Conservation Area. Overall, the level of changes proposed to the building are considered acceptable and the proposal would have an acceptable impact on the character and appearance of the adjoining street scenes and the general locality.

### IMPACT ON RESIDENTIAL AMENITIES

Multiple roof lights are proposed to be installed on the west roof slope facing towards 12 Argyle Terrace. These would all serve either staircases, landings or bathrooms so can be reasonably conditioned to be obscurely glazed to avoid an unacceptable level of overlooking and perceived overlooking for the occupants of 12 Argyle Terrace.

All habitable rooms would benefit from an acceptable level of daylight and outlook. Whilst there would be no private amenity space, this is considered acceptable for dwellings of this size in an urban location.

The Environmental Protection Team has not raised any concerns in regards to air quality. It is not considered the case that this car free development would have any adverse impact on air quality. A condition can be attached requiring a noise attenuation assessment to be submitted and approved prior to the occupation of the dwellings to demonstrate an acceptable level of noise for the future occupants of the development.

### IMPACT ON CAR PARKING AND HIGHWAY SAFETY

The principle of car free development at this site was accepted in the assessment for previous planning application 16/00220/FUL.

No car parking is proposed, nor could any be provided within the site. The existing office use generates a need for 6 parking spaces. Policy T.26 recommends a maximum provision of 8 parking spaces for four two bedroom dwellings. However, based on statistics from the DCLG document 'Residential Car Parking Research', it seems reasonable to conclude that the four proposed maisonettes would generate a need of up to four parking spaces in the vicinity. The submitted Transport Statement identifies available parking spaces in a variety of nearby locations based on the applicant's survey data. Discounting the restricted parking available on yellow lines, it is considered that the parking survey demonstrates that sufficient parking will be available at all times in the vicinity to accommodate the development. It is therefore not considered justifiable to refuse the application on parking grounds.

Furthermore, the application site is located in a sustainable location with good access to local services and amenities as well as public transport. The locality is considered a

'walkable neighbourhood' as defined by Manual for Streets. There are also good cycle routes close by. In order to promote use of sustainable transport, Highways DC recommends a condition requiring a Welcome Pack to be provided for the first residents prior to occupation and ensuring bicycle storage provision within the units; secure indoor cycle storage for one bicycle per unit is shown on the proposed plans.

The proposed development is not considered likely to prejudice the safe operation of the local highway network.

## **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.

### **3 Highways - 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.

### **4 Details of Materials (Bespoke Trigger)**

No external works shall commence until details of the materials of the proposed windows, doors, powder coated metal panels and perforated aluminium bin store screen 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: 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.



### **5 Conservation Style Rooflights (Compliance)**

The rooflights hereby approved shall be conservation style with a central glazing bar.

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.

### **6 Cycle Storage Provision (Compliance)**

No occupation of the development shall commence until bicycle storage for at least 4 bicycles (one per unit) has been provided in accordance with the approved plans. 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.6 of the Bath and North East Somerset Local Plan.

### **7 Highways - Residents Welcome Pack (Pre-occupation)**

No occupation of the approved development shall commence until a new resident's welcome pack has been issued to the first occupier/purchaser of each residential unit of accommodation. The new resident's welcome pack shall have previously been submitted to and approved in writing by the Local Planning Authority and shall include information of bus and train timetable information, information giving examples of fares/ticket options, information on cycle routes, a copy of the Travel Smarter publication, car share, car club information etc., to encourage residents to try public transport.

Reason: To encourage the use of public transport in the interests of sustainable development in accordance with Policy T.1 of the Bath and North East Somerset Local Plan

### **8 Noise Mitigation (Pre-occupation)**

On completion of the works but prior to any occupation of the approved development, an assessment from a competent person shall be submitted and approved in writing by the Local Planning Authority to demonstrate that the development has been constructed to provide sound attenuation against external noise in accordance with BS8233:2014. The following levels shall be achieved: Maximum internal noise levels of 35dBLAeq, 16hr and 30dBLAeq, 8hr for living rooms and bedrooms during the daytime and night time respectively. For bedrooms at night individual noise events (measured with F time-weighting) shall not (normally) exceed 45dBLAmax.

Reason: To protect future occupants from exposure to road traffic noise in accordance with Policy HG.12 of the Bath and North East Somerset Local Plan.

### **PLANS LIST:**

This decision relates to the following drawings and information: 1609 AL(0)01, 1609 AL(0)05, 1609 AL(0)15, 1609 AL(0)16, 1609 AL(0)36, Design and Access Statement, Appendix to Design and Access Statement, Transport Statement and External Noise Control Report received 14/06/2016, 1609 AL(0)20 Revision B and 1609 AL(0)035 received 16/08/2016.

## **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.

## **Community Infrastructure Levy**

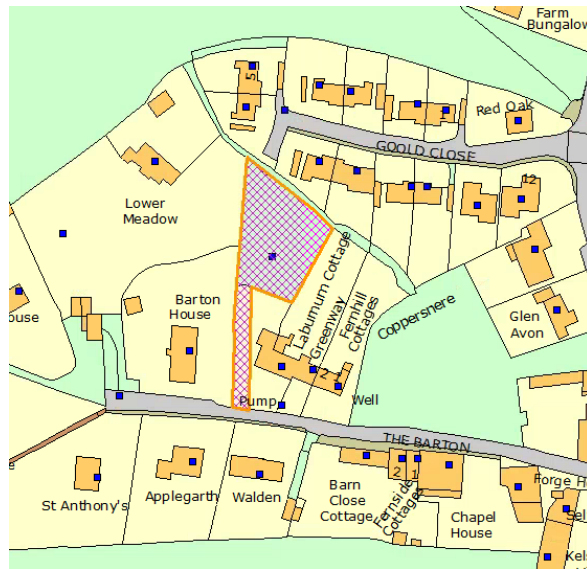
You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further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

## **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.

<b>Item No:</b>	07
<b>Application No:</b>	16/03172/FUL

**Site Location:** Land Between Barton House And Laburnum Cottage The Barton Corston Bath



**Ward:** Farmborough

**Parish:** Corston

**LB Grade:** N/A

**Ward Members:** Councillor S Davis

**Application Type:** Full Application

**Proposal:** Erection of a single family dwelling with parking for two vehicles

**Constraints:** Affordable Housing, Airport Safeguarding Zones, Agric Land Class 1,2,3a, Conservation Area, Forest of Avon, Greenbelt, Housing Development Boundary, MOD Safeguarded Areas, SSSI - Impact Risk Zones,

**Applicant:** Mr & Mrs Davis

**Expiry Date:** 23rd September 2016

**Case Officer:** Emma Watts

## REPORT

Reason for reporting application to Committee:

The Chair of the Development Management Committee, Councillor Sally Davis, has called the application into Committee for the following reason:

This application, as with past applications, remains controversial due to its size, positioning and impact on the neighbouring properties in the conservation area. When the Parish Council discussed this application neighbours raised a number of points which is reflected in their submission.

Description of site and application:

The application site is located between residential properties on The Barton and Gold Close in the village of Corston. The site is accessed via a driveway from The Barton which is shared with Laburnum Cottage. The site is previously undeveloped and is currently used by the applicants to keep three bee hives. The site has a gradual east-west incline

and a substantially higher ground level than the Goold Close properties to the north. The site also has a slightly higher ground level than the terraced cottages to the south. The site is located within the Housing Development Boundary of Corston, a village which is washed over by the Bath/Bristol Green Belt. The access drive is located within Corston Conservation Area but the majority of the site falls outside the Conservation Area boundary.

Planning permission is sought to erect a two storey three bedroom dwelling located within the south west portion of the site. The dwelling would have a two storey depth of 6.528m with single storey rear projection of 2.3m, a total width of approximately 10.6m, two storey eaves height of approximately 4.7m and ridge height of 8m.

Relevant recent planning history:

12/02826/FUL - Erection of a single dwelling from an existing access on land adjacent to Laburnum Cottage (Resubmission) - Refused 22/08/2012 for the following reasons:

1. The proposed detached dwelling does not fall within the definition of infilling and therefore represents inappropriate development within the Green Belt and would be harmful by definition. In the absence of very special circumstances to outweigh this harm the proposals are contrary to Policies GB.1 and HG.6 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted October 2007.

2. The proposed detached dwelling, by reason of its single storey form and poorly proportioned appearance, would appear as an incongruous addition to the predominantly two storey dwellings in the locality and would detract from the character and appearance of the Corston Conservation Area. The proposals are therefore contrary to Policy BH.6 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted October 2007.

3. The proposed detached dwelling, by reason of the absence of an Arboricultural Survey in accordance with BS 5837:2005, fails to demonstrate that the existing trees are capable of retention as part of the development. The proposals are therefore contrary to Policy NE.4 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted October 2007.

Appeal dismissed 14/06/2013 (third reason for refusal not upheld by the Council at appeal)

10/04493/FUL - Erection of new dwelling from existing access on land adjacent to Laburnum Cottage. Refused 8/07/2011 for the following reasons:

1. The proposed detached dwelling does not fall within the definition of infilling and therefore represents inappropriate development within the Green Belt and would be harmful by definition. In the absence of very special circumstances to outweigh this harm the proposals are contrary to Policies GB.1 and HG.6 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted October 2007.

2. The proposed detached dwelling, by reason of its unacceptable architectural form, would detract from the character and appearance of the Corston Conservation Area. The

proposals are therefore contrary to Policy BH.6 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted October 2007.

3. The proposed detached dwelling, by reason of the first floor windows to the rear elevation, would result in increased overlooking to the residential curtilages to the east of the site, causing unacceptable harm to the amenities of the occupiers of these dwellings. The proposals are therefore contrary to Policy D.2 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted October 2007.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Landscape: No objection.

Highways DC: No objection subject to conditions requiring the parking and turning area to be kept clear and a construction management plan to be approved prior to works commencing on site.

