

**Democratic Services**

Lewis House, Manvers Street, Bath, BA1 1JG

Telephone: (01225) 477000 *main switchboard*

Direct Lines - Tel: 01225 394414

Web-site - <http://www.bathnes.gov.uk>

Date: 28 February 2017

E-mail: [Democratic\\_Services@bathnes.gov.uk](mailto:Democratic_Services@bathnes.gov.uk)

**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, 8th March, 2017**

You are invited to attend a meeting of the **Development Management Committee**, to be held on **Wednesday, 8th March, 2017 at 2.00 pm** in the **Council Chamber - Guildhall, Bath**

The Chair's Briefing Meeting will be held at 10.00am on Tuesday 7<sup>th</sup> March in the Meeting Room, Lewis House, Bath.

The rooms will be available for the meetings of political groups.

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, 8th March, 2017**

**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, i.e. 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 - 54)

To confirm the minutes of the meeting held on 8 February 2017.

9. SITE VISIT LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (PAGES 55 - 98)

10. MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (PAGES 99 - 208)

11. NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES (PAGES 209 - 220)

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>

**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, 8th February, 2017, 2.00 pm

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

#### **101 EMERGENCY EVACUATION PROCEDURE**

The Democratic Services Officer read out the emergency evacuation procedure.

#### **102 ELECTION OF VICE CHAIRMAN (IF DESIRED)**

A Vice Chairman was not required on this occasion.

#### **103 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

There were no apologies for absence or substitutions.

#### **104 DECLARATIONS OF INTEREST**

- Councillor Eleanor Jackson declared an interest in planning application number 16/05498/AR as she knew the Chair of the Parish Council, who was speaking on the item, due to her involvement in the Britain in Bloom competition. She stated that she would leave the meeting while this item was considered and therefore would not speak or vote.
- Councillor Bryan Organ declared a disclosable pecuniary interest in planning application number 16/05771/FUL - 6 Fairways, Saltford as he was the applicant. He stated that he would leave the meeting while this item was considered and therefore would not speak or vote.

#### **105 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN**

There was no urgent business.

#### **106 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.

#### **107 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS**

There were no items from Councillors or Co-Opted Members.

## 108 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 11 January 2017 were confirmed and signed as a correct record subject to the following amendment:

Page 7 – paragraph 5 – Add the wording:

“Councillor Jackson stated that the proposal would result in an unacceptable loss of amenity to neighbouring properties.”

## 109 SITE VISIT 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) attached as *Appendix 1* to these minutes.
- Oral statements by members of the public and representatives. A copy of the speakers' list is attached as *Appendix 2* 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 3* to these minutes.

### Item No. 1

#### Application No. 16/04535/FUL

**Site Location: 33 Parklands, High Littleton, BS39 6LB – Erection of a dwelling following demolition of the outbuilding**

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

The registered speaker spoke against the application.

Councillor Kew, local ward member, stated that whilst he appreciated the concern of residents he did not feel that the development would be too intrusive. He noted that the area was already quite densely populated.

Councillor Jackson stated that she had found the site visit very helpful. She stated that the concerns of the neighbours regarding being overlooked should be taken into account. They would suffer loss of amenity due to the drop in land levels. If permission were to be granted she felt that an additional condition relating to screening between the new property and 26 Parklands should be included.

Councillor Roberts agreed with the need to consider screening and moved that planning permission be granted subject to the inclusion of an additional condition to

provide sufficient screening. This was seconded by Councillor Appleyard.

The Team Manager, Development Management, explained that the Committee could delegate authority to officers to negotiate with the applicant to provide appropriate screening or to impose a condition. He stated that a fence could appear dominant in this location and that a hedge may be more appropriate.

Councillor Roberts and Councillor Appleyard agreed to amend the motion to delegate to permit including a condition to ensure that appropriate and reasonable planting/screening was provided by the applicant.

Councillor Kew agreed that a hedge would be more appropriate than a high fence. He suggested that the existing hedge could be retained and extended if necessary.

The motion was put to the vote and it was **RESOLVED** by 6 for, 2 against and 2 abstentions, to **DELEGATE TO PERMIT** the application subject to the conditions outlined in the report and an additional condition to provide appropriate and adequate planting/screening along the boundary between the new property and 26 Parklands.

## 110 **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), attached as *Appendix 1* to these minutes.
- Statements by members of the public and representatives. A copy of the speakers' list is attached as *Appendix 2* 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. 1**

#### **Application No. 16/04289/EFUL**

**Site Location: Ministry of Defence, Warminster Road, Bath – Erection of 6 apartment blocks to provide 87 new dwellings (Partial revision of application no. 14/02272/EFUL)**

The Case Officer reported on the application and his recommendation to delegate to permit. He explained that the application would mean an increase of 39 units due to the replacement of some terraced housing with apartment blocks. He also pointed out an amendment to Condition 2 which changed the starting time for working hours on site (Mondays to Fridays) from 7.30am to 8am.

The registered speakers spoke for and against the application.

The local ward member, Councillor Matt Cochrane, spoke against the application.

In response to a question the Case Officer confirmed that the nearest properties to the development were approximately 35 metres away. He also confirmed that the land sloped away to the North.

Councillor Organ stated that he would like the Development Management Committee to be kept informed of progress on the various aspects of the Section 106 agreement if permission was granted.

Councillor Crossley asked a question regarding the affordable housing aspect of this scheme. The Case Officer explained that the scheme permitted in 2014 consisted of 40% affordable housing. The revised application consisted of 33% affordable housing. An independent viability appraisal had been carried out and the revised scheme would return a 19.33% profit (as opposed to 13% under the original scheme). The rent reduction programme had affected profitability along with some unknown development costs. The surplus £400k would be commuted to the Council to fund the off-site provision of affordable housing. Councillor Crossley remained concerned at the reduction in the percentage of affordable housing in the development. The Case Officer confirmed that there was no reduction in the number of affordable housing units which remained at 81.

Councillor Appleyard also expressed concern at the reduced percentage of affordable housing and pointed out that house prices were likely to increase once the scheme was completed. He questioned the viability process.

Councillor Veale stated that he felt the original scheme had been very good but that he could not support the revised application.

Councillor Jackson then moved that planning permission be refused for the following reasons:

- the development is an inappropriate development for the gateway to a world heritage site
- the height of the buildings would have an adverse impact on the amenity of the area
- the development would have an unacceptable impact on the vista of the city
- environmental reasons, such as light spillage would impact on wildlife; and
- the asymmetrical design is unacceptable so close to the road.

She also pointed out that the Urban Design Officer and Historic England had both made objections to the scheme which should be taken into account.

Councillor Appleyard seconded the motion as he felt the scheme was not policy compliant with regard to the percentage of affordable housing units. He also had concerns regarding the view of the development from the opposite side of the valley.

Councillor Kew stated that he did not believe that the application should be refused. This was an appropriate development that would provide 81 affordable housing units which were needed in Bath. The development would be on a brownfield site and the increased density was appropriate for the central Bath location. The height of the

buildings was not a great concern because the buildings would be set into the ground.

The Team Manager, Development Management, pointed out that the Committee was not considering the application afresh but only looking at the changes to be made to the original application. There were only minor changes to the footprint and if refused the level of harm would need to be clarified. The Ecologist had raised no objection to the proposals so it would be difficult to include ecological reasons for refusal and to demonstrate evidence of harm. The level of affordable housing could be affected by viability rules and if potential profits reduce then a development could be considered to be unviable.

The motion was then put to the vote and there were 5 votes for and 5 votes against. The Chairman then used her casting vote against the motion which was therefore **LOST**.

Councillor Kew then moved the revised officer recommendation set out in the update report to delegate to permit the application subject to completion of a s106 agreement and conditions. This was seconded by Councillor Organ.

The motion was then put to the vote and there were 5 votes for and 5 votes against. The Chairman used her casting vote in favour of the motion and it was **RESOLVED** to **DELEGATE TO PERMIT** the application subject to a s106 agreement and conditions.

## **Item No. 2**

### **Application No. 16/05094/FUL**

**Site Location: Beechen Cliff School, Kipling Avenue, Bear Flat, Bath BA2 4RE  
– Extend bank southwards using existing on site spoil heap to create wider playing field**

The Case Officer reported on the application and his recommendation to permit. He explained that this was a partially retrospective application.

The registered speakers spoke for and against the application.

Local ward members, Councillors Ian Gilchrist and Mark Shelford, spoke regarding the application and asked the Committee to consider visiting the site.

Councillor Becker proposed that consideration of the application be deferred for a site visit. This was seconded by Councillor Appleyard.

Councillor Jackson stated that she did not feel that a site visit was necessary on this occasion.

The motion was put to the vote and there were 4 votes for, 4 votes against and 2 abstentions. The Chairman then used her casting vote in favour of the motion and it was therefore **RESOLVED** to **DEFER** consideration of the application pending a site visit.

**Item No. 3****Application No. 16/04499/FUL**

**Site Location: 17 Station Road, Welton, Midsomer Norton, BA3 2AZ – Erection of 6 new dwellings following demolition of existing dwelling and outbuildings (resubmission) – revised plans**

The Case Officer reported on the application and her recommendation to permit.

The registered speaker spoke against the application.

Councillor Crossley asked a question regarding the inclusion of the building within the Midsomer Norton Conservation Area Character Assessment. The Case Officer explained that the building was not referred to in the 2004 Character Assessment but that this document was currently being updated, although the building was also not referred to in the latest draft.

Councillor Jackson was concerned regarding the impact of the development on nearby dwellings. She also asked whether there would be any impact on Welton Vale as the development was on higher ground. The Case Officer felt that there would not be a significant impact and that the development would not be detrimental to the local amenity.

Councillor Kew then proposed that a site visit take place to view the building and to consider whether it should be preserved. This was seconded by Councillor Jackson.

The motion was put to the vote and it was **RESOLVED** by 8 votes for and 2 votes against to **DEFER** consideration of the application pending a site visit.

**Item No. 4****Application No. 16/04261/FUL**

**Site Location: Unit 2, Lymore Gardens, Twerton, Bath, BA1 1AQ – Erection of 5 three bedroom, 2 two bedroom and 1 one bedroom flats following conversion and adaptation of warehouse**

The Case Officer reported on the application and her recommendation to permit.

The registered speaker spoke in favour of the application.

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

In response to a question the Case Officer explained that there were three entrances to the property, two of which were accessed via Lymore Gardens. She also confirmed that there had been attempts to market the property as a warehouse but that this had been unsuccessful. The white line road markings would be removed and there would be a dropped kerb to serve the garage.

Councillor Roberts stated that she understood the parking issues raised by the local ward councillor and regretted the loss of an industrial unit. However, there was provision for one parking space for each new property and cycle storage would be available. She moved the officer recommendation that planning permission be granted subject to conditions.

Councillor Kew seconded the motion. He stated that he also had sympathy with the views put forward by the local councillor but noted that the industrial units had not been sold and therefore supported a change of use.

Councillor Becker queried whether the industrial unit could be demolished as it seemed ridiculous to be retaining it in a residential area.

Councillor Jackson supported the application and noted that the apartments would be suitable for young professionals.

The motion was put to the vote and it was **RESOLVED** by 7 votes for and 3 against to **PERMIT** the application subject to the conditions set out in the main agenda report and update report.

#### **Item No. 5**

##### **Application No. 16/05453/FUL**

**Site Location: Box Bush, Bromley Road, Stanton Drew – Erection of 2 storey annexe and single storey extension following demolition of existing single storey annexe**

The Case Officer reported on the application and her recommendation for refusal. She explained that the property was outside the housing development area of the village.

The registered speakers spoke in favour of the application.

Councillor Karen Warrington, the local ward member, spoke in favour of the application.

Councillor Jackson did not support the reasons put forward by the applicant in support of the proposal and moved that planning permission be refused as per the officer recommendation. This was seconded by Councillor Appleyard.

Councillor Crossley asked whether a tie could be placed on the property stating that it could not be sold separately from the main dwelling. The Team Manager explained that although there could be a tie-in to the main property, due to the size of the proposal, it would be difficult to defend such an approach in policy terms. A legal agreement could be used but, again, this would be difficult to defend in this case.

The Team Manager went on to advise that the property was in a prominent location and would affect the visual amenity of the greenbelt due to the change from one storey to two storeys. Members were advised to consider whether it would affect openness and should take into account the policies relating to the greenbelt.

Councillor Appleyard stated that he understood the objectives for the proposed development but noted that guidelines and policies should be followed.

The motion was put to the vote and it was **RESOLVED** by 8 votes for and 2 votes against to **REFUSE** the application for the reasons set out in the report.

**Item No. 6**

**Application No. 16/04960/FUL**

**Site Location: Beaumont House, Lansdown Road, Bath – Erection of three storey side extension to provide 3 residential apartments with associated parking and landscaping**

The Case Officer reported on the application and her recommendation to permit. She informed the Committee that one further letter of objection had been received.

The registered speakers spoke in favour and against the application.

Councillor Jackson proposed a site visit; however this motion did not receive a seconder. She felt that the proposal was a radical change to the building which would alter the original concept.

Councillor Kew moved the officer recommendation that planning permission be granted subject to conditions. He felt that this was a good proposal, an excellent design and that it would enhance and balance the building. This would provide three new dwellings which were needed in this area. Councillor Appleyard seconded the motion.