Corston Parish Council:

22 July 2016: Holding objection until further clarification regarding building height and siting on the plot. Nevertheless detailed comments were submitted which are summarised below:

- Corston Parish Council's Plan supports occasional infill development and extensions (Officer note: this is not an adopted Neighbourhood Plan and holds no weight in the LPA's determination of planning applications).
- The proposed development falls within the definition of infilling so is appropriate development in the Green Belt
- There would be no adverse impact on the openness of the Green Belt
- The plans omit key dimensions e.g. regarding height of the building
- Concerns regarding the distance between the new dwelling and rear elevation of Laburnum Cottage
- Concerns regarding overlooking to Lower Meadow from proposed first floor side window to en suite bathroom
- Privacy of Goold Close residents should be maintained. Some Goold Close residents are concerned by the height of the erected boundary fence.
- The proposed dwelling appears to be the maximum acceptable size for the site.
- The access is a shared driveway, not an existing access lane as shown on the site plan.
- Proposed materials appear sympathetic.

(Officer note: the submitted plans and elevation drawings are accurately scaled and set out the proposals)

15 August 2016: Object for the following reasons:

- Harmful visual impact for the occupiers of Lower Meadow
- Loss of privacy for the occupiers of Lower Meadow and Laburnum Cottage
- Overshadowing to the neighbouring properties in Goold Close
- Loss of light for neighbours at Lower Meadow and Goold Close

Third party representations:

Objections have been received from the owners/occupiers of the following addresses:

- Barton House, Meadow House, Lower Meadow, Walden, Applegarth and Laburnum Cottage, The Barton
- 7 Goold Close

The content of these objections are summarised below:

- The proposal is not directly comparable to Lower Meadow, which did not have a harmful neighbour impact
- Concerns regarding overlooking and loss of privacy to neighbouring gardens and houses
- Scale of the proposed building and visual impact for neighbours
- Loss of light to neighbouring properties on Goold Close
- Loss of light for the occupiers of 7 Goold Close from the fence that has been erected along the party boundary and proposed tree planting  
(Officer note: an Enforcement Enquiry concluded that this fence is Permitted Development and no breach in planning control has taken place. The existing boundary fences do not form part of this application)
- Loss of light for the occupiers of 7 Goold Close from the proposed two storey building
- The owners/occupiers of 7 Goold Close claim a Right to Light under the 1832 Prescription Act (Officer note: this is a legal matter and not a material planning consideration)
- Harmful impact for the occupiers of Laburnum Cottage from loss of privacy, noise and disturbance from increased use of the existing access drive
- The applicant has not consulted with neighbours as stated in the application
- The site is not previously developed land.
- Multiple trees and shrubs have been removed from the site
- The proposed development does not meet the definition of infilling in the Local Plan so is inappropriate development in the Green Belt
- The proposed dwelling would adversely affect the setting of the Conservation Area
- Highway safety concerns: The Barton is a narrow road without footway and the existing driveway has poor visibility. The junction of The Barton with Corston Lane also suffers from a lack of visibility.
- The site access is a narrow shared driveway and not an access lane
- There is some disagreement about the line of the party boundary between the application site and Lower Meadow  
(Officer note: the legal requirement for a planning application is that the red site boundary shown on the site location plan is accurate at a metric scale of 1:1250. Minor measurement discrepancies will not show up at this scale. There is nothing before the Council to conclude that the red site boundary is inaccurate. Boundary disputes are a civil matter between private individuals and not a material planning consideration.)
- Parking of construction vehicles in The Barton will block access along this road, including Emergency Services vehicles.
- Approval of a construction management plan should be required if planning permission is granted
- Every application must be assessed on its own merits. Approval for a new dwelling at Lower Meadow should not be taken as a precedent

## **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
- CP2: Sustainable construction
- CP6: Environmental quality
- CP8: Green Belt

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
- SC.1: Settlement classification
- HG.6: Residential development in the R.3 settlements
- GB.2: Visual amenities of the Green Belt
- BH.6: Development within or affecting Conservation Areas
- 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. The following policies are relevant in the consideration of this application:

- D.2: Local character and distinctiveness
- D.4: Streets and spaces
- D.5: Building design
- D.6: Amenity
- D.7: Infill and backland development
- H.1: Historic environment
- GB1: Visual amenities of the Green Belt
- GB.2: Development in Green Belt villages
- ST.7: Transport requirements for managing development

National Policy:

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

## **OFFICER ASSESSMENT**

### **PRINCIPLE OF THE DEVELOPMENT IMPACT ON THE GREEN BELT**

The site falls within the housing development boundary of Corston. Local Plan Policy SC.1 classifies Corston as an R.3 Rural Settlement, a village where there is limited provision of and accessibility to local facilities, services and employment and which is sited within the Green Belt.

Section 9 of the NPPF establishes that the construction of new buildings is inappropriate development in the Green Belt. One exception to this is limited infilling in villages. Likewise, Local Plan Policy HG.6 states that new residential development in R.3 villages will be permitted if it is infilling and lies within the defined housing development boundary. The Local Plan defines infilling as the filling of small gaps within existing development e.g. the building of one or two houses on a small vacant plot in an otherwise extensively built up frontage. The definition also states that the plot will generally be surrounded on at least three sides by developed sites or roads.

Whilst the site is surrounded on at least three sides by developed sites, the proposed dwelling would not occupy a vacant site in an otherwise built up frontage. Rather, this is a backland site with the access from The Barton being the only element that forms part of the built up frontage. It is therefore not considered that the proposal would comply with the requirements of Policy HG.6 and the NPPF in order to make this appropriate development. This approach was supported by the Inspector for the dismissed appeal relating to the most recent refused planning application (12/02826/FUL), who states the following:

"new development in Corston is confined to infilling. This is defined in the glossary to the Local Plan as the filling of small gaps within existing development, for example the building of one or two houses on a small vacant plot in an otherwise extensively built up frontage. An additional comment is that the plot will generally be surrounded on at least three sides by developed sites or roads. Although the latter applies, the proposed development is otherwise outside the definition. As a result, it is contrary in principle under development plan policy."

The current proposal for a new dwelling at the application site does not overcome the in principle objection to previous application 12/02826/FUL.

The erection of a two storey building on this green field site would result in a reduction in the openness of the Green Belt owing to the fact of the obvious increase in the quantum of development in this Green Belt location. However, it is noted that the site is enclosed by surrounding housing within the village HDB with limited visibility in long distance views. On balance, the reduction in openness is not considered to cause demonstrable harm to the Green Belt in this case.

In conclusion, the proposal would not amount to limited infilling in a village and would therefore constitute inappropriate development in the Green Belt. Paragraph 87 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

The NPPF emphasises that substantial weight should be given to any harm to the Green Belt. Furthermore, very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.



For the reasons set out below, the proposal would not have a harmful impact on the visual amenity of the Green Belt. The critical issue is therefore that the proposed development would fail to comply with any of the exceptions to the presumption against development in the Green Belt set out at Paragraphs 89 and 90 of the NPPF, and would therefore amount to inappropriate development.

No very special circumstances have been submitted by the applicant which would clearly outweigh the harm that the proposed development would cause to the Green Belt by reason of its inappropriateness. The application therefore fails to overcome the first previous reason for refusal, upheld at appeal, and the proposal would fail to comply with Policy HG.6 of the Local Plan, Policy CP8 of the Core Strategy and the aims of the National Planning Policy Framework.

### IMPACT ON THE AMENITIES OF NEIGHBOURING OCCUPIERS

The Appeal Inspector for the previous application identified that the intensified use of the access driveway in association with a new dwelling at the application site would cause harm to the amenities of the occupiers of Laburnum Cottage through noise disturbance of increased vehicle trips. Since that time, the low height post and rail fence between the application site and the frontage of Laburnum Cottage has been replaced with a graduated close boarded fence, whilst the low height wall along the side and rear boundary between Laburnum Cottage and the application site has been supplemented by a close boarded fence up to a height of approximately 1.8m.

It is also noted that the applicants currently use the site to keep three colonies of bees and therefore visit the site on a regular basis in any event. The applicants have also indicated that they intend to move an additional six colonies to the site shortly. There are therefore some existing comings and goings from the site, although it is expected that the intensity of the use of the site would increase with the addition of a three bedroom dwelling compared to the existing three bee hives.

It should be noted that the intensity of bee keeping at the site could only ever be limited to an ancillary domestic level given the lawful use of the site (severed residential garden).

Taking all factors into account, it is not considered that the proposed development would cause demonstrable harm to the amenities of the occupiers of Laburnum Cottage through the use of the access drive.

Given the spacious relationship between the proposed two storey house and the neighbouring dwellings, it is not considered that the proposed development would have an adverse impact on the amenities of the occupiers of neighbouring properties through visual impact, loss of light or overshadowing. Whilst the proposed building would be located approximately 1.5m from the party boundary with Barton House and a minimum of approximately 1m from Lower Meadow, given the separation distance to the houses themselves and the spacious size of the gardens at those properties, it is not considered that the proposed development would result in an overbearing visual impact for the occupiers of those properties.

The proposed dwelling would include upper floor front windows serving bedrooms which would face towards the rear gardens of Barton House and Laburnum Cottage. The closest first floor window to Barton House would be located approximately 3m from the party boundary with Barton House, whilst the second window to Bedroom 1 would be located approximately 4.8m from the party boundary (measured perpendicular to the front elevation). Both front windows would overlook a large portion of the private garden at that property. This would result in a significant loss of privacy for the occupiers of Barton House, to the detriment of their residential amenity.

The proposed front windows would have a separation distance of approximately 10m from the party boundary with Laburnum Cottage. Whilst it is noted that the site of the new dwelling has a slightly higher ground level than the cottages to the south, on balance it is considered that the siting of the new dwelling relative to the site of Laburnum Cottage would not cause an unacceptable increase in overlooking or loss of privacy for the occupiers of that neighbouring property.

First floor side windows serving bedroom 3 would face towards the rear garden at Greenway. However, at a separation distance in excess of 12m from window to boundary these would not result in a harmful increase in overlooking for the occupiers of Greenway.

Given the distance between the upper floor rear roof lights and the party boundary with neighbouring Goold Close properties, it is considered that privacy at Nos. 6 and 7 Goold Close would be maintained.