The motion was put to the vote and it was **RESOLVED** by 9 votes for and 1 against to **PERMIT** the application subject to the conditions set out in the report.

**Item No. 7**

**Application No. 16/05498/AR**

**Site Location: Bristol Water Visitor Centre and Tea Room, Walley Lane, Chew Magna – Display of 2 externally illuminated entrance signs to replace previous signs to the entrance to Chew Valley Lake picnic area and Salt & Malt Café and public car park (Resubmission)**

The Case Officer reported on the application and his recommendation to refuse the application.

The registered speaker spoke in favour of the application.

Councillor Liz Richardson, local ward member, spoke in favour of the application.

Councillor Crossley supported the Parish Council and felt that the signs should be permitted. He stated that the downlighting was acceptable and that the signage would help to advertise a local business and increase the usage of this enterprise. He then moved that consent be granted on the basis that the signs would enhance the economic viability of the enterprise and add to the visitor attraction. This was seconded by Councillor Appleyard who stated that the signs would support the business and assist motorists in finding the attraction.

Councillor Kew felt that the officer recommendation to refuse the application was correct. He was not opposed to a sign in this location but felt that the proposed design was not suitable for an Area of Outstanding Natural Beauty and Special Protection Area. An improved design which was more in keeping with the area should be sought.



The Team Manager stated that the officer opinion was that the size and illumination of the proposed sign was unacceptable in this location but there was not an objection to a sign per se.

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

Councillor Kew then moved that consent be refused for the reasons set out in the report. This was seconded by Councillor Matthew Davies.

The motion was put to the vote and it was **RESOLVED** by 4 votes for, 2 votes against and 3 abstentions to **REFUSE** the application for the reasons set out in the report.

**Note:** Having declared an interest in this matter, Councillor Jackson left the meeting while the application was considered and did not speak or vote on this item.

(Councillor Roberts left the room at this point in the meeting).

#### **Item No. 8**

##### **Application No. 16/05771/FUL**

**Site Location: 6 Fairways, Saltford, BS31 3HX – Erection of single storey front extension, installation of 2 windows to side elevations and construction of additional parking area**

The Case Officer reported on the application and her recommendation to permit the application.

Councillor Jackson moved that planning permission be granted subject to the conditions set out in the report. This was seconded by Councillor Matthew Davies.

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

**Note:** Having declared a disclosable pecuniary interest in this matter, Councillor Organ left the meeting while the application was considered and did not speak or vote on this item.

#### **Item No. 9**

##### **Application No. 16/05508/FUL**

**Site Location: 18 Upper Camden Place, Walcot, Bath BA1 5HX – Installation of proposed mansard roof and associated dormer windows to front and rear elevations**

#### **Item No. 10**

##### **Application No. 16/05509/LBA**

**Site Location: 18 Upper Camden Place, Walcot, Bath, BA1 5HX – Internal and external alterations to install mansard roof and associated dormer windows to front and rear elevations**

The Case Officer reported on the applications and her recommendation to refuse. She drew attention to the update report which stated that the Ecologist had advised

that an ecology survey was required in support of the application. This information had not yet been received.

The registered speakers spoke in favour of the application.

Councillor Kew stated that he was sympathetic to the applications and felt that there would be no significant harm. He noted that there were already some properties in the area with mansard roofs and felt that the street scene would be enhanced. He pointed out that there was already a mixture of roof types in this street. Councillor Kew then moved to delegate to permit the application subject to conditions, noting the need to deal with any outstanding ecological issues. Councillor Matthew Davies seconded the motion.

Councillor Jackson strongly opposed the applications and stated that the Committee should take into account the comments expressed by Bath Preservation Trust and Historic England. She felt that the internal staircase should not be lost. The proposed roof was too big and would be dominant and overbearing upon the street scene.

The Team Manager stated that listed building consent for a mansard roof had previously been granted for this property in 1988 and 1993; however, planning policies and guidance relating to listed buildings had since been strengthened. These policy changes now stressed the importance of preserving historic features. Historic England had raised objections in the light of current Council policy and the NPPF.

The Principal Solicitor advised the Committee that if they were minded to grant planning permission and listed building consent then they should defer their decision until the outstanding ecology information had been submitted and considered.

Members were also advised that this would give officers the opportunity to clarify whether the internal staircase would be retained or removed as there appeared to be some confusion on this point.

Following this advice Councillor Kew, with the consent of Councillor Matthew Davies withdrew his motion. He then moved that consideration of the applications be deferred pending a site visit and an ecology report.

The motion was then put to the vote and it was **RESOLVED** unanimously to **DEFER** consideration of the applications pending a site visit and an ecology report.

(Councillor Roberts returned to the meeting room)

#### **Item No. 11**

**Application No. 16/05059/FUL**

**Site Location: 5 Crown Hill, Upper Weston, Bath, BA1 4BP – Erection of single storey rear extension**

#### **Item No. 12**

**Application No. 16/05060/LBA**

**Site Location: 5 Crown Hill, Upper Weston, Bath, BA1 4BP – Demolition of rear extensions and construction of new single-storey extension, replacement of**

**dormer (front and rear) and casement (rear) windows and stone cleaning to front façade**

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

Councillor Crossley moved that planning permission and listed building consent be granted. This was seconded by Councillor Kew.

The motion was put to the vote and it was **RESOLVED** unanimously to **PERMIT** the application for planning permission and to **GRANT** listed building consent.

111 **QUARTERLY PERFORMANCE REPORT - OCTOBER TO DECEMBER 2016**

The Committee considered the quarterly performance report for the period from October to December 2016. Members queried the figure for the number of “invalid” applications which was quoted as being 41%. The Team Manager agreed to look into this and respond to members after the meeting.

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

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

The Committee considered the appeals report.

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

The meeting ended at 6.00 pm

Chair .....

Date Confirmed and Signed .....

Prepared by Democratic Services

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**BATH AND NORTH EAST SOMERSET COUNCIL**

**Development Management Committee**

**Date 8<sup>th</sup> February 2017**

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

**ITEMS FOR PLANNING PERMISSION**

| <b>Item No.</b> | <b>Application No.</b> | <b>Address</b>             |
|-----------------|------------------------|----------------------------|
| 01              | 16/04289/EFUL          | Warminster Road, Bathwick, |

**Planning History**

The planning history section of the main report makes reference to application (Ref: 16/01925/VAR) which sought to make a number of layout and design changes to the development as approved by the original permission. That application has now been permitted.

**Representations**

Two additional letters/emails of objection have been received since the main report was drafted. These objections relate to traffic concern, concern regarding the impact of air pollution, overdevelopment, increased danger for school children, no increased provision of community facilities, the land allocated to the school appears to have been reduced.

These additional representations have been taken into account and do not affect the original recommendation. Please note that the land to be transferred to the school is outside of the current application site and therefore is not affected by the current proposals. There is no proposal to reduce the size of this land.

**S.106 Agreement Clarifications**

The recommendation to delegate to permit is subject to the prior completion of a S.106 Agreement securing the matters listed in the main report.

The first requirement of the S.106 Agreement as listed in the report is '*the provision of affordable housing on-site as per the approved drawing*'. To clarify - the 'approved drawing' in question (should the committee be minded to permit) is the Unit Mix Plan Drawing No. 5688U/3-002 Rev I.

The obligations set out in the original S.106 Agreement will need to be carried forward to the current full application in order that those obligations continue to be secured should the original permission not be implemented – or should its implementation be delayed beyond the implementation of the current application (should it be permitted). As such it is recommended that the carrying forward of these obligations (in so far as they are still relevant, not discharged and not altered by the current application) forms an additional component of the recommendation.

For the avoidance of doubt, the original S.106 Agreement secured the following matters.

- 40% Affordable Housing including Lifetime and Wheelchair homes;
- Education contribution of £701,719.30 + 2,165 m2 of land for the adjacent primary school;
- £27,413.70 for youth service provision;
- Contributions of £32,907.60 for land purchase for POS;
- Contributions of £261,931.20 for construction costs of POS;
- Contributions of £344,452.05 for POS annual maintenance(10 years);
- Natural Green Space provision - on-site provision managed for a 10 year period or if not managed a contribution of £237,864.75 to cover this cost;
- Contributions of £8,063.55 to fund allotment land purchase;
- Contributions of £14,074.56 to fund allotment construction costs;
- Contributions of £16,257.42 to fund allotment maintenance over a 10 year;
- Public Transport, Walking and Cycling Provision and off-site highway works;
- £10,000 to upgrade the existing Bathampton bound bus stop to include a new shelter with Real time information;
- Contributions of £42,435 per annum for three years to subsidise the running of Service Number 4;
- Implementation of 1 car club space for 3 years to be reserved;
- Complimentary bus ticket provision as part of Travel Plan;
- Conservation Management Plan;
- Maintenance of Canal Towpath (£10,000)

Due to the number of permissions now affecting this site, and associated Deeds of Variation to the original S.106 Agreement it is further recommended that the S.106 Agreement contains a mechanism requiring the developer to clarify which permissions are being implemented (as some permissions overlap); this will enable the Council to effectively monitor the obligations. The Agreement should also require clarification of construction phasing.

#### Revised **RECOMMENDATION:**

Delegate to PERMIT

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

1. The provision of affordable housing on-site as per Drawing No 5688U/3-002 Rev I (which taken together with the earlier permissions will represent 33% provision across the MOD Warminster Rd site as a whole);
2. The provision of fire hydrants on site in accordance with a scheme to be agreed with the local planning authority and a financial contribution of £1000 per hydrant to cover 5 years subsequent maintenance OR a financial contribution of £1500 per hydrant to fund provision and 5 years subsequent maintenance.

3. The provision of targeted training and recruitment as part of the construction phase;
  4. A financial contribution of £400k to enable the delivery of affordable housing within the District less the sum of financial contributions secured in relation to 2 and 3 above;
  5. Those obligations secured by the original planning permission (Ref: 14/02272/EFUL) that are yet to be discharged including alterations to triggers if necessary so that the obligations continue to be delivered in a timely manner, and any consequential changes.
  6. A mechanism requiring the applicant/developer to confirm which permission is being implemented in relation to each part/phase/plot of the development as well as clarification of phasing.
- B. Subject to the prior completion of the above agreement, authorise the Group Manager to PERMIT subject to the conditions listed in the main report (or such conditions as may be appropriate):

| Item No. | Application No. | Address                       |
|----------|-----------------|-------------------------------|
| 05       | 16/04261/FUL    | Unit 2 Lymore Gardens Twerton |

Amended plans which correctly indicate the elevations of the building in line with the floor plans have been submitted. The Plans considered are as follows and replace those listed in informative 1

PLANS 001 002 003 004 005 006 007D 008C 009C 015B 010B 011B 012A 013B 014 017 018 019 020 and 016.

The first paragraph under the heading 'The principle of the conversion of this building to residential' within the officers assessment section of the report is replaced with the following text to provide further clarification in relation to the policies relevant to this change of use.

Unit 2 is currently a 464.5 square metres warehouse which was used for commercial purposes. The building is empty at present but the historic use as confirmed by information received is as a B8 warehouse. Saved local plan policy HG12 allows the conversion of a warehouse to residential subject to specified criteria which are outlined below.

Saved Local Plan Policy ET3 (3) seeks to retain small B1c B2 and B8 units but the policy recognises that where the continued use of the building would perpetuate unacceptable environmental or traffic problems the loss of the floor space may be acceptable. In this situation where the building is location immediately onto a residential street and the potential traffic generated and type of vehicles generated by this use it has been considered by the Highway Engineers that a warehouse use impacts on highway safety. The improvement in highway safety by this change of use in relation to the traffic

generated by a warehouse use in this specific location is considered to outweigh the desire to retain a warehouse unit of this size.

The NPPF requires planning policies to avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose and alternative uses of land or buildings should be treated on their merits. The NPPF also requires planning policies to be attributed weight in accordance with their compliance with the NPPF. ET3 is not seen to fully comply with the NPPF and therefore its weight is reduced.

The Placemaking Plan policy ED 2B which now carries substantial weight, stipulates that on non-strategic sites applications for residential development will normally be allowed. The exception to this is where there is a strong economic reason why this would not be appropriate.

In this situation the quantum of space to be lost is relatively small and as such it is considered unlikely that there is a strong economic reason why this would be inappropriate. It is recognised that the introduction of a non-employment use could impact on the remainder of the adjacent employment space and increase the risk that the whole site could be lost. This could, in the current demand/supply situation, potentially amount to a strong economic reason to resist the loss.

However, given the highway situation in respect of this proposal and the fact that this is an attractive old building which is considered worthy of retention and where this proposal will safeguard the future of the building this change of use is considered acceptable and seen to comply with the saved local plan policy ET3 the NPPF and Placemaking Policy ED 2B.

The Waste Officer has asked that details of the door to the bin store should be provided.

The following conditions are considered necessary.

{\b Waste storage area access details (Pre Occupation)}

Prior to the first occupation of these residential units details of the access to the waste storage area including door details and finishes shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the approved details.

Reason: In the interests of ensuring the access to the storage area is acceptable and the appearance of the development is appropriate 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.