An upper floor side window serving a bathroom would face towards Lower Meadow at a separation distance of approximately 1.5m. Since this is not a habitable room, a condition could be attached requiring this to be obscurely glazed and non-opening below 1.7m above internal finished floor level in order to protect the occupiers of Lower Meadow from overlooking.

In conclusion, it is considered that the proposed development would fail to maintain an acceptable standard of amenity for the occupiers of Barton House contrary to the relevant provisions of saved Policy D.2 of the Bath and North East Somerset Local Plan and the aims of the NPPF.

## HIGHWAYS AND CAR PARKING

No highways objection was raised to the previous planning application (reference 12/02826/FUL) and there are no material planning reasons to alter this position. It is not considered that the addition of one further dwelling at The Barton would prejudice the safe operation of the public highway. Manual for Streets 2 sets out that less formal 'streets' should be encouraged in some locations to reduce vehicle speeds and promote an environment which reflects their location. Whilst not up to modern standards, The Barton is considered to come under this category. Highways DM have not raised any concerns regarding visibility at the junction between the access drive and The Barton. It is also noted that this is an established access.

The proposal would provide sufficient on site car parking for the needs of the proposed dwelling and would provide adequate space to enable vehicles to turn within the site in order to enter and access the site in forward gear.

Should planning permission be granted, a condition is recommended requiring the parking and turning space shown on the proposed plans to be kept permanently clear of obstruction and retained only for parking purposes in association with the proposed dwelling. In addition a construction management plan condition is recommended to reduce the impact of construction traffic on The Barton.

## **RECOMMENDATION**

REFUSE

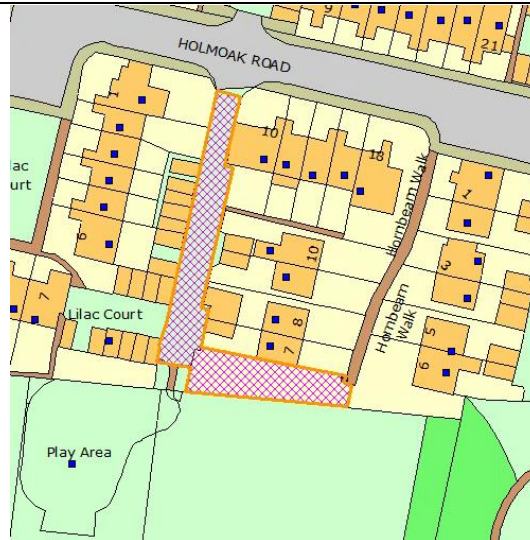
## **REASON(S) FOR REFUSAL**

1 The proposed detached dwelling does not fall within the definition of infilling and therefore represents inappropriate development within the Green Belt and would be harmful by definition. In the absence of very special circumstances to outweigh this harm, the proposed development is contrary to saved Policy HG.6 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted October 2007, Policy CP8 of the Core Strategy and the aims of the National Planning Policy Framework.

2 By reason of the first floor windows to the front elevation, the proposed detached dwelling would result in increased overlooking to the garden of Barton House to the detriment of the residential amenities of the occupiers of that dwelling. The proposed development is therefore contrary to Policy D.2 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted October 2007 and the aims of the National Planning Policy Framework.

## **PLANS LIST:**

<b>Item No:</b>	08
<b>Application No:</b>	16/03427/FUL
<b>Site Location:</b>	7 Hornbeam Walk Keynsham Bristol Bath And North East Somerset BS31 2RT



**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 three bedroomed semi-detached house within existing garden area of no. 7 Hornbeam Walk, Keynsham.  
**Constraints:** Affordable Housing, Airport Safeguarding Zones, Airport Safeguarding Zones, Agric Land Class 3b,4,5, Forest of Avon, Housing Development Boundary, SSSI - Impact Risk Zones,  
**Applicant:** Mr & Mrs David And Claire Woolcock  
**Expiry Date:** 19th October 2016  
**Case Officer:** Emma Watts

## REPORT

Reason for reporting application to Committee:

The application is being referred to the Committee because Keynsham Town Council has objected to the application contrary to Officer recommendation. 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 site comprises the area of garden to the side of 7 Hornbeam Walk. Hornbeam Walk is characterised by two storey semi-detached houses of a consistent design fronting onto a pedestrian path which leads from Holmoak Road. The rear of the houses on Hornbeam Walk, as well as the application site, are accessed via a service road and communal parking area. The wider residential area within which the site is situated is characterised by consistently designed terraces of three or more units with some semi-detached houses and bungalows. The site bounds a playing field to the south and is located adjacent to a children's play area.

Planning permission is sought to erect a two storey dwelling to be attached to 7 Hornbeam Walk. The dwelling would have three bedrooms, private amenity space to the front and two car parking spaces and refuse store to the rear.

Amended plans have been received during the course of the application to alter the car parking layout to create two accessible 2.4m by 4.8m parking spaces within the confines of the application site.

In addition an amended site location plan has been submitted to incorporate the private access lane from Holmoak Road which runs behind properties on Hornbeam Walk and Lilac Court. Adjoining owner/occupiers have been duly notified of the amendments to the plans. Any additional representations received will be reported to the Committee in an Update Report.

Relevant planning history:

14/00091/FUL - Erection of 1no. dwelling adjacent to 7 Hornbeam walk, Keynsham. Refused 06/03/2014 for the following reason:

The proposed dwelling, due to its siting and being a detached dwelling, will appear visually cramped on the site and represents overdevelopment of the site. Furthermore it fails to respect the rhythm of this part of Hornbeam Walk and the established building line and is contrary to Local Plan Policy D.4 of the Bath and North East Somerset Local Plan - including minerals and waste policies - adopted October 2007.

Appeal dismissed 01/09/2014.

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

Keynsham Town Council: Object on the following grounds: The proposed erection of a three bedroomed semi-detached house within the existing area of No. 7 Hornbeam Walk will be adverse to the street scene creating a terrace from a pair of semi-detached houses. Concerns are raised in respect of the access to the site and the two proposed parking spaces. From the plans it appears that the proposed driveway encroaches on the play area land that is leased by the Town Council. Therefore the proposed development would be contrary to saved policy D.2 of the Bath and North East Somerset Local Plan.

One objection has been received from the owner/occupier of No. 8 Hornbeam Walk, the content of which is summarised below:

- The proposal would change no. 8 from a semi-detached to an end of terrace house which will impact on the property value. (Officer note: this is not a material planning consideration).

In addition comments have been received from the owner/occupier of 10 Holmoak Road raising the following concerns:

- Highway and pedestrian safety owing to the close proximity of the parking spaces and site access to the entrance to the neighbouring play area.
- Potential damage to the access route during the construction process and who would be responsible for the repairs

- Hours of construction
- Lack of car parking for the occupiers of 7 Hornbeam Walk

Highways: No highways objection was raised to the previous application 14/00091/FUL for the erection of a three bed detached house. The two proposed parking spaces have been provided within the confines of the site but are too small to be policy-compliant. It is recommended that the two parking spaces be provided within the confines of the site as per Site Layout drawing 193.F.1 submitted under application 14/00091/FUL.

## **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

KE1: Keynsham 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

SC.1: Settlement classification

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

ST7: Transport, access and development management

National Policy:

The National Planning Policy Framework adopted March 2012

**OFFICER ASSESSMENT**  
**PRINCIPLE OF DEVELOPMENT**

The site is located within the housing development boundary of Keynsham. The principle of a new dwelling in this location is acceptable subject to compliance with other relevant policies.

**IMPACT ON CHARACTER AND APPEARANCE**

The proposed attached dwelling would create a terrace of the existing semi-detached pair, Nos. 7 and 8 Hornbeam Walk. Whilst Hornbeam Walk is characterised by semi-detached two storey houses, it should be noted that terraces are predominant in the locality. The Appeal Inspector for the previous application described the area as follows:

"Hornbeam Walk is set within a wider residential area off Longmeadow Road which is characterised by rigidly designed houses. Homes are generally grouped together in terraced blocks of three or more units, with some examples of semi-detached houses or bungalows."

Changing the semi-detached pair to a terrace of three dwellings would be in keeping with the character and appearance of the locality and would not cause demonstrable harm to the street scene.

The proposed dwelling would reflect the design and proportions of the existing houses on Hornbeam Walk. It would respect the established front and rear building lines for the main two storey part of the house, which the previously refused scheme for a detached dwelling failed to do. The gap between the proposed dwelling and the south site boundary would be compatible with the local pattern of development and would address previous issues regarding the cramped appearance and inappropriate form of the refused scheme.

The external materials would match the existing Hornbeam Walk houses so would have an acceptable impact on the street scene.

Overall, the previous reason for refusal has been addressed and the proposal would have an acceptable impact on the character and appearance of the street scene and the general locality.

**IMPACT ON RESIDENTIAL AMENITIES**

The proposed new dwelling would maintain an acceptable standard of amenity for all neighbouring occupiers. The proposed single storey rear projection would extend approximately 2m adjacent the party boundary with No. 7, which is acceptable.

The proposal includes a first floor bathroom window on the south elevation facing onto the adjacent site. It is recommended that this bathroom window be obscurely glazed in order not to compromise future development of the adjoining site from overlooking or perceived overlooking.

The proposed dwelling would provide a good level of amenity for the future occupiers. All habitable rooms would benefit from a good level of daylight and outlook. Whilst the proposed rear garden would be small, the enclosed garden to the front would provide an acceptable amount of amenity space for the needs of the proposed dwelling.

## IMPACT ON CAR PARKING AND HIGHWAY SAFETY

An amended site plan has been received re-orientating and enlarging the two proposed on-site car parking spaces so that they comply with Manual for Streets. This is the same car parking arrangement as was proposed under the previous refused application. The assessment of that application raised no concerns in regards to highway safety, nor did the Appeal Inspector identify any issues in regards to the site access and highway safety. The proposed development is considered to have an acceptable impact on highway and pedestrian safety compared to the existing situation.

The two proposed car parking spaces are sufficient for the needs of this three bedroom dwelling. The on-site car parking provision for 7 Hornbeam Walk (one garage space) would remain unchanged as part of the proposal. Whilst the occupiers of No. 7 would no longer be able to park outside the application site owing to the new vehicle access, there would be no significant increase in demand for on street car parking as a result of the proposed development.

No development would encroach onto the neighbouring playground site. Whilst the red site boundary shown on the site plan shows the applicant's ownership boundaries, no parking spaces or driveway would be constructed outside the existing fence line of the site.

## 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.

### 3 Materials (Compliance)

All external walling and roofing materials to be used shall match those of the existing building known as 7 Hornbeam Walk in respect of type, size, colour, pointing, coursing, jointing, profile 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.

#### **4 Obscure Glazing and Non-opening Window(s) (Compliance)**

The proposed first floor side window in the south elevation shall be obscurely glazed and non-opening unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed. Thereafter the window shall be permanently retained as such.

Reason: To safeguard the residential amenity of any future development of the neighbouring site in accordance with Policy D.2 of the Bath and North East Somerset Local Plan.

#### **PLANS LIST:**

This decision relates to the following drawings: un-numbered Front Elevation East and Rear Elevation West, un-numbered Ground Floor Plan and First Floor Plan, un-numbered Side Elevation South and un-numbered Side Elevation North received 07/07/2016 and un-numbered OS Site Location Plan and un-numbered Block Plan received 24/08/2016.

#### **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.

### Community Infrastructure Levy Advisory

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

### 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:** 09  
**Application No:** 16/03488/FUL  
**Site Location:** 63 Purlewent Drive Upper Weston Bath Bath And North East Somerset BA1 4BD



**Ward:** Weston                      **Parish:** N/A                      **LB Grade:** N/A  
**Ward Members:** Councillor Colin Barrett      Councillor Matthew Davies  
**Application Type:** Full Application  
**Proposal:** Change of use from a residential dwelling (use class C3) to a 4 bedroom HMO (use class C4).  
**Constraints:** Affordable Housing, Agric Land Class 3b,4,5, Article 4, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,  
**Applicant:** Ms Anna Keen  
**Expiry Date:** 23rd September 2016

## **REPORT**

This application has been referred to the Development Management Committee due to the objection received from Cllr M Davies which is contrary to the Officer recommendation. These comments are summarised within the Representation Section of this report.

Planning permission is sought for the change of use of 63 Purlewent Drive, Upper Weston from a dwelling (use class C3) to a four bed house of multiple occupation (HMO) (use class C4). The application property is a two storey mid-terraced property set in a residential area. The property has a front and rear garden and is located within the World Heritage Site.

The property has no relevant planning history.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Cllr M Davies: I object to the application to change a three bedroom family home currently family occupied and fit for purpose as the property was designed to be a three bedroom residential dwelling and not a HMO for four bedrooms potentially accommodating eight adults each having a vehicle plus visitors.

Purlewent Drive as a whole is an area suffering from congested parking Monday to Friday, this particular part of Purlewent Drive has the additional problem that these houses have no off street parking and to consider adding a further excessive number to this is unacceptable.

The Highway Officer suggests a condition of implementing bicycle storage and using alternative modes of transport, it does not enforce a condition that no additional cars to the normal family occupancy shall be registered at this address.

Highways: No objection subject to condition.

Third party comments:

One petition with 28 signatures received summarised as follows:

- The property will require re-configuration.
- The area is quiet and friendly.
- Students tend to be noisy and do not consider others.
- Property construction poorly protects against noise.
- The property was built for family occupancy.
- Front and rear gardens likely to be unkept.
- Additional vehicles will cause further on-road problems.
- Properties in the area will be de-valued.

17 letters of objection (some also signatories of petition) received summarised as follows:

- Impact on parking provision.
- Construction of properties allows noise transmission.
- Proposal will lose a family home.

- Occupants will cause noise issues.
- Lowering house prices in area.
- Student accommodation is being built throughout Bath.
- The property should be let to families or professionals not students.
- May set a precedent.
- Increase in litter.
- Gardens will be unkempt.
- The road is not suitable for student living.
- Previous student occupants caused noise and disturbance.

## **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:

B4 - The World Heritage Site and its Setting  
 CP6 - Environmental Quality

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

D.2 General design and public realm considerations

D.4 Townscape considerations

HG.12 Residential development involving dwelling subdivision, conversion of non-residential buildings, re-use of buildings for multiple occupation and re-use of empty dwellings.

NE.5 Forest of Avon

NE.13A Bath Hot Springs

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

H.3: Houses in Multiple Occupation

D.1: General urban design principles

D.2: Local character and distinctiveness

D.6: Amenity

ST.1: Promoting sustainable travel

ST.7: Transport, access and development management

The Houses in Multiple Occupation of Bath - Supplementary Planning Document (adopted July 2013)

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

### **OFFICER ASSESSMENT**

Planning permission is sought for the change of use of 63 Purlewent Drive, Upper Weston from a residential dwelling to a four bedroom House in Multiple Occupation.

The proposed use would be considered as C4 (houses in multiple occupation) and would therefore be a change of use from C3 (dwelling house). Use class C4 is defined as follows: small shared houses occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom. Prior to the adoption of the Article 4 Direction in the city this change of use would not have required planning permission. The proposal will provide a four bedroom HMO by converting the living room to an additional bedroom.

The Article 4 Direction triggers a requirement for a planning application for the conversion of a family home to an HMO, but the real impacts will be determined in the policy introduced via the Supplementary Planning Document. The Policy sets out a two stage test criteria for the assessment of such applications:

Applications for the change of use from C3 dwellings to C4 or sui generis (Houses in Multiple Occupancy) or the development of new houses as C4 dwellings or sui generis (HMOs) will not be permitted where;

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

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

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

With regards to this application and the Stage 1 Test, the proposal site falls outside an area with over 25% HMOs. This means that the proposal is acceptable in principle, subject to other material considerations.

Saved Local Plan Policy HG.12 states that development for the use of buildings for residential purposes involving the sub-division of existing dwellings, conversion of non-residential buildings, the re-use of buildings for multiple occupation in the form of non self contained accommodation or re-use of existing empty dwellings will be permitted provided that it is compatible with the character and amenities of adjacent established uses, taking into account the development itself together with any recent or proposed similar development, does not seriously injure the amenities of adjoining residents through loss of privacy and visual and noise intrusion, is not detrimental to the residential amenities of future occupants and does not result in the loss of existing accommodation which, either

by itself or together with other existing or proposed dwellings in the locality, would have a detrimental effect on the mix of size, type and affordability of accommodation available in the locality.

The building is a two storey mid-terrace property located within a residential housing estate in Upper Weston and no external alterations to the existing dwelling are required to facilitate the change of use.

The occupation of the building as an HMO would be consistent with the existing residential character of the area and would not necessarily cause increased levels of disturbance to neighbouring properties. The buildings use as an HMO could provide accommodation for students or a group of individuals living together and it is not possible to differentiate between the two groups for the purposes of this application. The proposal is considered to preserve the residential amenity of adjacent occupiers. Levels of overlooking will not be affected by the proposal.

As noted above, the site does not fall within an area with a high concentration of HMOs and therefore the addition of a C4 use would acceptably contribute to the mix of housing in the area. Highways have no objection to the proposal subject to submission of cycle parking details and it is not considered that this change of use will result in any greater demand for parking than if it was in use as a dwelling. Evidence produced by DCLG in regards to car ownership for rented accommodation highlights that rented accommodation can have fewer cars than owner occupied properties. The property is in a sustainable location with good access to facilities and public transport, the proposal is not considered to have significant or severe adverse impact on the highway.

Whilst occupants of HMO's may have different patterns of behaviour to a single family unit there is no evidence to suggest that the proposed HMO would be used materially differently to that of a four bedroom dwellinghouse which would result in an increase in harm to neighbour's amenity so significant as to warrant a refusal of this application. In addition the conversion will provide a reasonable living environment for the occupiers with adequately sized living areas and facilities. In this regard there is not considered to be sufficient grounds to warrant a reason on the basis of residential amenity.

The change of use will not harm the special qualities of the World Heritage Site.

## OTHER MATTERS

The effect of development on property values is not a material planning consideration. The Council is unable to condition the use of the property for occupants other than students. The maintenance of outside areas is a matter for the property owner. There is no clear correlation between the occupants of properties and litter. Each application is considered on its own merits and does not in itself constitute a precedent being set. A class C4 HMO can accommodate 3 to 6 unrelated individuals. An increase in this to eight would require a further planning application.

## CONCLUSION

Given the content of the above report, the application is recommended for approval subject to condition for provision of bicycle parking.

## **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 Bicycle Storage (Pre-occupation)**

No occupation of the development shall commence until bicycle storage for at least 4 bicycles has been provided in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. 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.6 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 drawings first floor plans and ground floor plans dated as received 8th July 2016 and site location plan dated as received 12th July 2016.

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

### **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.

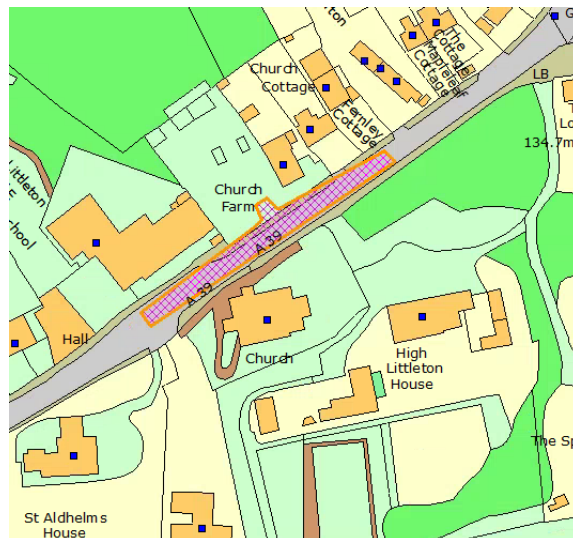
Pre-occupation - The condition requires the submission and approval of further information, drawings or details before occupation of all or part of the approved development.