{\b Roof construction details (Pre demolition of front boundary wall)}

Prior to the commencement of the demolition of the section of front boundary wall adjacent to Unit 4 details of the construction of the roof, including materials and finishes, over the entrance waste store and rear car parking space at a scale of 1:20 shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the approved details.

Reason: In the interests of ensuring the design detailing and appearance of the development is appropriate 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.

Additional advice in respect of ecology.

5-All species of bats and their roosts, and all birds, their nests and their eggs, are protected by law. Nests may not be disturbed while they are being built or used. A careful check for signs of active bird nests, bats, or other wildlife should be made of the interior and exterior of the building, prior to any works affecting these areas. Any active nests identified should be protected until the young have fledged. Works to the roof should be carried out by hand, lifting tiles (not sliding) to remove them, and checking beneath each one. If bats are encountered work should cease and the Bat Helpline (Tel 0345 1300 228) or a licenced bat worker should be contacted for advice.

The agent has clarified various matters in respect of the following details

The agent confirms the works will comply with the fire safety requirements. However should any doubts arise then there is the potential to install a sprinkler system as a catch-all solution.

Officer comment- The details in respect of fire safety will be covered by building regulations.

The neighbour's emergency access is retained as shown on the plans.

Officer comment- a condition in respect of this matter is included in the officers report.

The works as a whole are entirely within the applicant's ownership and will satisfy the separate legislation applicable to party walls etc. the use of an appropriate junction, as existing in these regards will ensure that run off is not materially changed.

Officer comment- The plans submitted indicate the land is all within the applicant's ownership.

The submitted plans show the reduction in the no parking zone where the white line is removed and a narrower dropped kerb results.

Officer comment- the plan indicating this arrangement is listed within informative 1.

The gates will be electronic as stated.

Officer comment- This is noted and the gates are referred to in the officers report.

| <b>Item No.</b> | <b>Application No.</b> | <b>Address</b>           |
|-----------------|------------------------|--------------------------|
| 06              | 16/04960/FUL           | Beaumont House, Lansdown |

Following the publication of the report 13 further objections have been received on the application making the following additional comments;

The revised plans do not overcome the submitted objections

The revised landscaping plan does not overcome the concerns of neighbours.

Planting trees on the boundary could result in roots penetrating the wall of neighbouring properties.

There is the possibility of an underground water tank which could make the land less stable.

A parking bay has been located close to the window on one of the new flats which would be harmful to amenity.

The proposed new parking area will not provide enough parking for the site.

The applicants do not own the parking area to the east of the property.

Construction activities could encroach into the tree protection areas.

The parking survey is inaccurate some flats were unoccupied at the time of the survey

The existing car park cannot be used for construction activities.

The revised design will be overbearing to properties to the south of the site.

The additional cars will impact on the traffic flow outside of Beaumont

The parking plan does not take into account multiple occupancy.

The existing property is not currently fully occupied

The development will harm the world heritage site and Conservation Area

The proposal is overdevelopment of the land

The development will harm the amenity of the neighbouring properties

The development has not provided enough parking spaces and will cause harm to highway safety

The development will harm the amenity of residents to the south of the site within Sion Road.

The development will result in the loss of the communal area to the south of the building.

The construction activities will result in harm to the amenity of residents, the construction management plan condition is not sufficient.

The submitted information shows an area of land to be tarmacked outside of the applicants control.

A structural engineer should be required by condition to supervise the works

Officer comments:

The applicant has provided a parking survey to which the existing residents have raised concern that this is inaccurate. The parking survey has been taken over four days and includes two weekday evenings. The highways officer has raised no objection to the application and the council is satisfied that the development will provide a sufficient level of on site parking. Policy ST.7 of the emerging placemaking plan requires the provision of on site parking of two spaces for a two bedroom dwelling. However in this case the applicant has submitted a parking survey and the application site is located within a sustainable location. Therefore in this case the proposed parking level is parking is considered to be acceptable.

Concern has been raised that the proposed development will result in harm to the World Heritage Site and Conservation Area. The proposed extension has been designed to complement the design of the existing building. Matching materials will be used and the fenestration of the proposed building has been carefully designed to complement the existing building. The proposed extension will not be visually dominant within the streetscene so will preserve the character of the surrounding Conservation Area and World Heritage Site. The applicant has submitted a replacement landscaping scheme which will enhance the setting of the existing building. The proposed building is not considered to form part of the setting of the nearby listed building of the Royal High School.

Concern has been raised within the representations with regards to the structural integrity of the building. Paragraph 120 of the NPPF states that where a site is affected by land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

Concern has been raised that the construction activities will harm the trees. A condition is proposed to be attached to any permission requiring provision of tree protection measures and an arboricultural method statement before work commences. A construction management plan will also be required.

Concern has been raised that the parking or cars in front of the proposed flats will be harmful to the amenity of future occupiers. The proposed parking space will not be located directly in front of the proposed ground floor flat. Given that the area to the front of the building is used for parking this does not warrant refusal of the application.

Concern has been raised within the representation that the development will harm the amenity of neighbouring occupiers on Sion Road. As stated in the case officers original report the proposed development would extend the side of the building to the south towards the nearby properties of 1a, 1, 3 and 5 Sion Road. Number 1a, 3 and 5 would view the building from an oblique angle so that the development would not appear to be overbearing to the occupiers. Given the angle of development the proposed extension is not considered to result in increased overlooking that would warrant refusal of the application.

The view from number 1 would be of the side elevation. The applicant has revised the plans to reduce the width of the proposed extension. The extension will be 18m from the rear elevation of number 1. Whilst the extension will be visible to the occupiers of number 1 on balance the provision of the extension is not considered to cause harm to the amenity of the neighbouring occupiers that would warrant refusal of the application.

Glazing has been located on the side elevation of the building. This will provide light to bathroom windows so will be obscure glazed and will not result in the overlooking of properties to the south of the site.

Concern has been raised that the development will result in the loss of a communal area to the south of the site. The proposed landscaping plan shows an area of grass to the south of the site will be retained and it is noted that part of this area is currently given over to concrete. This does not warrant refusal of the application.

Concern has been raised that the construction activities will harm the amenity of nearby residents. Any construction works will be temporary in nature. A condition has been attached requiring the submission of a construction management plan which will allow for control of working hours of the development and the management of vehicles.

Concern has been raised that the proposed works will include work to land outside of the applications control. The submitted revised landscape plan does not show tarmacking works outside of land within the applicants ownership.

#### Conclusion

The proposed extension is considered to respect and complement the host building and will not harm the character of the surrounding Conservation Area. The proposed addition of three flats is not considered to result in harm to highway safety and the development will not harm the amenity of residential occupiers.

Recommendation: Permit

| Item No. | Application No.                | Address                     |
|----------|--------------------------------|-----------------------------|
| 09 &10   | 16/05508/FUL &<br>16/05509/LBA | 18 Upper Camden Place, Bath |

#### Historic England:

Historic England has provided further comments regarding the proposed works to the listed building, confirming their objection to the proposal:

18 Upper Camden Place forms part of a Grade II terrace of 14 houses, which in turn is part of a longer stretch of terraces (separately listed), all within the Bath Conservation Area and World Heritage Site. They gradually step up Camden Road south to north and overlook their Lower Camden Place counterparts, likewise listed Grade II. The upper terrace is of late-18<sup>th</sup>, early-19<sup>th</sup> century, and is thought to be in part by John Eveleigh (an English surveyor and architect based in Bath). They take the form of three storeys with attics and basements; the list description specifying no.18 having 'paired windows to upper floors, canted bay to right with small central pediment and six-panel door glazed to top'. The heritage value derives from the more modest architectural set-piece terraces lining these streets, predominantly still uniform and repetitive in their form and appearance.

This application proposes a replacement roof to 18 Upper Camden Place. This will involve the loss of the original historic roof structure, its replacement with a mansard form and the introduction of staircase to access enlarged roofspace. To implement this scheme will require significant loss of historic roof fabric including chimney stacks, and a substantial elongation to the form of the three storey terraced dwelling.

The intended elevation terminates at the cornice and parapet, providing a strong architectural feature of stepped-up parapets and stacks. Cumulative alterations to the roof form along these terraces will incrementally change the historic character of this terrace.

As the application affects a listed building, the statutory requirement to have special regard to the desirability of preserving the building, its setting and any features of special interest (ss.16, 62, Planning (Listed Buildings and Conservation Areas) Act 1990) must be taken into account by your authority when making its decision. Under the National Planning Policy Framework 2012 it is a core planning principle to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations (para.17 NPPF). Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Where a proposal will lead to less than substantial harm of a designated heritage asset, this harm should be weighed against the public benefits of the proposal (para. 134).

We do not agree with the Heritage Impact Assessment's conclusion that the historic significance of this heritage asset is the irregular architectural composition. Whilst there have been alterations to surrounding properties, the prevailing form is one of uniformity and repetition. The roof form remains consistent in its historic arrangement along this terrace, and the assessment that it 'will not be uncharacteristic nor will it disrupt the roof form or appearance of the terrace', is wholly disagreed with. Notwithstanding, the raised mansard roof will involve the loss of a harmful extent of this significant historic structural component. This will need to be weighed against the public benefit of providing one additional bedroom.

We consider that the application does not meet the requirements of the NPPF, in particular paragraph numbers para. 134, and cannot currently support this proposal.

These comments concur with that outlined in the officer report and the recommendation remains that of refusal

#### Ecology:

Following initial guidance and further assessment of the applications the Ecologist has advised that an ecology survey is required in support of the application. Without the relevant survey the Local Planning Authority would be unable to discharge their duty as a competent Authority to ensure that potential protected species are safeguarded. As no survey has been submitted with the application and there is a risk of protected species being present within the roof space an additional reason for refusal is required for both applications:

1. There is insufficient information to adequately demonstrate that protected species will not be affected by the proposed demolition of the roof and as such the application is contrary to policies NE.10 of the Local Plan and CP6 of the Core Strategy.

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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 8 FEBRUARY 2017**

| <b>A. SITE VISIT LIST</b> |                              |                |                    |
|---------------------------|------------------------------|----------------|--------------------|
| <b>ITEM NO.</b>           | <b>SITE NAME</b>             | <b>SPEAKER</b> | <b>FOR/AGAINST</b> |
| 1                         | 33 Parklands, High Littleton | Derek Cole     | Against            |

| <b>B. MAIN PLANS LIST</b> |   |   |                              |
|---------------------------|---|---|------------------------------|
| 1                         | Ministry of Defence,<br>Warminster Road, Bath | Christine Hodder<br>David Martin<br>Phil Smart          | Against (To share 5 minutes) |
|                           |   | Frances Firmstone<br>Veronica Barbaro                   | For (To share 5 minutes)     |
|                           |   | Councillor Matt Cochrane                                | Against                      |
| 2                         | Beechen Cliff School,<br>Kipling Avenue, Bath | Jeremy Boss (Widcombe Association)<br>Margarida Dolan   | Against (To share 3 minutes) |
|                           |   | Sean Turner (Beechen Cliff School)                      | For                          |
|                           |   | Councillor Ian Gilchrist<br>Councillor Mark Shelford    | N/A                          |
| 3                         | 17 Station Road,<br>Welton, Midsomer Norton   | Councillor Jane Lewis<br>(Midsomer Norton Town Council) | Against                      |

|   |   |   |                          |
|---|---|---|--------------------------|
| 4 | Unit 2, Lymore Gardens, Twerton, Bath                 | Simon Chambers (Agent)  | For                      |
|   |   | Councillor June Player  | Against                  |
| 5 | Box Bush Farm, Bromley Road, Stanton Drew             | Councillor Judith Chubb-Whittle (Stanton Drew Parish Council)                   | For                      |
|   |   | Duncan Lawrence (Agent)   | For                      |
|   |   | Councillor Karen Warrington   | For                      |
| 6 | Beaumont House, Lansdown Road, Bath                   | Rosalyn Trotman (Trings Solicitors - on behalf of Beaumont Maintenance Company) | Against                  |
|   |   | Chris Beaver (Agent)  | For                      |
| 7 | Bristol Water Visitor Centre and Tea Room, Chew Magna | Jon Wheatley (Chair - Chew Magna Parish Council)                                | For                      |
|   |   | Cllr Liz Richardson   | For                      |
| 9 | 18 Upper Camden Place, Walcot, Bath                   | Chris Dance (Agent)   | For (To share 6 minutes) |
|   |   | Greg Beale (Heritage Officer)   |                          |



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

**8th February 2017**

**SITE VISIT DECISIONS**

|                      |  |               |
|----------------------|--|---------------|
| Item No:             | 001  |               |
| Application No:      | 16/04535/FUL   |               |
| Site Location:       | 33 Parklands, High Littleton, Bristol, Bath And North East Somerset  |               |
| Ward: High Littleton | Parish: High Littleton   | LB Grade: N/A |
| Application Type:    | Full Application   |               |
| Proposal:            | Erection of a dwelling following demolition of the outbuilding   |               |
| Constraints:         | Affordable Housing, Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenbelt, Housing Development Boundary, SSSI - Impact Risk Zones, |               |
| Applicant:           | Mr Tiley   |               |
| Expiry Date:         | 20th January 2017  |               |
| Case Officer:        | Samantha Mason   |               |