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:** 10  
**Application No:** 15/01802/FUL  
**Site Location:** Church Farm Derelict Property Church Hill High Littleton Bristol



**Ward:** High Littleton      **Parish:** High Littleton      **LB Grade:** II  
**Ward Members:** Councillor L J Kew  
**Application Type:** Full Application  
**Proposal:** Construction of new pedestrian and vehicular access to Church Farm, High Littleton from A39 High Street following removal of section of boundary wall.



<b>Constraints:</b>	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,
<b>Applicant:</b>	Mr Martin Pera
<b>Expiry Date:</b>	16th December 2015
<b>Case Officer:</b>	Laura Batham

## REPORT

Reason for application being considered by Committee:

This application was previously considered by the Committee when it was decided by Members to delegate authority to Officers to permit the application subject to the completion of a S106 to ensure the adjoining bus stop was re-sited to facilitate safe access to the site. Despite the effort of Officers the legal agreement has not been signed by the applicant and therefore the application has been referred back to Committee with a recommendation for refusal.

Site Description:

Church Farm is a single dwelling and group of barns located in the centre of High Littleton. The property is grade II listed. The main house is in a poor state of repair and currently covered by scaffolding which is protecting the roof from further damage. The associated farm barns are also in a poor state of repair and in a progressing state of dilapidation with a barn having recently collapsed in bad weather. To the north west of the site is open countryside and there are further dwellings to the north east. To the south east is the grade II listed Church of Holy Trinity and to the south west, High Littleton Primary School. The main road through the village (A39) runs to the south of the property. The site does not have a current vehicular access and pedestrian access has been made by punching a gap through the boundary wall to the south.

Proposal:

The application seeks consent for the construction of new pedestrian and vehicular access to Church Farm, High Littleton from A39 High Street following removal of section of boundary wall.

History:

AP - 14/00027/RF - DISMIS - 17 June 2014 - Removal of section of boundary wall to create vehicular and pedestrian access.

AP - 14/00028/RF - DISMIS - 17 June 2014 - Alterations including removal of section of wall to facilitate new vehicular and pedestrian access.

DC - 97/02338/FUL - REF - 6 August 1997 - Demolition and rebuilding of Church Farm and erection of two detached dwellings

DC - 09/01584/OUT - WD - 14 June 2009 - Erection of 2no. dwellings following demolition of existing outbuildings, erection of garage and provision of new access.

DC - 09/01586/LBA - WD - 14 June 2009 - Internal and external alterations for the renovation of Church Farm (description TBC).

DC - 10/05250/LBA - RF - 28 November 2012 - External and internal alterations to include raising roof slates by 50mm, new Spanish slates to replace stolen slates, external spreader plates, new velux rooflights, new chimney stack and rebuild of north gable end, new foundations to kitchen boundary wall

DC - 13/01857/FUL - RF - 1 October 2013 - Removal of section of boundary wall to create vehicular and pedestrian access.

DC - 13/01858/LBA - RF - 1 October 2013 - Alterations including removal of section of wall to facilitate new vehicular and pedestrian access.

DC - 15/02290/LBA - External alterations to create a new agricultural entrance to the rear of Church farm from the A39. This application is also for consideration by Committee at this meeting.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

High Littleton Parish Council:

The Parish Council have objected to the application for the following reasons:

- The application is very similar to a number of other access applications to this land all of which have been refused. The access was refused on appeal in 2014.
- Whilst reference is made for an agricultural access only, the width of the access is the same as previously applied for and it is reasonable to assume that this application is to enable a future application for development of the land beyond.
- The approval of the access could set a precedent for similar applications.
- The access is too large and the use would create serious risk for pedestrians and school children.
- The Inspector concluded in the last appeal that the risk to highways would be too great.
- Concerns with the effect on the setting of the Church Farmhouse. The removal of such a large portion of wall would have a significant detrimental impact upon the listed building. The wall is an important aspect of the character of what is the oldest part of the village.
- The relocation of the bust stop would exacerbate the passing place on this length of road.

Highways:

The proposal

I note that the description of the proposal is: "Construction of new pedestrian and vehicular access to Church Farm, High Littleton from A39 High Street following removal of section of boundary wall". I note also some inconsistency within the supporting documents on what the access might serve. It seems to me that the text of the Supporting Statement is in full agreement with the description when it states that:

"This application is for the construction of a vehicular agricultural access off of the A39 Church Hill in High Littleton onto land forming the property known as Church Farm adjacent to the High Littleton Church of England Primary School.

Currently the only access to Church Farm House and the land at the rear is from Church Hill via a narrow gap in the stone boundary wall provided for pedestrian use only".

However, the Technical Statement states that:

"The access proposals have been formulated to consider serving the following existing and potential future uses:-

- o The existing Church Farm House
- o The Byre/Store Road (in a separate unit)
- o Agricultural Access to the rear of the land
- o The potential to serve 2-3 new dwellings situated in the former yard (subject to planning permission)".

I believe the final bullet extends the description to include potential development which would require separate planning consent and, because its inclusion in the Technical Statement is at odds with both the description of the application and the Supporting Statement, I have ignored it. As a consequence it is important to note that the remainder of this advice is based on the assumption that the potential to serve 2-3 new dwellings situated in the former yard does not form part of the application.

The access

In dismissing the appeal following refusal of application 13/01857/FUL the Inspector noted the Council's suggestions that to facilitate the repair of the listed building the access:

- o need be no wider than 4.5 metres;
- o would not require separate pedestrian facilities;
- o need not be designed with full kerb radii and a 'give way' junction;
- o a simple dropped kerb would suffice and promote pedestrian priority;
- o would need appropriate levels of pedestrian/vehicle inter-visibility; and
- o on-site turning should be provided.

The design shown on drawing R300/13 addresses all of these to the satisfaction of highways officers. For clarity it is important to note two of these. Firstly, the applicant has demonstrated that the 5.5metre entrance is necessary to ensure that agricultural vehicles can enter and leave the site without crossing the centreline of High Street. It has also been demonstrated that on site turning can be achieved for light vehicles and tractors without trailers or towed implements. Lorries used in the delivery of good and materials to the site, or being used in the renovation of the property, will inevitably need to reverse to or from the highway.

Subject to a condition there is no highway objection to the proposal.

Ecologist:

No objection. The proposal appears not to have any significant ecological implications. Unless information comes to light indicating this is not the case, I have no objection to the proposal. Any necessary vegetation clearance should be completed outside of the bird nesting season.

Arboriculturalist: No objection

Archaeologist:

The development site lies within the medieval settlement area of High Littleton as defined by the BANES Historic Environment Record (MBN10366), opposite the Grade II Listed medieval Church of Holy Trinity (MBN1111) with its prominent 15th century tower. Church Farm House (also Grade II Listed) with its mullioned windows is thought to be the surviving wing of a once much larger 17th century house that would have covered more of the site. The proposed access road onto the site will require significant ground works and re-grading of the existing ground surface, which is likely to have a detrimental impact on any surviving archaeological remains in the area. Previous proposals on this site have been met with the recommendation that a pre-determination archaeological evaluation is carried out to determine the date, extent, and significance of any archaeological deposits on the site, and the likely impact of the proposed development. The current proposals have now been submitted with a desk-based heritage assessment (CGMS, February 2015), which in its executive summary has concluded that:

"Based on current evidence a moderate potential has been identified for non-designated buried archaeological remains of Medieval/Post-Medieval date. It is concluded that further survey is likely to be required to address this archaeological interest, but could be secured with an appropriate planning condition."

I am now inclined to accept this conclusion, and would therefore recommend that conditions are attached to any planning consent, to ensure (1) a field evaluation of the site, (2) a subsequent programme of archaeological work or mitigation, and (3) publication of the results.

Drainage: No objection

Third Parties/Neighbours:

Four letters of objection received raising the following points:

- The proposed access is at the peak of a hill from Hallatrow to High Littleton which despite being a 30 MPH speed limit, is not adhered to, with cars traveling far in excess of this in and out of the village, which in itself is a danger without the addition of a new access for agricultural and construction vehicles.
- The school is also adjacent to Church Farm House, and will increase the risk of danger to children and parents due to the movements to and from the site.
- Why does the access need to be 5.5 metres wide? There are very few agricultural entrances that are so wide, which all cope without issue. I can only assume the applicant wants the access to be as wide as this in order to accommodate the further traffic that will no doubt materialise if further properties are built on the land.
- If any entrance is granted, there should in my opinion be a caveat that the renovation of Church Farm House must be completed before any further building will be considered on the land.
- This application to provide vehicular and pedestrian access appears similar to a previous application (13/01857/FUL) which was refused in October 2013 and dismissed at appeal in July 2014 in the main impact on traffic and pedestrian safety in the immediate area of access.
- Again this submission appears contrived with a with future intentions to develop the entire site although previous planning permission has been refused to extensively develop the site, in part due to site access and traffic safety concerns on the A39.
- The repositioning of the bus stop may improve the proposed access/egress from the Site, but it will exacerbate traffic congestion on the A39 and impact on vehicle driver

sight lines along the A39 towards the Village centre. Moreover the proposed repositioning of the bus stop would adversely impact on the safe access/egress from Church Cottage and Fernley Cottage, which are located between the site and the Village centre.

- The removal of a significant part of the boundary wall would have an adverse effect on the appearance and character of the immediate area of Church Hill.
- The revised drawings are no different to the previously submitted plan. The entrance is 5.5m wide on each, along with a further 0.5m wide pavement on each side of the proposed roadway.

## **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

### CP6 - Environmental Quality

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

- D.2 - General design and public realm considerations
- D.4 - Townscape considerations
- BH.2 - Listed buildings and their settings
- BH.12 - Important Archaeological Remains
- ET.6 - Agricultural Development.
- 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: Genreal Urban Design Principles
- D.2: Local Character and Distinctiveness
- HE.1: Historic Environment
- RE.2: Agricultrual Development
- ST.7: Trnasport Requirements for Managing Development

## **RELEVENT PMP POLICIES**

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

There is a duty placed on the Council under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 'In considering whether to grant planning permission for

development which affects a listed building or its setting' to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

## **OFFICER ASSESSMENT**

The application seeks consent for a new vehicular access to Church Farm which requires the removal of a section of wall and re-alignment of the existing wall to allow the appropriate site lines. The applicant currently has no vehicular access to the site or specifically the farmland to the north of the site. The farmland is particularly overgrown and access could not be gained to the first field. The fields have therefore remained unmanaged for a number of years. The application seeks consent for an agricultural access to allow vehicles to enter the site and use the land. There is a bus stop currently located in front of the proposed access and a S106 legal agreement is required to ensure this bus stop is moved and a safe access can therefore be provided.

### **History:**

The property has a detailed history which commences with the removal of the original access to facilitate the building of the Victorian school to the south west of the site. Access to the site was then re-aligned to skirt to the north of the school. This secondary access was subsequently compulsorily purchased by the Council at the time to allow the expansion of the school to the north. The removal of the access resulted in Church Farmhouse and its outbuildings being severed from a formal vehicular access. Shortly after, consent was granted for a new access in a similar location to that proposed currently. At the same time consent was granted for the erection of dwellings. However, this consent was never implemented and subsequently the main farmhouse was listed as Grade II in 2004. The previous decisions to grant an access and dwellings on site does not provide a justification for this new application or set a precedent given the change in policy and significantly, the relatively recent listing of the building.

Following the listing of the property in 2009 the applicant sought consent for a new access and the erection of 2 dwellings which was subsequently refused. Permission was also refused in 2013 for a new access for the following reasons:

1 The application failed to provide sufficient information to describe the significance of the heritage asset affected by the development and no assessment has been provided in respect of the impact on the archaeological interest identified as having potential on the site.

2 The proposed access due to its over engineered design, lack of sufficient detail and incomplete finish would have a harmful impact on the character of the surrounding area and the setting of the Listed Building.

3 The formation of an access of the design proposed together with the introduction of vehicular movements on the A39, High Street, generated by the proposed development, would be prejudicial to pedestrian safety.

4 The application failed to make provision for the relocation of the bus stop which is required to facilitate the works.

Subsequently the appeal of this decision was refused by the Planning Inspectorate. In the determination of the appeal the Inspector advised that the access would result in sufficient additional risk to other highway users. Within the appeal a legal agreement to facilitate the alterations to the bus stop, archaeological assessment or assessment upon the significance of the listed building were not provided and the Inspector concluded that without this the appeal should fail.

#### Archaeology:

The Archaeologist has advised that previous proposals on this site have been met with the recommendation that a pre-determination archaeological evaluation is carried out to determine the date, extent, and significance of any archaeological deposits on the site, and the likely impact of the proposed development. The current proposals have now been submitted with a desk-based heritage assessment (CGMS, February 2015), which in its executive summary has concluded that:

"Based on current evidence a moderate potential has been identified for non-designated buried archaeological remains of Medieval/Post-Medieval date. It is concluded that further survey is likely to be required to address this archaeological interest, but could be secured with an appropriate planning condition."

It is considered that this conclusion is acceptable and there are no longer objections to the scheme subject to archaeological conditions to ensure the applicants undertake the following: (1) a field evaluation of the site, (2) a subsequent programme of archaeological work or mitigation, and (3) publication of the results.

#### Impact upon the Setting of the Listed Building:

The Inspector assessed the impact of the loss of wall fabric to facilitate the access and advised that whilst some changes would occur, in the wider context it would result in only limited material harm and should not weigh against the proposal. The new access would result in the removal of 5.5m of wall and require the realignment of the remaining wall. The wall is a later addition to the building's setting, and the re-alignment proposed is considered acceptable. Conditions would be required to ensure the walls are re-built to match that of the original wall in terms of appearance and to ensure use of lime based mortars.

With regards to the impact upon the listed building, the Inspector concluded that insufficient information had been submitted to justify the access with little sensitivity to the listed building. Concern was specifically raised with regards to the engineered road suddenly ending within the site and the impact upon the group of barns to the north west.

The applicants have undertaken more work to address the previous concerns and have completed a heritage desk-based assessment which includes an historical analysis of the building. This information was crucially missing in the last application.

The revised plans have removed the engineered road into the site which stops abruptly in the centre of the land. Given that the access is proposed to enable agricultural access, the engineered road was considered unnecessary. The revised access is now the minimum necessary to allow safe access for farm vehicles. As such the visual appearance of the

access is lessened. A condition will be added to ensure that no further engineering works to extend the access into the site are undertaken.

It is acknowledged that any future occupier of the main house is likely to require a vehicular access and the access would also allow delivery of materials to allow works to commence. Notwithstanding this, the potential for the access to provide this is not considered to hold significant weight as the applicant has neither proposed to undertake works nor submitted a listed building application to enable works to start. Should a more detailed access be needed in the future for occupiers of the house, more detailed plans would be required.

To the north west of the access are a dilapidated group of barns which are in a poor state of repair. The construction of these barns are mainly stone built and are considered historic; however, there are also elements of concrete block buildings. These barns have collapsed in places with few roofs remaining. Initial plans indicated a turning circle over these buildings which would have resulted in their demolition. The applicants supporting statement indicates that these buildings are not within the curtilage of the listed building. The LPA consider the barns to be listed and disagree with this conclusion. However, the proposal which would have resulted in the barns' demolition has now been removed as turning would be available in the fields beyond the barns. Farm vehicles could enter the site, circumvent the buildings, enter the field, return and exit the site in a forward gear. Given that the access is no longer considered over-engineered for its intended use and the barns are no longer considered at risk, the level of harm upon the significance of the setting of the listed building has been reduced. The agricultural access proposed will have limited harm on the setting of the listed building. Given that an engineered road will no longer enter the site and the realignment has been altered, the scheme has been improved from that previously submitted.

#### Potential future uses:

It is acknowledged that any future occupier of the main house is likely to require a vehicular access and the access would also allow delivery of materials to allow works to commence. Notwithstanding this, the potential for the access to provide this is not considered to hold significant weight as the applicant has neither proposed to undertake works nor submitted a listed building application to enable works to start. Should a more detailed access be needed in the future for occupiers of the house, a separate application would be required and an assessment of the most appropriate access lane and parking could be provided.

Concern has been raised by local residents regarding the intention of the access being to enable the future development of the land beyond the farm complex or on the site itself. This too was raised by the Planning Inspector on the previous application as being ambiguous. Within the submission, reference by the applicant's highways engineer does make reference to the development providing access for 2-3 houses.

The application does not apply for this type of application and no plans show the location of any houses. The Local Planning Authority can only assess the current access and whether it is appropriate for the agricultural use. However, to avoid confusion, the area of land to the north of the site is outside of the settlement boundary and recent analysis of land available for development has discounted this area for housing owing to the



landscape impact. Therefore support for housing in this field would not be forthcoming as it would be contrary to the local plan should the applicant seek consent.

Should the applicant choose to subsequently apply for a development of houses, the impact of subsequently upgrading this access to a road capable of serving a development would be assessed. Within this assessment, officers would consider the impact upon the setting of the listed building of a substantial, engineered road in close proximity to the house

#### Highways Impact:

Following a site meeting with the highways team Officers looked at whether the access was over-engineered and whether any potential alterations could be made. The Highways officer considers that the revised access would be appropriate for the description on the application form of 'New agricultural access to Church Farm'. As outlined above there are some indications of more than an agricultural access but this has not been applied for. Any further use or development would require separate planning consent and as such has been discounted in the assessment. The advice for the access relates to the development as applied for and not for any intensification.

In dismissing the appeal following refusal of application 13/01857/FUL the Inspector noted the Council's suggestions that to facilitate the repair of the listed building the access:

- o need be no wider than 4.5 metres;
- o would not require separate pedestrian facilities;
- o need not be designed with full kerb radii and a 'give way' junction;
- o a simple dropped kerb would suffice and promote pedestrian priority;
- o would need appropriate levels of pedestrian/vehicle inter-visibility; and
- o on-site turning should be provided.

The design shown on the revised drawing is considered to address all of these requirements to the satisfaction of highways officers. Initial recommendations were to reduce the width to 4.5m; however, the applicant has demonstrated that the 5.5 metre entrance is necessary to ensure that agricultural vehicles can enter and leave the site without crossing the centreline of High Street. It has also been demonstrated that on site turning can be achieved for light vehicles and tractors without trailers or towed implements in the fields beyond. Lorries used in the delivery of goods and materials to the site, or being used in the renovation of the property, will inevitably need to reverse to or from the highway. However, as highlighted above, no consent is sought for the development of the site and further assessment would need to be made of the impact of an intensified use. The Highways Engineer has concluded that subject to a condition there is no highways objection. The separate pavement into the site has been removed from the scheme.

As part of the facilitation of the access, the current bus stop would need to be moved. A legal agreement would be required to ensure this was undertaken. This would require signing prior to issuing a planning decision. The application was previously recommended for approval subject to the completion of the legal agreement. Following the previous Committee's decision on 10th February 2016 the applicant has not commenced the required legal process following requests to do so. As such the application cannot secure a safe access with the alteration to the bus stop and therefore the application cannot be supported.

#### Amenity:

The access is not considered to affect the amenity of the adjacent dwellings to the north east of the site. The vehicles will need to pass adjacent to the school, however, owing to the boundary between the two sites, this impact is not considered significant. There are no further properties affected by the development.

#### Other Matters:

The Ecologist is happy that the proposed works would not affect protected species subject to ensuring clearance works take place outside of the nesting season. The arboriculturalist and drainage engineers also have no objections to the proposals.

A representation received has requested that the access be granted subject to an agreement that works to repair the house commence. It is not possible or reasonable to restrict the implementation of the access in this way. However, enforcement action can be taken if the property is considered at risk and suffering neglect.

#### Balance:

The current agricultural land to the north west of the site has no vehicular access and as such the fields are unable to be used for farming. There are no other locations for an access owing to the land being surrounded by fields outside of the ownership of the applicant. The altered access from the previous application, downgrading the access to an agricultural size with no pavement is considered to cause a less than substantial impact upon the farmhouse. The NPPF advises that where the harm is less than substantial, the harm should be weighed against the public benefits of the proposal, including securing its optimal viable use. The harm of inserting an agricultural access upon the setting of the listed building must also be weighed against the need for access to the site. Allowing farmland to be used for the farming practices is considered to be a benefit to the area and would allow future management of the land. The new access, without a engineered hard surface extending significantly into the site and with a pavement is considered a significant improvement to the previous application and the previous objections are considered to have been overcome. On balance, the harm is considered to be outweighed by the benefits of access which will allow access to the building and allow future maintenance.