**DECISION** Permit subject to conditions

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

**8th February 2017**

**DECISIONS**

|                          |  |                      |
|--------------------------|--|----------------------|
| <b>Item No:</b>          | 01   |                      |
| <b>Application No:</b>   | 16/04289/EFUL  |                      |
| <b>Site Location:</b>    | Ministry Of Defence, Warminster Road, Bathwick, Bath   |                      |
| <b>Ward:</b> Bathwick    | <b>Parish:</b> N/A   | <b>LB Grade:</b> N/A |
| <b>Application Type:</b> | Full Application with an EIA attached  |                      |
| <b>Proposal:</b>         | Erection of 6 no. apartment blocks to provide 87 no. new dwellings (Partial revision of application 14/02272/EFUL).  |                      |
| <b>Constraints:</b>      | Affordable Housing, Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Article 4, Article 4, British Waterways Major and EIA, British Waterways Minor and Householders, Conservation Area, Forest of Avon, Hotspring Protection, LLFA - Flood Risk Management, MOD Safeguarded Areas, Sites of Nature Conservation Interest, SSSI - Impact Risk Zones, Water Source Areas, World Heritage Site, |                      |
| <b>Applicant:</b>        | Hardrock Developments Ltd  |                      |
| <b>Expiry Date:</b>      | 20th December 2016   |                      |
| <b>Case Officer:</b>     | Chris Gomm   |                      |

**DECISION** Delegate to permit subject to applicant entering into S106 Agreement.

|                          |  |                      |
|--------------------------|--|----------------------|
| <b>Item No:</b>          | 02   |                      |
| <b>Application No:</b>   | 16/05094/FUL   |                      |
| <b>Site Location:</b>    | Beechen Cliff School , Kipling Avenue, Bear Flat, Bath   |                      |
| <b>Ward:</b> Widcombe    | <b>Parish:</b> N/A   | <b>LB Grade:</b> N/A |
| <b>Application Type:</b> | Full Application   |                      |
| <b>Proposal:</b>         | Extend bank southwards using existing on site spoil heap to create wider playing field.  |                      |
| <b>Constraints:</b>      | Affordable Housing, Agric Land Class 3b,4,5, Article 4, Article 4, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, Sites used as playing fields, SSSI - Impact Risk Zones, World Heritage Site, |                      |
| <b>Applicant:</b>        | Beechen Cliff School   |                      |
| <b>Expiry Date:</b>      | 16th December 2016   |                      |
| <b>Case Officer:</b>     | Chris Griggs-Trevarthen  |                      |

**Defer for site visit - to allow Members to understand the context of the site**

|                                    |   |                      |  |
|------------------------------------|---|----------------------|--|
| <b>Item No:</b>                    | 03  |                      |  |
| <b>Application No:</b>             | 16/04499/FUL  |                      |  |
| <b>Site Location:</b>              | 17 Station Road, Welton, Midsomer Norton, BA3 2AZ   |                      |  |
| <b>Ward:</b> Midsomer Norton North | <b>Parish:</b> Midsomer Norton  | <b>LB Grade:</b> N/A |  |
| <b>Application Type:</b>           | Full Application  |                      |  |
| <b>Proposal:</b>                   | Erection of 6no. new dwellings following demolition of existing dwelling and outbuildings (resubmission) - revised plans  |                      |  |
| <b>Constraints:</b>                | Affordable Housing, Agric Land Class 3b,4,5, Coal - Standing Advice Area, Conservation Area, Contaminated Land, Forest of Avon, Housing Development Boundary, SSSI - Impact Risk Zones, |                      |  |
| <b>Applicant:</b>                  | Flower And Hayes Ltd  |                      |  |
| <b>Expiry Date:</b>                | 12th January 2017   |                      |  |
| <b>Case Officer:</b>               | Tessa Hampden   |                      |  |

**Defer for site visit - to allow Members to understand the context of the site**

|                           |  |                      |
|---------------------------|--|----------------------|
| <b>Item No:</b>           | 04   |                      |
| <b>Application No:</b>    | 16/04261/FUL   |                      |
| <b>Site Location:</b>     | Unit 2, Lymore Gardens, Twerton, Bath  |                      |
| <b>Ward:</b> Westmoreland | <b>Parish:</b> N/A   | <b>LB Grade:</b> N/A |
| <b>Application Type:</b>  | Full Application   |                      |
| <b>Proposal:</b>          | Erection of 5No Three-bedroom, 2No Two-bedroom and 1No One-bedroom flat following conversion and adaptation of warehouse   |                      |
| <b>Constraints:</b>       | Affordable Housing, Agric Land Class 3b,4,5, Article 4, Contaminated Land, Forest of Avon, Hotspring Protection, LLFA - Flood Risk Management, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site, |                      |
| <b>Applicant:</b>         | B Hammick  |                      |
| <b>Expiry Date:</b>       | 10th February 2017   |                      |
| <b>Case Officer:</b>      | Christine Moorfield  |                      |

**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 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 Sound attenuation (Prior to occupation)**

On completion of the works but prior to any occupation of the approved development, the applicant shall submit to and have approved in writing by the Local Planning Authority, an assessment from a competent person 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 of the development from exposure to external noise.

### **4 Ground investigations /drainage (Pre commencement)**

No development shall commence, except ground investigations and remediation, until an appropriate method of surface water drainage has been 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.

### **5 Contaminated Land (Compliance)**

Prior to the commencement of development a Desk Study and Site Reconnaissance (Phase 1 Investigation) survey shall be undertaken to develop a conceptual site model and preliminary risk assessment. A Phase I investigation should provide a preliminary qualitative assessment of risk by interpreting information on a site's history considering the likelihood of pollutant linkages being present. The Phase I investigation typically consists of a desk study, site walkover, development of a conceptual model and preliminary risk assessment. The site walkover survey should be conducted to identify if there are any obvious signs of contamination at the surface, within the property or along the boundary of neighbouring properties.

Should any contamination be found then mitigation measures must be submitted to and approved in writing by the Local Planning Authority thereafter the development shall be carried out in accordance with the measures as identified.

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

### **6 Highways - 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.

#### **7 Parking (Pre-occupation)**

No occupation of the development shall commence until the parking space associated with that number unit has been provided on-site and must be retained permanently thereafter.

Reason: To ensure that adequate and safe parking is provided in the interests of amenity and highway safety in accordance with Policies T.26 and T.24 of the Bath and North East Somerset Local Plan.

#### **8 Materials (Compliance)**

All work of making good shall be finished to match Unit 2 Lymore Gardens 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.

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

No use of the garage area shall commence until details of the materials and finishes of the materials to be used in the construction of the sliding door 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.

#### **10 balcony materials and details - (Prior to first occupation)**

Flats 1-5 shall not be first occupied until details of glazed screening to be placed across the balcony areas 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 prior to first occupation of these units.

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.

#### **11 Bicycle Storage and waste storage (Pre-occupation)**

No occupation of the development shall commence until the bicycle storage and storage for waste bins has been provided in accordance with the details which have been submitted to and approved in writing by the Local Planning Authority. The bicycle and waste storage shall be retained permanently thereafter.

Reason: To secure adequate waste storage on site and off-street parking provision for bicycles to promote sustainable transport use in accordance with Policy T.6 of the Bath and North East Somerset Local Plan.

### **12 Emergency Escape (Compliance)**

The strip of land adjacent to car parking space 8 to the rear of the premises shall be kept clear of obstructions at all time in order to provide emergency egress from the neighbouring building.

Reason: To safeguard the exit from the adjacent building in the event of an emergency.

### **13 Waste storage area access details (Pre Occupation)**

Prior to the first occupation of these residential units details of the access to the waste storage area including door details and finishes shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the approved details.

Reason: In the interests of ensuring the access to the storage area is acceptable and the appearance of the development is appropriate 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.

### **14 Roof construction details (Pre demolition of front boundary wall)**

Prior to the commencement of the demolition of the section of front boundary wall adjacent to Unit 4 details of the construction of the roof, including materials and finishes, over the entrance waste store and rear car parking space at a scale of 1:20 shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the approved details.

Reason: In the interests of ensuring the design detailing and appearance of the development is appropriate 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.

Additional advice in respect of ecology.

### **PLANS LIST:**

PLANS 001 002 003 004 005 006 007B 008B 009B 015B 010A 011A 012A 013A 014 017 018 and 016.

### **Condition Categories**

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

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

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

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

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

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

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

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

We would strongly advise the applicant to review the West of England Sustainable Drainage Developer guide.  
[http://www.bathnes.gov.uk/sites/default/files/sitedocuments/Planning-and-Building-Control/Planning-Policy/LDFGeneral/bd6457\\_woe\\_developer\\_guide\\_complete\\_72dpi.pdf](http://www.bathnes.gov.uk/sites/default/files/sitedocuments/Planning-and-Building-Control/Planning-Policy/LDFGeneral/bd6457_woe_developer_guide_complete_72dpi.pdf)

This document details the standards we would expect the developer to meet. In particular, at full application stage we would expect the applicant to have carried out an initial investigation into the existing surface water drainage system and an estimate of current brownfield runoff rates.

We would expect the applicant to have completed a 'Proof of concept' - see page 37 of the West of England Sustainable Drainage Developer guide.

Environment Agency surface water flood risk mapping suggests that for a 1in100 year rainfall event, flood depths on Lymore Gardens could be up to 0.15m. Given this risk of flooding on Lymore Gardens, the applicant may want to consider the level of finished floor levels and may wish to raise these to around 300mm above 1in100 depths. The applicant may also consider the influence of any drop curbs or driveways that may encourage flood water to enter the site.

We would encourage the applicant to explore what opportunities there are to green parts of the site so that less water discharges straight to the sewer system.



It is likely that the site currently drains surface water to a Wessex Water sewer. For any new proposed connections to the Wessex Water system, discharge rates and connection points must be agreed with Wessex Water.

All species of bats and their roosts, and all birds, their nests and their eggs, are protected by law. Nests may not be disturbed while they are being built or used. A careful check for signs of active bird nests, bats, or other wildlife should be made of the interior and exterior of the building, prior to any works affecting these areas. Any active nests identified should be protected until the young have fledged. Works to the roof should be carried out by hand, lifting tiles (not sliding) to remove them, and checking beneath each one. If bats are encountered work should cease and the Bat Helpline (Tel 0345 1300 228) or a licenced bat worker should be contacted for advice.

|                          |  |                      |  |
|--------------------------|--|----------------------|--|
| <b>Item No:</b>          | 05   |                      |  |
| <b>Application No:</b>   | 16/05453/FUL   |                      |  |
| <b>Site Location:</b>    | Box Bush, Bromley Road, Stanton Drew, Bristol  |                      |  |
| <b>Ward:</b> Clutton     | <b>Parish:</b> Stanton Drew  | <b>LB Grade:</b> N/A |  |
| <b>Application Type:</b> | Full Application   |                      |  |
| <b>Proposal:</b>         | Erection of 2 storey annexe and single storey extension following demolition of existing single store annexe   |                      |  |
| <b>Constraints:</b>      | Affordable Housing, Airport Safeguarding Zones, Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenbelt, SSSI - Impact Risk Zones, |                      |  |
| <b>Applicant:</b>        | Mr & Mrs Strickland  |                      |  |
| <b>Expiry Date:</b>      | 10th February 2017   |                      |  |
| <b>Case Officer:</b>     | Alice Barnes   |                      |  |

## **DECISION REFUSE**

1 The proposed development is located within the Green Belt and outside of the housing development boundary where the principle of residential development is not accepted. It is therefore contrary to policy HG.10 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007 and policy RE.4 of the emerging placemaking plan

2 The proposed development by reason of its siting, scale and design will result in a replacement building which is materially larger than the existing building. The increased size and height of the building will harm the openness of the surrounding green belt being more visually prominent within the streetscene. In the absence of very special circumstances the development is considered to be contrary to policies GB.2 of the Bath and North East Local Plan, including minerals and waste policies, adopted October 2007 and CP8 of the Core Strategy and paragraph 89 of the National Planning Policy Framework and GB1 of the emerging placemaking plan

## PLANS LIST:

Existing site plan 20  
Existing plans 21  
Existing elevations 22  
Proposed site plan 23  
Proposed annexe plans 24  
Proposed sectional elevation (west) 25  
Proposed road elevations 26  
Proposed north elevation 27  
Proposed south elevation 28

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

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|--------------------------|--|----------------------|--|
| <b>Item No:</b>          | 06   |                      |  |
| <b>Application No:</b>   | 16/04960/FUL   |                      |  |
| <b>Site Location:</b>    | Beaumont House, Lansdown Road, Lansdown, Bath  |                      |  |
| <b>Ward:</b> Lansdown    | <b>Parish:</b> N/A   | <b>LB Grade:</b> N/A |  |
| <b>Application Type:</b> | Full Application   |                      |  |
| <b>Proposal:</b>         | Erection of three storey side extension to provide 3 no. residential apartments with associated parking and landscaping  |                      |  |
| <b>Constraints:</b>      | 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, |                      |  |
| <b>Applicant:</b>        | Lynas And Potter   |                      |  |
| <b>Expiry Date:</b>      | 10th February 2017   |                      |  |
| <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 Arboricultural Method Statement and Tree Protection Plan (Pre-commencement)**

No development shall take place until an arboricultural method statement with tree protection plan following the recommendations contained within BS 5837:2012 identifying measures to protect the trees to be retained, has been submitted to and approved in writing by the Local Planning Authority. The statement shall include proposed tree protection measures during site preparation (including clearance and level changes), during construction and landscaping operations. The statement should also include the control of potentially harmful operations such as the position of service runs and soakaways, storage, handling and mixing of materials on site and movement of people and machinery. This is a condition precedent because the works comprising the development have the potential to harm retained trees. Therefore these details need to be agreed before work commences.

Reason: To ensure that no excavation, tipping, burning, storing of materials or any other activity takes place which would adversely affect the trees to be retained in accordance with policy NE.4 of the Bath and North East Somerset Local Plan and CP7 of the Core Strategy and NE6 of the emerging placemaking plan

## **3 Arboricultural (Compliance)**

No development or other operations shall take place except in complete accordance with the approved Arboricultural Method Statement.

Reason: To ensure that the approved method statement is complied with for the duration of the development.

## **4 Highways (Compliance)**

The areas allocated for parking and turning on the submitted plan 1612-AP(0)-12-B 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.

## **5 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.

## **6 Ecology (Compliance)**

The development hereby permitted shall be carried out only in accordance with the recommendations on pages 12 and 13 of the approved Extended Phase 1 Habitat Ecological Survey by Stark Ecology dated May 2016. Any new external lighting shall be designed to operated only when required and to avoid light spill onto boundary vegetation and hedgerows.

Reason: To avoid harm to wildlife including bats in accordance with policy NE.11 of the Bath and North East Somerset Local Plan and NE3 of the emerging placemaking plan

## **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:**

OS plan 01 B  
Existing site plan 02 B  
Existing plans 03 A  
Existing elevations 04 A  
Existing roof plan 05  
Existing parking arrangement and swept path analysis SPA02 B  
Proposed site location plan 10 D  
Proposed site plan 11 D  
Proposed ground floor plan 12 C  
Proposed first floor plan, second floor plan and roof plan 13 C  
Proposed elevations 20 C  
Proposed elevations 21 C  
Landscape masterplan R001 PS  
Proposed sections 30 C  
Proposed parking bays SK01 B  
Proposed parking bays swept path analysis SPA01 B

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.

|                                |   |                      |  |
|--------------------------------|---|----------------------|--|
| <b>Item No:</b>                | 07  |                      |  |
| <b>Application No:</b>         | 16/05498/AR   |                      |  |
| <b>Site Location:</b>          | Bristol Water Visitor Centre & Tea Room, Walley Lane, Chew Magna, Bristol   |                      |  |
| <b>Ward:</b> Chew Valley North | <b>Parish:</b> Chew Magna   | <b>LB Grade:</b> N/A |  |
| <b>Application Type:</b>       | Advertisement Consent   |                      |  |
| <b>Proposal:</b>               | Display of 2no. externally illuminated entrance signs to replace previous signs to the entrance to Chew Valley Lake picnic area and Salt & Malt Cafe and public car park. (Resubmission)  |                      |  |
| <b>Constraints:</b>            | Affordable Housing, Airport Safeguarding Zones, Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Coal - Standing Advice Area, Forest of Avon, Greenbelt, Land of recreational value, Special Area of Conservation (SAC), Special Protection Area, Site Of Special Scientific Interest (SI), SSSI - Impact Risk Zones, Water Source Areas, |                      |  |
| <b>Applicant:</b>              | Mr Chris Eggleton   |                      |  |
| <b>Expiry Date:</b>            | 10th February 2017  |                      |  |
| <b>Case Officer:</b>           | Martin Almond   |                      |  |

## DECISION REFUSE

1 The proposed size, design, siting and external illumination of the signage is harmful to the rural character and natural amenity of the site, contrary to the requirements of Saved Policies BH.17, D.4 and NE.2 of the Bath and North East Somerset Local Plan (including mineral and waste policies) Adopted October 2007 and Policy NE2 of the draft Placemaking Plan 2016.

## PLANS LIST:

This decision relates to drawings BLOCK PLAN, PROPOSED SIGNAGE, SIDE ELEVATION, TOP-DOWN ELEVATION, SITE LOCATION PLAN REVISED, SITE PLAN AND SITE LOCATION PLAN dated as received 10th November 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. 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.

|                          |  |                      |
|--------------------------|--|----------------------|
| <b>Item No:</b>          | 08   |                      |
| <b>Application No:</b>   | 16/05771/FUL   |                      |
| <b>Site Location:</b>    | 6 Fairways, Saltford, Bristol, Bath And North East Somerset  |                      |
| <b>Ward:</b> Saltford    | <b>Parish:</b> Saltford  | <b>LB Grade:</b> N/A |
| <b>Application Type:</b> | Full Application   |                      |
| <b>Proposal:</b>         | Erection of single storey front extension, installation of 2no windows to side elevations and construction of additional parking area            |                      |
| <b>Constraints:</b>      | Affordable Housing, Airport Safeguarding Zones, Agric Land Class 3b,4,5, Forest of Avon, Housing Development Boundary, SSSI - Impact Risk Zones, |                      |
| <b>Applicant:</b>        | Mr And Mrs B Organ   |                      |
| <b>Expiry Date:</b>      | 10th February 2017   |                      |
| <b>Case Officer:</b>     | Emma Hardy   |                      |

## **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 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 be as stated on drawing No. 1626/02 or shall match those of the existing building 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 Highways - Bound/Compacted Surface Material (Compliance)**

The vehicular access and parking area shall be constructed with a bound and compacted surfacing material (not loose stone or gravel).

Reason: To prevent loose material spilling onto the highway in the interests of highways safety in accordance with Policy T.24 of the Bath and North East Somerset Local Plan.

## **PLANS LIST:**

Drawing No. 1626/01 (Existing Floor Plans and Elevations) and drawing No. 1626/02 (Proposed Floor Plans and Elevations) received 25/11/2016 and un-numbered 1:1250 OS site location plan received 29/11/2016.

### **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.

|                          |   |                     |  |
|--------------------------|---|---------------------|--|
| <b>Item No:</b>          | 09  |                     |  |
| <b>Application No:</b>   | 16/05508/FUL  |                     |  |
| <b>Site Location:</b>    | 18 Upper Camden Place, Walcot, Bath, Bath And North East Somerset   |                     |  |
| <b>Ward:</b> Lansdown    | <b>Parish:</b> N/A  | <b>LB Grade:</b> II |  |
| <b>Application Type:</b> | Full Application  |                     |  |
| <b>Proposal:</b>         | Installation of proposed mansard roof and associated dormer windows to front and rear elevations  |                     |  |
| <b>Constraints:</b>      | Affordable Housing, Agric Land Class 3b,4,5, Article 4, Article 4, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, Listed Building, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site, |                     |  |
| <b>Applicant:</b>        | Mrs Tracey Dean-Chalkley  |                     |  |
| <b>Expiry Date:</b>      | 9th February 2017   |                     |  |
| <b>Case Officer:</b>     | Laura Batham  |                     |  |

**Defer for site visit - to allow Members to understand the context of the site**

|                          |   |                     |  |
|--------------------------|---|---------------------|--|
| <b>Item No:</b>          | 10  |                     |  |
| <b>Application No:</b>   | 16/05509/LBA  |                     |  |
| <b>Site Location:</b>    | 18 Upper Camden Place, Walcot, Bath, Bath And North East Somerset   |                     |  |
| <b>Ward:</b> Lansdown    | <b>Parish:</b> N/A  | <b>LB Grade:</b> II |  |
| <b>Application Type:</b> | Listed Building Consent (Alts/exts)   |                     |  |
| <b>Proposal:</b>         | Internal and external alterations to install mansard roof and associated dormer windows to front and rear elevations  |                     |  |
| <b>Constraints:</b>      | Affordable Housing, Agric Land Class 3b,4,5, Article 4, Article 4, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, Listed Building, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site, |                     |  |
| <b>Applicant:</b>        | Mrs Tracey Dean-Chalkley  |                     |  |
| <b>Expiry Date:</b>      | 9th February 2017   |                     |  |
| <b>Case Officer:</b>     | Laura Batham  |                     |  |

**Defer for site visit - to allow Members to understand the context of the site**



|                          |   |                     |
|--------------------------|---|---------------------|
| <b>Item No:</b>          | 11  |                     |
| <b>Application No:</b>   | 16/05059/FUL  |                     |
| <b>Site Location:</b>    | 5 Crown Hill, Upper Weston, Bath, Bath And North East Somerset  |                     |
| <b>Ward:</b> Weston      | <b>Parish:</b> N/A  | <b>LB Grade:</b> II |
| <b>Application Type:</b> | Full Application  |                     |
| <b>Proposal:</b>         | Erection of single storey rear extension  |                     |
| <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, World Heritage Site, |                     |
| <b>Applicant:</b>        | Mr A Pearce   |                     |
| <b>Expiry Date:</b>      | 15th February 2017  |                     |
| <b>Case Officer:</b>     | Anna Jotcham  |                     |

## **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 Sedum roof (Compliance)**

If, within a period of five years from the date of the development being completed, the sedum roof indicated on approved plan 497.17.A received 4 January 2017 dies, is removed or becomes seriously damaged or diseased it shall be replaced.

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 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:**

19 Oct 2016 Drawing 497.21 BLOCK PLAN

14 Oct 2016 Drawing 497.1 EXISTING GROUND FLOOR PLAN

14 Oct 2016 Drawing 497.2 EXISTING FIRST FLOOR PLAN

14 Oct 2016 Drawing 497.3 EXISTING SECOND FLOOR PLAN

14 Oct 2016 Drawing 497.4 EXSITING SECTION

14 Oct 2016 Drawing 497.5.A EXISTING ELEVATIONS

4 Jan 2017 Drawing 497.16.A PROPOSED GROUND FLOOR  
4 Jan 2017 Drawing 497.17.A PROPOSED SECTION  
4 Jan 2017 Drawing 497.18.A PROPOSED ELEVATION

### **Condition Categories**

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

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

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

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

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

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

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

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

|                          |   |
|--------------------------|---|
| <b>Item No:</b>          | 12  |
| <b>Application No:</b>   | 16/05060/LBA  |
| <b>Site Location:</b>    | 5 Crown Hill, Upper Weston, Bath, Bath And North East Somerset  |
| <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>         | Demolition of rear extensions and construction of new single-storey extension, replacement of dormer (front and rear) and casement (rear) windows and stone cleaning to front facade                    |
| <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, World Heritage Site, |
| <b>Applicant:</b>        | Mr A Pearce   |
| <b>Expiry Date:</b>      | 15th February 2017  |
| <b>Case Officer:</b>     | Anna Jotcham  |

## **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 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.

### **3 Stone cleaning (Compliance)**

The development hereby permitted shall be carried out in accordance with the approved Stone Cleaning Assessment and Specification included within the 'Design, Philosophy and Access Statement' dated October 2016.

Reason: To safeguard the character and appearance of the building in accordance with Policy BH.2 of the Bath and North East Somerset Local Plan.

### **4 Stone Cleaning Sample (Bespoke Trigger)**

No work shall commence on the stone cleaning hereby approved until a sample panel has been provided in-situ to establish the final parameters of the stone cleaning and approved in writing by the Local Planning Authority. The approved panel shall be kept on site for reference until the development is completed. Thereafter the work shall only be carried out in accordance with the approved sample panel.

Reason: To safeguard features of special architectural and historical interest and preserve the character and appearance of the building in accordance with Policy BH.2 of the Bath and North East Somerset Local Plan.

#### **5 Mortar Mix (Bespoke Trigger)**

No re-pointing / stone repair work shall be carried out until details of the specification for the mortar mix and a sample area of pointing / stone repair demonstrating colour, texture, jointing and finish have been provided in situ for the inspection and approval in writing by the Local Planning Authority and retained for reference until the work has been completed. Once approved the works shall be completed in accordance with the approved details.

Reason: To safeguard features of special architectural and historical interest and preserve the character and appearance of the building in accordance with Policy BH.2 of the Bath and North East Somerset Local Plan.

#### **6 Extension - external glazing (Bespoke Trigger)**

No installation of external glazing, shown on approved plan 497.18.A received 4 January 2017, shall commence until full details comprising appropriately scaled drawings and product specification have been submitted to and approved in writing by the Local Planning Authority. Thereafter the work shall only be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the building in accordance with Policy BH.2 of the Bath and North East Somerset Local Plan.

#### **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:**

19 Oct 2016 Drawing 497.21 BLOCK PLAN

14 Oct 2016 Drawing 497.1 EXISTING GROUND FLOOR PLAN

14 Oct 2016 Drawing 497.2 EXISTING FIRST FLOOR PLAN

14 Oct 2016 Drawing 497.3 EXISTING SECOND FLOOR PLAN

14 Oct 2016 Drawing 497.4 EXISTING SECTION

14 Oct 2016 Drawing 497.5.A EXISTING ELEVATIONS

4 Jan 2017 Drawing 497.16.A PROPOSED GROUND FLOOR

4 Jan 2017 Drawing 497.17.A PROPOSED SECTION

4 Jan 2017 Drawing 497.18.A PROPOSED ELEVATION

14 Oct 2016 Drawing 497.19 WINDOW CASEMENT DETAILS

14 Oct 2016 Drawing 497.20 INTERNAL DOOR DETAILS

### **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.

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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.