The indications that this access is intended for housing cannot be considered as this has not been sought for by the applicants. The highways safety concerns are considered to have been overcome following the alterations to the scheme from that previously refused.

Whilst the proposal in this case was considered acceptable, without the securing of a S106 agreement, the access would not allow for the safe use of the access itself or the bus stop and therefore the application cannot be supported. The application is therefore recommended for refusal.

### **RECOMMENDATION**

**REFUSE**

### **REASON(S) FOR REFUSAL**

1 In the absence of a Section 106 agreement to relocate the existing bus stop the proposed access would be prejudicial to highway safety and as such the proposal is considered contrary to saved policy T.24 of the Bath and North East Somerset Local Plan, 2007.

**PLANS LIST:**

This decision relates to revised block plan received on 3rd December 2015, site location plan and proposed wall elevations only received on 21st April 2015.

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. Notwithstanding the initial recommendation for approval, the applicant chose not to enter into a legal agreement as required to achieve the access. The submitted application was unacceptable for the stated reasons and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision. In considering whether to prepare a further application the applicant's attention is drawn to the original discussion/negotiation.

**Item No:** 11  
**Application No:** 16/02692/LBA  
**Site Location:** Maisonette 2 3 Floor S 4 Princes Buildings City Centre Bath Bath And North East Somerset



**Ward:** Abbey      **Parish:** N/A      **LB Grade:** II  
**Ward Members:** Councillor Jonathan Carr    Councillor Peter Turner  
**Application Type:** Listed Building Consent (Alts/exts)  
**Proposal:** Internal alterations to include the removal of stud wall between kitchen and reception room and installation of stud wall and door in corridor to create a laundry cupboard.  
**Constraints:** Affordable Housing, Agric Land Class 3b,4,5, Air Quality Management Area, Article 4, Bath Core Office Area, Centres and Retailing, Conservation Area, Forest of Avon, Hotspring Protection, Listed

	Building, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,
<b>Applicant:</b>	Powell & Powell Ltd
<b>Expiry Date:</b>	19th August 2016
<b>Case Officer:</b>	Adrian Neilson

## REPORT

### Reason for reporting to Committee

The applicant's agent is a local member therefore the application has to be referred to committee in accordance with the scheme of delegation.

### Site and proposal description

The protected property is a Grade II listed building and lies within a designated conservation area and the wider World Heritage Site. It is one of six terrace houses and an C18 speculative development by Prince Hoare, Bath's leading sculptor of the time.

Internal alterations to include the removal of stud wall between kitchen and reception room and installation of stud wall and door in corridor to create a laundry cupboard.

### Planning History

DC - 99/00213/AR - WD - 22 September 1999 - Display of externally illuminated fascia and projecting sign

DC - 99/00333/LBA - CON - 15 November 1999 - External alterations to replace fascia and projecting sign

DC - 99/00967/LBA - CON - 19 January 2000 - Internal alterations to erect partitioning to create copier room

DC - 06/02126/LBA - CON - 14 August 2006 - Internal alterations to first floor offices and basement kitchen/wc's

DC - 08/00613/LBA - CON - 15 May 2008 - Internal alterations to remove modern stud partitions and formation of new partitions

DC - 08/03608/FUL - PERMIT - 6 January 2009 - Change of use of ground floor from Estate Agents showroom/office (Use Class A2) to cafe (Use Class A3)

DC - 08/03805/LBA - CON - 2 January 2009 - Internal alterations to include change of use of ground floor from Estate Agents showroom/office (Use Class A2) to cafe (Use Class A3)

DC - 09/01190/VAR - PERMIT - 9 June 2009 - Variation of condition 3, regarding opening hours, of application 08/03608/FUL granted on 6th January 2009

DC - 09/01395/COND - RF - 23 June 2009 - Change of use of ground floor from Estate Agents showroom/office (Use Class A2) to cafe (Use Class A3) (discharge of condition 5 of application 08/03608/FUL)

DC - 09/01458/LBA - CON - 25 June 2009 - External alterations for the proposed new signage

DC - 09/01758/LBA - CON - 28 July 2009 - Internal alterations for the installation of a cavity membrane system, upgrading of ceilings to 2 no. basement rooms and alterations to layouts of basement wc facilities

DC - 09/02368/LBA - CON - 7 September 2009 - External alterations for the change of colour of the shop front from white to grey (Regularisation)

DC - 10/00261/LBA - CON - 17 March 2010 - External alterations to reinstatement of shop front canopy

DC - 10/00263/AR - CON - 7 April 2010 - Display of advertisement on canopy

DC - 10/01403/COND - DISCHG - 26 May 2010 - Discharge of condition 2 of application 10/00261/LBA (External alterations to reinstatement of shop front canopy)

DC - 12/01796/VAR - PERMIT - 20 June 2012 - Variation of condition 3, regarding opening hours, of application 09/01190/VAR (Variation of condition 3, regarding opening hours, of application 08/03608/FUL granted on 6th January 2009)

DC - 14/05067/FUL - PERMIT - 18 February 2015 - Installation of extraction system to facilitate bistro style restaurant.

DC - 14/05068/LBA - CON - 18 February 2015 - Internal and external alterations including installation of kitchen and extraction system to form bistro style restaurant.

DC - 14/05211/VAR - PERMIT - 19 February 2015 - Variation of condition 3 (trading hours) of application 08/03608/FUL. (Change of use of ground floor from Estate Agents showroom/office (Use Class A2) to cafe (Use Class A3)).

DC - 14/05730/FUL - PERMIT - 11 March 2015 - Use of public highway to allow external pavement seating

DC - 15/00503/AR - CON - 2 April 2015 - Display of 2 no. fascia signs, 1 no. awning signage, 1 no. internally illuminated menu box, 1 no. internally illuminated lantern, window signage, portable pavement sign and miscellaneous external branding associated with restaurant.

DC - 15/02537/AR - CON - 3 August 2015 - Display of 6 no. applied vinyl sign to shop front glazing, 1 no. internally illuminated lantern, 1 no. internally illuminated menu box, 1 no. applied sign to fabric awning, 1 portable A board, 1 no. branded tiled threshold and miscellaneous external branding associated with restaurant.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Non 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
- EDIT other relevant policies

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

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**

There are existing alterations to the building which appear to originate from the latter part of the C20 and consist of modern partitions relating to the sub-division of the building into self-contained flats. This has resulted in an interruption of historic plan form and room proportions.

The proposals are for the removal of a partition in a principal room which will reinstate the room's historic plan form and proportions and are therefore regarded as heritage gain. Also, the installation of a new small partition to create a cupboard which is not regarded as substantially harmful and is weighed against the benefits of other more positive aspects of the proposals.

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 proposals are consistent with the aims and requirements of the primary legislation, policy and policy guidance.

## **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 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.

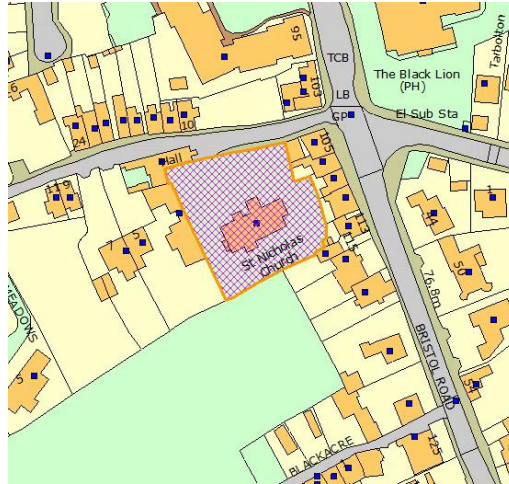
## **PLANS LIST:**

5362-16-01, 5362-16-02, 5362-16-03, 5362-16-04 and Design, Access and Heritage Statement date stamped 27 May 2016 and photographs 24 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 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:** 12  
**Application No:** 16/02441/FUL  
**Site Location:** St Nicholas Church Church Road Whitchurch Bristol Bath And North East Somerset



**Ward:** Publow And Whitchurch      **Parish:** Whitchurch      **LB Grade:** N/A

**Ward Members:** Councillor Paul May

**Application Type:** Full Application

**Proposal:** Erection of disabled WC to front elevation.

**Constraints:** Affordable Housing, Airport Safeguarding Zones, Agric Land Class 3b,4,5, Coal - Standing Advice Area, Forest of Avon, Greenbelt, Housing Development Boundary, Listed Building, Local Shops, SSSI - Impact Risk Zones,

**Applicant:** PCC of St Nicholas Church Care of Mrs A Sealy

**Expiry Date:** 14th July 2016

**Case Officer:** Adrian Neilson

## REPORT

The listed building is a grade II\* church located in the historic settlement of Whitchurch and dates from the C12 and possesses a cruciform plan form with some surviving Romanesque and transitional details. It was altered and extended in the C13 and C15. The church was altered again in the later C19, when internal plaster and external renders were removed. The plan comprises nave, chancel, north transept, south aisle and south-east chapel (vestry). North and south porches, and central tower. The internal fittings are mainly C19, although two notable medieval screens survive within the south aisle and vestry,

The proposals are for external alterations to construct a WC located to the north elevation.

No planning history available.

## SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Historic England



Historic England understands that church buildings must adapt and alter in order to accommodate modern services and requirements and ensure the continual use these building for the purpose for which they were built, however it is important that this must be balanced with the preservation of the significance of St Nicholas' as a grade II\* listed building. The proposals as outlined will be harmful to the overall aesthetics of the building, however given the limited options for alternative locations and the lack of impact on the historic fabric of the building we would consider this location acceptable. The design and materials used for this location will plan an important part in minimising the harm caused to the aesthetics of the church and we would recommend that care must be taken to ensure that the structure takes a lightweight approach, thereby minimising the need for any impact on the historic fabric of the church itself. Appropriate archaeological precautions should be undertaken with regards to the drainage and ground disturbance needs of any scheme.