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| Bath & North East Somerset Council |   |                          |
|------------------------------------|---|--------------------------|
| MEETING:                           | Development Management Committee  | AGENDA<br>ITEM<br>NUMBER |
| MEETING<br>DATE:                   | 8th March 2017  |                          |
| RESPONSIBLE<br>OFFICER:            | Mark Reynolds – Group Manager (Development<br>Management) (Telephone: 01225 477079) |                          |
| TITLE:                             | APPLICATIONS FOR PLANNING PERMISSION  |                          |
| WARDS:                             | ALL   |                          |
| BACKGROUND PAPERS:                 |   |                          |
| AN OPEN PUBLIC ITEM                |   |                          |

## BACKGROUND PAPERS

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

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

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

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

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

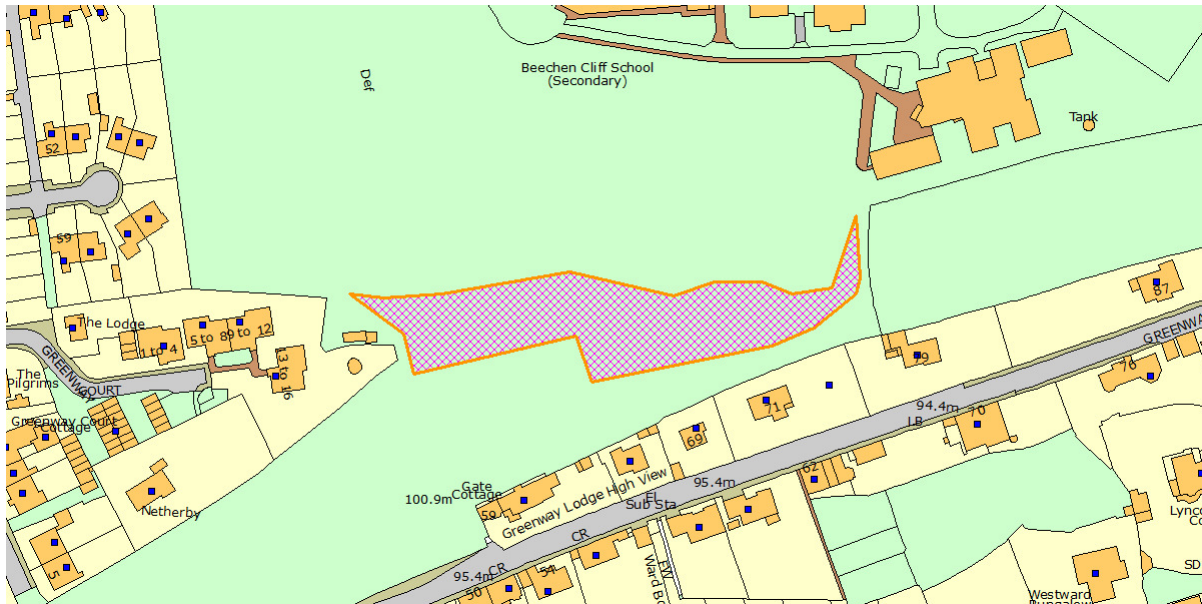
## INDEX

| ITEM NO. | APPLICATION NO. & TARGET DATE:   | APPLICANTS NAME/SITE ADDRESS and PROPOSAL   | WARD:                    | OFFICER:                       | REC:   |
|----------|----------------------------------|---|--------------------------|--------------------------------|--------|
| 001      | 16/05094/FUL<br>16 December 2016 | Beechen Cliff School<br>Beechen Cliff School , Kipling Avenue,<br>Bear Flat, Bath, BA2 4RE<br>Extend bank southwards using existing<br>on site spoil heap to create wider<br>playing field.   | Widcombe                 | Chris<br>Griggs-<br>Trevarthen | PERMIT |
| 002      | 16/04499/FUL<br>12 January 2017  | Flower And Hayes Ltd<br>17 Station Road, Welton, Midsomer<br>Norton, BA3 2AZ,<br>Erection of 6no. new dwellings following<br>demolition of existing dwelling and<br>outbuildings (resubmission) - revised<br>plans                            | Midsomer<br>Norton North | Tessa<br>Hampden               | PERMIT |
| 003      | 16/05508/FUL<br>9 February 2017  | Mrs Tracey Dean-Chalkley<br>18 Upper Camden Place, Walcot, Bath,<br>Bath And North East Somerset, BA1<br>5HX<br>Installation of proposed mansard roof<br>and associated dormer windows to front<br>and rear elevations                        | Lansdown                 | Laura<br>Batham                | REFUSE |
| 004      | 16/05509/LBA<br>9 February 2017  | Mrs Tracey Dean-Chalkley<br>18 Upper Camden Place, Walcot, Bath,<br>Bath And North East Somerset, BA1<br>5HX<br>Internal and external alterations to<br>install mansard roof and associated<br>dormer windows to front and rear<br>elevations | Lansdown                 | Laura<br>Batham                | REFUSE |



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

**Item No:** 001  
**Application No:** 16/05094/FUL  
**Site Location:** Beechen Cliff School Kipling Avenue Bear Flat Bath BA2 4RE



|                          |  |                                 |
|--------------------------|--|---------------------------------|
| <b>Ward:</b> Widcombe    | <b>Parish:</b> N/A   | <b>LB Grade:</b> N/A            |
| <b>Ward Members:</b>     | Councillor I A Gilchrist   | Councillor Jasper Martin Becker |
| <b>Application Type:</b> | Full Application   |                                 |
| <b>Proposal:</b>         | Extend bank southwards using existing on site spoil heap to create wider playing field.  |                                 |
| <b>Constraints:</b>      | Affordable Housing, Agric Land Class 3b,4,5, Article 4, Article 4, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, Sites used as playing fields, SSSI - Impact Risk Zones, World Heritage Site, |                                 |
| <b>Applicant:</b>        | Beechen Cliff School   |                                 |
| <b>Expiry Date:</b>      | 16th December 2016   |                                 |
| <b>Case Officer:</b>     | Chris Griggs-Trevarthen  |                                 |

### REPORT

Cllr. Ian Gilchrist has requested that the application be determined by committee and gave the following comments:

*The bare bones of the application gives no hint of the adverse effects on neighbouring properties that the development would have.*

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.

This application was deferred at the last meeting of the Committee to allow Members to visit the site.

## **DESCRIPTION**

The application site comprises part of the Beechen Cliff School playing fields. The hillside at Beechen Cliff is broad split into three levels; the lower field which slopes gradually down to the south and shares a boundary with a number of properties along Greenway Lane; the central plateau which is fairly level and contains a number of the schools' existing playing pitches; and, the upper level which contains the majority of the school buildings.

The existing bank between the lower field and the central plateau is approximately 3m in height and transects the playing fields.

The site is located within the Bath Conservation Area and World Heritage Site and there are a series of Public Rights of Way ("PROWs") which run across the playing fields (BC43/1, BC43/2, BC43/3, BC53/1 and BC53/3). The Grade II listed, Greenway Lodge, lies adjacent to the southern boundary of the playing fields.

The proposal is to utilise on-site spoil from recent and future building projects to extend the existing bank southwards to create a wider playing field on the central plateau which can accommodate a full size rugby pitch.

Some spoil from the recently completed humanities block building (ref: 15/04824/FUL) has already be deposited on the bank. The application is therefore considered to be partially retrospective.

The school have submitted a Masterplan in support of their application to demonstrate how the proposed development will fit in with their longer term aspirations for development on the school. However, it is important for members to note that the proposal to extend the bank must be determined on its own merits and that proposals shown within the Masterplan do not fall to be considered as part of this application. Officers have not assessed the impacts of any of the proposals shown within the current version of the Masterplan.

## **PLANNING HISTORY**

The school has been subject to a number of planning applications over recent years. The most relevant have been highlighted below.

10/00540/FUL - PERMIT - 14 July 2010 - Provision of a synthetic pitch to replace existing sports pitch and an additional 5-a-side synthetic sports pitch; both with sports fencing and lighting.

11/00573/VAR - PERMIT - 9 December 2011 - Variation of condition 3 of application 10/00540/FUL in order to substitute submitted sports lighting report/assessment with a new lighting proposal (Provision of a synthetic pitch to replace existing sports pitch and an additional 5- a-side synthetic sports pitch; both with sports fencing and lighting.)

11/03451/FUL - PERMIT - 6 October 2011 - Erection of new two storey classroom block including staircase and lift following removal of existing temporary single storey building

12/04503/FUL - PERMIT - 18 December 2012 - Erection of a new Science lab and Gym with associated changing facilities following demolition of existing temporary building

12/04515/FUL - PERMIT - 17 January 2013 - Alterations and extension to existing Sixth Form Block to form a new Student Accommodation and Classroom Block

13/05288/FUL - PERMIT - 31 January 2014 - Proposed demolition and replacement of existing Bolton Suite teaching block, including atrium link to existing Sixth Form Student Accommodation and Classroom Block

15/04824/FUL - PERMIT - 11th January 2016 - Erection of two storey 8 no. classroom block following demolition of existing temporary 'Pratten' classroom block. Altered access to the existing science block and associated landscaping works.

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

HIGHWAYS OFFICER: No objection

DRAINAGE AND FLOOD RISK: No objection, informative suggested

ARBORICULTURALIST (Verbal comments only): No objection, subject to conditions.

PUBLIC RIGHTS OF WAY TEAM: No objection, informative suggested

SPORTS ENGLAND: No objection, recommends conditions

WALES AND WEST UTILITIES: Comments only - Informative suggested

COUNCILLOR IAN GILCHRIST: The bare bones of the application give no hint of the adverse effects on neighbouring properties that the development would have.

WIDCOMBE ASSOCIATION: The Widcombe Associate feel that more information should be provided to demonstrate the relationship of the proposed pitch extension to the neighbouring residential properties and also, similarly, regarding the relationship of the longer levelling to these and other properties, through cross-sections as well as plans. They also have concerns about the retrospective nature of the development.

GREENWAY LANE AREA RESIDENTS FORUM: Have identified the following concerns:

1. Retrospective nature of the application;
2. The proposal represents creeping development as it forms part of the comprehensive Masterplan proposals;
3. It affects the public footpaths and details should be required as part of this application.
4. The raised bank will increase the compacted area where natural drainage is inhibited. The proposals will likely cause winter flooding of the footpath, private properties and the highway. A full flood risk assessment study is required;
5. The footpath network would be detrimentally affected, as the area at the base of the bank would be restricted for walkers, resulting in a sense of insecurity and loss of open aspect;
6. Application does not provide details of timescale, construction or drainage;

7. Extending the sports areas nearer to residential areas increases the potential for nuisance due to noise and disturbance, overlooking, loss of privacy and bad language;
8. Beechen Cliff Hill is a highly sensitive part of the World Heritage Site. It is visible from the city centre and from the Fosse Way, has associations with Jane Austen and is a key part of Bath's green infrastructure and wildlife links.

They also consider that the plans produced lack detail and raise concerns about the traffic implications of the development, due to the narrowest of Poet's Corner and Greenway Lane. They identify potential safety & congestion issues. There is concern about the intensification of the use of the playing fields, particularly at evenings and weekends to the detriment of local residents. Conditions are requested to confine the use of the pitch to school hours.

#### **BATH PRESERVATION TRUST: Comment**

Information provided is inadequate to make a proper assessment of the impact, particularly in terms of the visual/landscape impact upon the World Heritage Site.

More detail required on the quantities of spoil involved, the time scales, a method statement and final landscaping plan.

Difficult to assess the impact upon the setting of the listed Greenway Lodge

**THIRD PARTIES/NEIGHBOURS:** 27 letters of objection have been received. The main issues raised were:

The application is retrospective

It represents creeping development of the school which is presented in their masterplan

It adversely affects the PROWs which cross the playing fields

No Flood Risk Assessment has been submitted

Harm to the amenity of the public open space

Noise, overlooking and nuisance

Harm to the World Heritage Site

Concern about land stability and landslip

Concerns about surface water drainage into adjoining properties

Significant traffic implications arising from intensification of the use

Overbearing character of the proposed bank

Concern about proposals shown in the masterplan

Inaccurate plans and drawings

Concern about need for sports fencing which might arise

Piecemeal development

Proposed bank is too close to properties bordering the fields

Loss of light from adjoining properties

Loss of open space

Concern about cumulative impact of proposals

Damage to properties arising from stray balls

Concern about impacts upon trees and hedge

Beechen Cliff is an important hillside in the World Heritage Site which should be protected

Conditions restricting community use of the site are requested

#### **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

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

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

#### RELEVANT LOCAL PLAN POLICIES

- D.2 General Design and public realm considerations
- D.4 Townscape considerations
- SR.4 New sports & recreational facilities within or adjoining settlements
- SR.9 Protection of recreational routes
- ES.5 Foul and surface water drainage
- ES.12 Noise and vibration
- ES.14 Unstable land
- NE.1 Landscape character
- NE.3 Important hillsides
- NE.4 Trees and woodland conservation
- BH.2 Listed buildings and their settings
- BH.6 Development within or affecting Conservation Areas
- T.24 General development control and access policy

#### PLACEMAKING PLAN

Following the Examination hearings the Inspector has now issued her Interim Statement and has advised the Council of her recommended Main Modifications required to make the plan sound. The Main Modifications and Minor Proposed Changes are now subject to public consultation prior to the Inspector issuing her Final Report. The following policies can now be given substantial weight:

- D1 Urban Design Principles
- D2 Local Character & Distinctiveness
- D6 Amenity
- NE2 Conserving and enhancing the landscape and landscape character
- NE6 Trees and woodland conservation
- PSC6 Unstable land
- LCR6 New and replacement sports and recreational facilities
- ST2A Recreational routes

The following policies, as modified by the Inspector, have significant weight:

- HE1 Historic Environment
- NE2A Landscape setting of settlements
- PSC2 Noise and vibration

## ST7 Transport requirements for managing development

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. Principle of development
2. Character and appearance
3. Residential amenity
4. Surface water drainage and flood risk
5. Trees and woodland
6. Highways safety
7. Public rights of way
8. Community use
9. Other matters
10. Conclusion

**PRINCIPLE OF DEVELOPMENT:** The proposal to extend the existing bank southwards is intended to provide additional space for new sports facilities, i.e. increasing the size of the existing playing pitch to a full sized rugby pitch. Policy SR.4 permits the creation of new or replacement sports facilities within an existing settlement provided that they meet a number of criteria.

Criterion 1 requires that new sports facilities complement the existing pattern of recreational facilities. Given that this proposal involves the enlargement of an existing playing pitch on an existing area utilised as playing field, it is considered to clearly complement the existing pattern of recreational facilities at Beechen Cliff.

Criterion 2 requires that the facilities are in a readily accessible location well served by transport modes. The site is within a built up area of Bath which well served by public transport and is accessible from a variety of different public footpaths which cross the playing fields.

Criteria 3 and 4 require that there would be no adverse impact on public safety and that the amenities of local residents are not adversely affected by air, noise or light pollution. These matters are discussed further in the report below.

In light of the above and the discussion on criteria 3 and 4 in the report below, it is considered that the requirements of policy SR.4 are met and that the proposed development is acceptable in principle.

Sport England has also been consulted on the application and raises no objection to the proposal.

**CHARACTER AND APPEARANCE:** Beechen Cliff School playing fields are a significant green area which represents an important hillside within the built up area of Bath under Local Plan policy NE.3. The site has also been identified within the emerging Placemaking Plan as a site which forms part of the landscape setting of Bath under policy NE2A. The site is visible and prominent from the Wellsway to the south and in other long views, particularly from the south and west.

Whilst the examining Inspector has proposed a slight modification to the wording of policy NE2A, the designation of this site as part of the landscape setting of Bath has not been queried. Policy NE2A can therefore be given significant weight.

Policy NE2A requires that any development should seek to conserve and enhance the landscape setting of settlements and their landscape character, views and features. Development that would result in adverse impact to the landscape setting of settlements that cannot be adequately mitigated will not be permitted.

The proposed bank would be extended southwards by between approximately 7m - 13m across its length. The shortest part of the extended bank would be in the south-east with the largest extension on the south-west side of the bank.

The revised bank would broadly repeat the line of the existing bank and would run approximately parallel to the proposed new rugby pitch. Although slightly steeper in some areas and slightly shallower in others, the proposed bank profile would be broadly similar to the existing profile.

Given the scale of the proposed development, the change to the landform of the site is relatively minor. The school has indicated that it intends to implement the bank in stages to accommodate spoil as it arises from any current and future development projects on the school site. Whilst the bank is being extended and re-profiled, the topsoil will be stripped off the bank and temporary construction fencing will be erected around it. This has the potential to alter the green character of the hillside introducing the incongruous features of exposed subsoil and construction fencing. However, these features will be temporary in nature. Once the subsoil has been consolidated and profiled, the topsoil regraded back over the new profiled bank and the area reseeded with grass, the appearance of the hillside will revert to the same green character as before. A condition is proposed to ensure that when the bank is not being constructed that the land is restored to grass and that any construction fencing is removed. This will ensure that the landscape is not harmed for extended periods of time.

The new alignment and profile of the bank will not significantly alter the landscape character, or the appearance in important views, of this important green hillside.

Furthermore, the proposals do not include any external lighting and so the area will retain its dark character during the evenings and night times.

The proposals are therefore considered to conserve the landscape setting of Bath and are also considered to preserve the outstanding universal values of the Bath World Heritage Site. The proposals are therefore also considered to preserve the character and appearance of the Conservation Area.

Greenway Lodge is a grade II listed building immediately adjoining the southern boundary of the playing fields. It is considered that the playing fields form part of the setting of this heritage asset. However, the proposed bank extension will remain over 30m from the boundary with Greenway Lodge and will not significantly affect any views to or from the property. Furthermore, in light of the above conclusions about the proposed development retaining the overall green and open hillside character of the site, it is considered that the proposal will preserve the setting and significance of the heritage asset.

**RESIDENTIAL AMENITY:** The proposed bank realignment brings it closer to the southern boundary of the playing fields which borders a number of properties on Greenway Lane. These properties mostly turn their backs onto the playing field, but all are situated at a lower level and there are a number of existing windows which face on to the playing field.

The proposed bank would remain at least 8m from the boundary with properties on Greenway Lane (as shown on section A-A) increasing to over 35m further to the west (as shown on section B-B).

The proposals would offer additional, slightly elevated views towards the properties at Greenway Lane for anyone standing at the top of the revised bank. However, this would not result in any significant additional detriment to the privacy of occupiers over and above the views already available from the existing playing field. The elevated views from the revised bank position are still a sufficient distance from the neighbouring properties to prevent any harmful increase in overlooking or harmful loss of privacy.

The closest property to the proposed bank is 71 Greenway Lane. The relationship between the proposed extended bank and 71 Greenway Lane is demonstrated in section A-A. At its nearest point, the bottom of the extended bank would be approximately 8m from the boundary with 71 Greenway Lane and the top of the extended bank would remain approximately 13m from the boundary. The boundary to the playing fields contains a hedgerow and a large tree at this point which does provide a degree of screening for 71 Greenway Lane. The garden of 71 Greenway Lane is situated on land set down from the level of the playing field at its boundary. Given these two factors, views into the garden of 71 Greenway Lane are difficult to obtain. The development will increase the viewing angle towards the garden from the south-east corner of the bank. However, given the retained gap from the boundary and the boundary screening, this increased angle will not offer any significantly greater or more harmful views over the garden of 71 Greenway Lane such as to have any unacceptable impact upon residential amenity.

The retained distance, alongside the local topography and the orientation of the bank to the north, means that there will be no significant loss of light or overbearing impact upon occupiers on Greenway Lane.



The extended bank will enable the school to accommodate a slightly wider sports pitch on level ground. Whilst this proposal will mean that the margins of the sports pitch now extend slightly closer to the properties on Greenway Lane and will enable slightly larger scale activities/games to take place on this part of the playing fields, it is not considered to be such a significant increase in activity as to result in any significant additional noise or disturbance impacts (including stray balls being kicked into residential gardens) over and above the existing situation.

As discussed above, the proposals do not include any external lighting for the extended playing pitch and therefore light spill onto neighbouring properties is not an issue.

In light of the above, it is considered that the proposed development will not result in any significant impact upon residential amenity over and above the existing situation.

**SURFACE WATER DRAINAGE AND FLOOD RISK:** Concerns have been raised about potential flood risk arising from the proposal. The application site is located within flood zone 1, which is classified as being at the lowest risk of flooding. There is no requirement for this application to be supported by a Flood Risk Assessment (FRA).

Whilst the bank would create a marginally steeper profile in places, this would not reduce the area available for rainwater absorption and would not increase discharge rates in any significant way.

Furthermore, the Council's Drainage and Flood Risk Team have reviewed the application and raised no objection to the proposals.

The proposals are therefore considered not to have any significant adverse effect in terms of flood risk.

**TREES AND WOODLAND:** Concern has been raised about the potential impacts upon trees located on the southern boundary of the playing fields. Having reviewed the drawings, the Council's arboriculturalist is satisfied that sufficient distance is maintained between the proposed extended bank and any trees to prevent any harm arising. However, care will need to be taken during the construction of the bank to avoid harm to retained trees. An arboricultural method statement and tree protection plan is therefore required as a condition.

**HIGHWAYS SAFETY:** Vehicular access to the school site is via Kipling Avenue and the surrounding streets, all of which are often heavily parked. Access to the school during peak times can therefore be difficult.

However, the material for the proposed bank is to be provided from on-site sources only. It is intended to accommodate the spoil arising from any current and future development projects. This avoids material/spoil having to be transported to the site to extend the bank and reduces the level of spoil that needs to be removed from the school site arising from any future building projects. This approach can be secured by a planning condition which

will prevent the import of any material to the site. This measure is supported by the Highways officer as a means to avoid any conflicts between HGVs and local highways network.

Subject to the above discussed condition, it is therefore considered that the proposals will not adversely affect highways safety.

**PUBLIC RIGHTS OF WAY:** The PROW team originally raised some concerns about the routes of the footpaths across the playing field as shown on the proposed plans. These routes appeared to deviate from the definitive line of the PROW as shown on the Council's official records. Upon investigation it appears that the definitive line of the PROWs across the Beechen Cliff playing fields has not been maintained for parts of its route. The school will therefore need to apply to the PROW team for a diversion to rectify the situation in respect of these anomalies. An informative is suggested in regard to this matter.

However, the irregularities with the existing routes of the footpaths across the playing fields do not materially alter the consideration of this application. The proposed extension to the existing bank does not affect the definitive route of any of the PROWs which cross the playing fields. Upon clarification of these matters, the PROW team have indicated that they have no objection to the proposals.

Other concerns have been raised about the potential for the proposals to impact upon the quality of the PROW routes across the playing fields. However, the definitive routes will remain unchanged and, whilst the bank will extend closer to one of the footpaths, it is only 3m in height and is sloped away from the path. It will not appear overbearing or create any significant sense of insecurity to the users of the footpath. The proposed development will therefore not adversely affect the recreational value or amenity value of the route and the enjoyment of users of the PROW will not be compromised.

**COMMUNITY USE:** In its response to the application Sports England recommended a condition seeking to secure community use of the playing pitch, beyond the schools' own activities. However, concerns have also been raised by local residents about additional community use of the site and the impacts that might arise from this in terms of traffic and disturbance issues.

Currently, there are no controls on the use of the playing field by the school including community use. The school have also indicated that there is currently no community use of the pitch. The enlargement of the playing pitch to a full size rugby pitch does increase its attractiveness as a sports facility and will slightly increase the intensity of the use, i.e. it will be able to accommodate larger games and matches. However, any increase in use is likely to be minimal. Furthermore, given that the pitch is grass and not artificial, there is a limit to the potential hours it can be used without compromising the surface condition of the pitch.

It is therefore considered that a condition restricting the use of the playing pitch is not necessary.

Furthermore, because the development only involves the expansion of an existing pitch, there is no policy basis for compelling the school to use the pitches for community use. It is therefore considered unreasonable to apply the conditions recommended by Sports England.

**OTHER MATTERS:** Some comments have been made about land instability and potential for landslip arising from the development. However, there is no indication or evidence of any geological instability in the area of the application site and the gradients involved in the development are not significantly greater than the existing gradients. It is therefore considered that the proposals will not result in any risk of landslip or land instability.

Many comments have been received about proposals shown within the school's Masterplan document which was submitted with the application. Concern was raised about the lack of information and the potential creation of precedent for these future proposals. However, as is made clear at the start of this report, the Masterplan does not fall to be considered as part of this application. This application is concerned with the extension of the existing bank to create a wider playing pitch only. Any future proposals will need to be the subject of separate planning applications which will be assessed on their own merits.

Notwithstanding this, the Masterplan document can still be used as a guide to the school's future development aspirations and intentions, but, as it has not been the subject of any formal consultation or approval, this should only be afforded very limited weight.

A number of comments have been received about the partially retrospective nature of the application. However, the fact that the development has already commenced is not a material consideration in respect of the consideration of this application. Members should therefore not take into account the partially retrospective nature of this proposal when determining this application.

**CONCLUSION:** The proposed extension to the playing field bank and the creation of a wider playing pitch at Beechen Cliff School represents a relatively small scale change to the existing landform. The proposals are considered not to adversely affect the landscape setting of setting of Bath, the World Heritage Site, the Conservation Area or the setting of the nearby listed building. It will not have any significantly adverse effect upon residential amenity, flood risk, trees or existing PROWs. It will also reduce the need to export spoil arising from current and future development projects, to the benefit of the local highways network.

The proposals are therefore considered to 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 Arboricultural Method Statement and Tree Protection Plan (Pre-commencement)**

No material to be used in the construction of the extend bank shall be deposited on the site until a detailed arboricultural method statement with tree protection plan following the recommendations contained within BS 5837:2012 identifying measures to protect the trees to be retained, has been submitted to and approved in writing by the Local Planning Authority. The statement shall include proposed tree protection measures during carport construction and landscaping operations and arboricultural supervision and monitoring. The statement should include the control of potentially harmful operations such as the position of service runs and soakaways, storage, handling and mixing of materials on site, and movement of people and machinery. No development or other operations shall thereafter take place except in complete accordance with the approved details.