#### Whitchurch Parish Council (Objection)

Whitchurch Parish Council object to this application, the proposal to erect a WC to the front of this medieval grade II listed building, is out of character of the existing church building. It will be harmful to the visual appearance of St Nicholas Church.

#### Cllr Paul May (Objection and Committee referall request)

I would like this application to be considered by committee please? My reason are that this is a significant building, in a prominent location which is listed and loved by the village as a whole. The construction is totally inappropriate because it is on the front elevation and totally out of sympathy with the construction of the grade 2 listed building. This is in support of the Parish Council objection.

#### St Nicholas Pre-School (Support)

Current facilities inadequate and compromise security and safety of children. Proposed toilet will overcome this issue.

### **POLICIES/LEGISLATION**

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:

- CP2 - Sustainable construction
- CP6 - Environmental Quality
- DW1 - District-wide spatial Strategy
- RA1 - Development in the villages

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

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

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. Relevant Policies:

HE1: Safeguarding heritage assets

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).

## **OFFICER ASSESSMENT**

Due to ecclesiastical exemption listed building consent is not required however external alterations require planning permission. The proposed extension that will provide WC facilities for visitors to the church will be contained within the existing built envelope of the church located on the north elevation. Whilst it is acknowledged that this is the front elevation careful consideration has been given to alternative locations however it is generally regarded that this location offers the least harmful solution and will result in the least impact on the historic building. Therefore the approach is based on a careful balance between the preservation of the significance and architectural interest of the building and the practical requirements of providing sanitary facilities for visitors and users of the building.

The proposed extension will be constructed of timber boarding to ensure that it clearly reads as a new addition to the building and physically and visually lightweight that will facilitate reversibility. The applicants had previously considered the use of stone but the LPA were concerned that this would be of an inappropriate conspicuous appearance and would cause unacceptable harm. The proposed extension will provide toilet facilities for user groups that are currently not available. The addition of toilets will allow the play groups to use the church and comply with the relevant safeguarding legislation.

It is acknowledged that objections to the proposals have been received from the Whitchurch Parish Council and the local Cllr and their concerns have been considered in the assessment of these proposals and the application. Whilst these concerns are legitimate and understandable the proposals when weighed against the issues of harm to

the heritage asset and that of the need for new facilities to allow the church to function in this instance the proposals are regarded as acceptable on balance.

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 by the LPA that, on balance, the proposals are consistent with the aims and requirements of the primary legislation.

## **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.

### **3 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.

### **4 Archaeology - demolition and WSI (Pre-commencement)**

No development or demolition shall take place within the site 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 record of those parts of the building(s), which are to be demolished, disturbed or concealed 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.

Reason: The building is of significant archaeological interest and the Council will wish to examine and record features of architectural interest.

**PLANS LIST:**

0304.P.003, 0304.P.04, 0304.P.07, 0304.P.08, 0304.P.09, 0304.P.10, 0304.P.11, 0304.S.001 and Design, Access and Heritage Statement date stamped 17 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 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.

<b>Bath &amp; North East Somerset Council</b>	
<b>MEETING:</b>	<b>Development Control Committee</b>
<b>MEETING DATE:</b>	
<b>RESPONSIBLE OFFICER:</b>	Mark Reynolds, Group Manager, Development Management (Telephone: 01225 477079)
<b>TITLE:</b>	<b>NEW PLANNING APPEALS, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES</b>
<b>WARD:</b>	ALL
<b>BACKGROUND PAPERS:</b>	None
<b>AN OPEN PUBLIC ITEM</b>	

**APPEALS LODGED**

**App. Ref:** 15/04347/FUL  
**Location:** 40 Bloomfield Park Bloomfield Bath BA2 2BX  
**Proposal:** Erection of eight apartments with associated parking and landscaping following demolition of existing detached house and garage.  
**Decision:** REFUSE  
**Decision Date:** 25 May 2016  
**Decision Level:** Delegated  
**Appeal Lodged:** 17 August 2016

**App. Ref:** 15/03373/FUL  
**Location:** Land Between Brookside And Valley View Road Brookside Paulton Bristol  
**Proposal:** Erection of 2 no. detached houses  
**Decision:** REFUSE  
**Decision Date:** 1 July 2016  
**Decision Level:** Delegated  
**Appeal Lodged:** 19 August 2016

**App. Ref:** 16/01641/FUL  
**Location:** 9 Rotcombe Lane High Littleton Bristol BS39 6JP  
**Proposal:** Erection of 1no. dwelling  
**Decision:** REFUSE  
**Decision Date:** 10 June 2016  
**Decision Level:** Delegated  
**Appeal Lodged:** 19 August 2016

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**App. Ref:** 15/04602/FUL  
**Location:** Hillside House Pensford Hill Pensford Bristol BS39 4AF  
**Proposal:** Raised roof structure to allow new second floor accommodation.  
New window to north east elevation  
**Decision:** REFUSE  
**Decision Date:** 26 May 2016  
**Decision Level:** Delegated  
**Appeal Lodged:** 31 August 2016

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**App. Ref:** 16/01525/FUL  
**Location:** 53 Hansford Square Combe Down Bath BA2 5LJ  
**Proposal:** Erection of 1 no. detached dwelling and proposed access from  
Hansford Square  
**Decision:** REFUSE  
**Decision Date:** 3 June 2016  
**Decision Level:** Delegated  
**Appeal Lodged:** 7 September 2016

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**Case Ref:** 14/00806/UNAUTH  
**Location:** Peasedown Community Farm Dunkerton Hill Dunkerton Bath  
**Breach:** Without planning permission use of land for builders yard  
**Notice Issued:** 6 May 2016  
**Appeal Lodged:** 16 August 2016

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**Case Ref:** 14/00129/LBWORK  
**Location:** Flat 2, 15 Alfred Street City Centre Bath BA1 2QX  
**Breach:** Appeal against unauthorised conversion of vaults  
**Notice Issued:** 23 June 2016  
**Appeal Lodged:** 15 August 2016

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## APPEALS DECIDED

**App. Ref:** 15/04929/FUL  
**Location:** Down House Bathampton Lane Bathampton Bath  
**Proposal:** Erection of new two storey dwelling.  
**Decision:** REFUSE  
**Decision Date:** 5 February 2016  
**Decision Level:** Delegated  
**Appeal Lodged:** 4 May 2016

**Appeal Decision: Dismissed on 12.08.2016**

Click [here](#) to view the Appeal Decision

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**App. Ref:** 15/02735/FUL  
**Location:** 5 Fairfield Road Fairfield Park Bath BA1 6EP  
**Proposal:** Erection of single storey extension to front elevation.  
**Decision:** REFUSE  
**Decision Date:** 11 September 2015  
**Decision Level:** Delegated  
**Appeal Lodged:** 13 June 2016

**Appeal Decision: Dismissed on 15.08.2016**

Click [here](#) to view the Appeal Decision

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**App. Ref:** 15/04842/OUT  
**Location:** Valley View Greyfield Road High Littleton Bristol BS39 6XZ  
**Proposal:** Erection of detached dormer bungalow and garage at rear of 'Valley View' with access off existing back lane. (Outline application with access, layout and scale to be determined and all other matters reserved)  
**Decision:** REFUSE  
**Decision Date:** 17 December 2015  
**Decision Level:** Delegated  
**Appeal Lodged:** 10 May 2016

**Appeal Decision: Dismissed on 15.08.2016**

Click [here](#) to view the Appeal Decision

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**App. Ref:** 16/00200/FUL  
**Location:** 41 Rockliffe Avenue Bathwick Bath BA2 6QP  
**Proposal:** Erection of two storey side and single storey rear extension and installation of dormer to rear. (Resubmission 15/02000/FUL).  
**Decision:** REFUSE  
**Decision Date:** 30 March 2016  
**Decision Level:** Delegated  
**Appeal Lodged:** 29 June 2016

**Appeal Decision: Dismissed on 22.08.2016**

Click [here](#) to view the Appeal Decision

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**App. Ref:** 16/00458/FUL  
**Location:** 71 Lower Bristol Road Clutton Bristol BS39 5QT  
**Proposal:** Erection of two storey side extension. (Amendment to previously approved scheme)  
**Decision:** REFUSE  
**Decision Date:** 19 May 2016  
**Decision Level:** Delegated  
**Appeal Lodged:** 4 July 2016

**Appeal Decision: Dismissed on 23.08.2016**

Click [here](#) to view the Appeal Decision

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**App. Ref:** 15/01335/OUT  
**Location:** Parcel 3615 Wells Road Hallatrow Bristol  
**Proposal:** Erection of 15 dwellings and associated infrastructure. (Outline application with all matters reserved)  
**Decision:** REFUSE  
**Decision Date:** 12 January 2016  
**Decision Level:** Delegated  
**Appeal Lodged:** 23 May 2016

**Appeal Decision: Allowed on 25.08.2016**

Click [here](#) to view the Appeal Decision

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**App. Ref:** 15/04009/FUL  
**Location:** Land Between Miller Walk And Simons Close Miller Walk  
Bathampton Bath  
**Proposal:** Phased erection of four detached self-build houses and their  
driveways with access as existing and with new local and strategic  
landscaping and infrastructure following removal of Leylandii hedge.  
**Decision:** REFUSE  
**Decision Date:** 22 December 2015  
**Decision Level:** Delegated  
**Appeal Lodged:** 23 May 2016

**Appeal Decision: Dismissed on 02.09.2016**

Click [here](#) to view the Appeal Decision

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**Case Ref:** 15/00495/CONSRV  
**Location:** Land Rear Of Dixon Gardens Upper Lansdown Mews Lansdown  
Bath  
**Breach:** Without planning permission, demolition of a wall within a  
conservation area  
**Notice Date:** 4 May 2016  
**Appeal Lodged:** 17 May 2016

**Appeal Decision: Dismissed on 02.08.2016**

A copy of the decision notice can be obtained on request from  
[planning\\_appeals@bathnes.gov.uk](mailto:planning_appeals@bathnes.gov.uk)

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