Reason: To ensure that no excavation, tipping, burning, storing of materials or any other activity takes place which would adversely affect the trees to be retained in accordance with policy NE.4 of the Bath and North East Somerset Local Plan and CP7 of the Core Strategy.

This is a condition precedent because the works comprising the development have the potential to harm retained trees. Therefore these details need to be agreed before work commences.

### **3 No imported material (Compliance)**

No material from outside of the school grounds shall be used in the approved development.

Reason: To avoid the import of material onto the site in the interest of highways safety in accordance with policy T.24 of the Local Plan.

### **4 Restoration of current bank (Compliance)**

The land within the application site shall be laid to grass within 3 months of the date of this planning permission.

Reason: To ensure that the character and appearance of the important hillside is preserved in accordance with policies NE.1 and NE.3 of the Bath and North East Somerset Local Plan and policy CP6 of the Bath and North East Somerset Core Strategy and to ensure that the land is restored when the bank is not being actively constructed.

### **5 Program of works for future phases (Bespoke Trigger)**

No material to be used in any phase of the construction of the extend bank (as shown on drawing no. 2135-18 B) shall be deposited on the site until a program of works has been submitted to and approved in writing by the Local Planning Authority for that phase. The program of works shall include:

Details of the amount of material to be deposited;  
Existing and proposed levels for that phase;  
Details of the restoration of the land following that phase of the construction of the extended bank;  
Details of the erection and removal of any means of enclosure; and,  
A timetable for all of the above

That phase of the development shall thereafter be undertaken in accordance with the approved program of works.

Reason: To ensure that the character and appearance of the important hillside is preserved in accordance with policies NE.1 and NE.3 of the Bath and North East Somerset Local Plan and policy CP6 of the Bath and North East Somerset Core Strategy and to ensure that the land is restored when the bank is not being actively constructed.

### **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:**

|           |                                  |
|-----------|----------------------------------|
| 2135-4C   | Existing Plan                    |
| 2135-18 B | Proposed Site Plan with New Bank |
| 2135-19   | Section AA                       |
| 2135-20   | Section BB                       |

### **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.

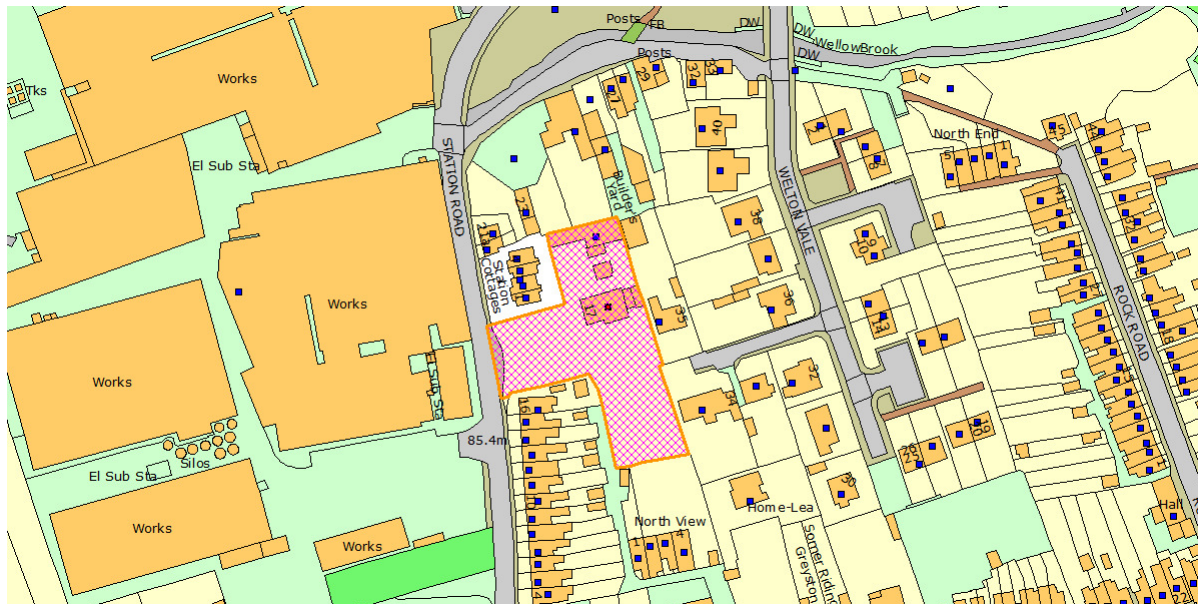
Please note all conditions should be read fully as these headings are intended as a guide only.

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.

### **INFORMATIVES**

1. For the avoidance of doubt, the Masterplan drawings which have been submitted alongside this application are not approved. No indication of support or otherwise for the proposals shown within the Masterplan shall be taken from this decision.
2. All surface water will be managed on site during and after construction so as not to increase flood risk to others
3. Wales & West Utilities has pipes in the area. Their apparatus may be affected and at risk during construction works. The promoter of these works should contact them directly to discuss their requirements in detail before any works commence on site. Should diversion works be required these will be fully chargeable.
4. The issues highlighted in the PROW Response (dated 12th December 2016 and submitted on 13th December 2016) regarding the public rights of way on the site, must be addressed separately by the School. The Council requires the School to apply to the Public Rights of Way Team for a Diversion Order as soon as possible to address these issues.

**Item No:** 002  
**Application No:** 16/04499/FUL  
**Site Location:** 17 Station Road Welton Midsomer Norton BA3 2AZ



**Ward:** Midsomer Norton North      **Parish:** Midsomer Norton      **LB Grade:** N/A  
**Ward Members:** Councillor B J Macrae      Councillor Michael Evans  
**Application Type:** Full Application  
**Proposal:** Erection of 6no. new dwellings following demolition of existing dwelling and outbuildings (resubmission) - revised plans  
**Constraints:** Affordable Housing, Agric Land Class 3b,4,5, Coal - Standing Advice Area, Conservation Area, Contaminated Land, Forest of Avon, Housing Development Boundary, SSSI - Impact Risk Zones,  
**Applicant:** Flower And Hayes Ltd  
**Expiry Date:** 12th January 2017  
**Case Officer:** Tessa Hampden

## REPORT

Reason for referral to committee

The application has been referred to Committee due to the objection comments received from the Town Council and the Local Ward Councillor. These are detailed within the representations section of this report. This application was deferred at the last meeting of the Committee to allow Members to visit the site.

Site description and proposal

The application relates to 17 Station Road, which is a detached dwelling set within a generous plot off Station Road in Midsomer Norton. The site also comprises a number of outbuildings/workshops. The site is within the Midsomer Norton and Welton Conservation Area.

The application seeks planning permission for the erection of six new dwellings following demolition of existing dwelling and outbuildings. This application originally proposed 7 units, but revised plans have been submitted during the course of the application which removed a residential unit from the site, reduced the scale of a dwelling, and amendments to parking/landscaping.

An application for 8 dwellings was recently refused and dismissed at appeal.

Relevant planning history

15/03416/FUL - Refused - 16 October 2015 - Erection of 8no dwellings following demolition of 1no dwelling and associated outbuildings - appeal dismissed

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

Ecologist - no objection subject to condition

Highways - no objection subject to conditions

Environmental Health - no objection subject to conditions

Drainage - details required with regards to drainage strategy

Arboriculture - details required to ensure that drainage strategy does not impact upon tree routes.

Midsomer Norton Town Council - object

-The revised proposal of 7 dwellings was considered to still be an overdevelopment of the site.

-The Committee noted that the information requested by the Arboriculture Officer and the Drainage and Flooding Team had not been adequately addressed.

-The proposed choices of materials were considered to be unsatisfactory. Traditional materials should be used throughout.

-The Committee strongly objected to the demolition of No 17 Station Road.

-The entrance/interior walls should be retained to the original height and with the original materials to a maximum

Cllr Barry Macrae

- Objects to the development

- It is backland development and destroys the privacy of its neighbours;

- Overdevelopment

- On-site parking is totally inadequate (for owners/visitors/deliveries);

- Vehicle access is extremely poor

- Egress on to Station Road will directly conflict with the existing site access into the Welton Bag major employment site;

- The style/design submitted has no relevance or empathy with the surrounding historic terraces and the iconic brewery building mass.



6 objection/general comments have been received. These can be summarised as follows:

- Cramped form of development/overdevelopment of the site
- Loss of existing house
- Loss of green space and excessive hardstanding
- Impact upon boundary walls
- Ecological issues
- Impact upon the trees
- Highway safety
- Lack of parking
- Impact upon neighbouring occupiers including privacy issue, loss of light, noise and disturbance
- Contrary to Human Rights Act
- Cumulative impact of this and other developments
- Security issues
- Inaccurate drawings

### **POLICIES/LEGISLATION**

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

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

SV1 Somer Valley Spatial Strategy

CP5 Flood Risk Management

CP6 - Environmental Quality

CP9 Affordable housing

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

BH6 Conservation Area and their settings

D2 - General Design and Public Realm Considerations

D4 - Townscape Considerations

HG4 Residential development in the urban areas

NE4 Trees and Woodlands

NE10 Nationally important species and habitats

NE11 Locally important species and habitats

T24 - Highway Development Control Criteria

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. Following the Examination hearings the Inspector has now issued her Interim Statement and has advised the Council of her recommended Main Modifications required to make the plan sound. The Main Modifications and Minor Proposed Changes are now

subject to public consultation prior to the Inspector issuing her Final Report. The following policies can now be given substantial weight:

SD1 - Presumption in favour of sustainable development  
CP2 - Sustainable construction  
CP3 - Renewable energy  
CP5 - Flood Risk Management  
CP7 - Green Infrastructure  
PCS7A - Foul sewage infrastructure  
SCR1 - On site renewable energy requirement  
SCR5 - Water Efficiency  
SU1 - Sustainable drainage  
D1, D2, D3, D4, D5, D6 - Design and amenity  
D10 - Public realm  
H7 - Housing accessibility  
NE1 - Development and Green Infrastructure  
NE2 - Conserving and Enhancing the Landscape and Landscape Character  
NE6 - Trees and woodland conservation  
PCS1 - Pollution and nuisance  
LCR7B - Broadband - superfast infrastructure  
ST1 - Sustainable transport

The following policies are relevant and have significant weight:

D8 - Lighting  
NE2A - Landscape setting of settlements  
NE3 - Sites, species and habitats  
H1 Historic Environment  
ST7 Transport requirements for managing development

The National Planning Policy Framework - published in March 2012

National Planning Practice Guidance

## **OFFICER ASSESSMENT**

Principle of development

The application site is located within the Housing Development Boundary of Midsomer Norton where new residential development can be acceptable subject the compliance with the policies of the development plan. There is therefore no objection to the scheme in principle.

Character and appearance

The site is located within the Welton/Midsomer Norton Conservation and as such any development in this location must preserve or enhance the character and appearance of this part of the Conservation Area. The existing dwelling is set back from the road frontage sat within generous sized grounds. The site also comprises a number of outbuildings/workshops which are set within the site away from the public realm. A number of third parties have raised concerns with regard to the loss of the building. The

main dwelling itself is of some architectural merit. This is not a listed building but the main building and its setting is a positive attribute within the Conservation Area and as such can be seen to be a non designated heritage asset. The building is however set back from the main street and therefore its impact upon the street scene is reduced and the significance of the heritage asset is therefore limited. The building has also been altered significantly and is in parts in a poor condition. It is also noted that this building is not included within the current Midsomer Norton character appraisal, although this does not necessarily reduce its significance. The loss of this building was not raised as a reason for refusal at the previous planning decision, nor raised as an issue by the Inspector dealing with the subsequent appeal. However, any development must be of a high enough quality to ensure that the character and appearance of the Conservation Area is preserved.

Whilst a higher density of development is not objectionable in principle, the development must sit comfortably with the surrounding development. The proposal puts forward a semi detached unit fronting Station Road which is considered to follow the general building grain of the area, with the ridge of the roof set down from the neighbouring terrace reflecting the topography of the road. The Inspector previously noted that although the scheme would remove some of the open character from the front of the site, this would be compensated by the well designed frontage property, providing continuity to the street scene. A similar conclusion can be reached on this proposal. It is considered important to ensure that the front and side elevations of this property are constructed from natural stone and this can be secured through the inclusion of a condition on any permission. This will ensure that the character and appearance of the Conservation Area is preserved by presenting a high quality form in a position highly visible in the public realm. The agent has stated that they will explore re using the materials from the building to be replaced.

The overall scheme comprises a mixture of bungalows, dwelling and flats which is considered an acceptable mix, which does not conflict with the pattern of development in the surrounding area. The units within the site are of an acceptable design and scale and will ensure that the character and appearance of the Conservation Area is preserved.

The quantum of development has been reduced during the application process which allows for a higher degree of soft landscaping being present on the site, and the parking provided is now in more discrete locations. This aids in ensuring that the development does not appear cramped and the overall quality of the scheme is acceptable. This was a key concern in the previous application. The proposed scheme now allows more space between each unit, and the parking and access areas no longer dominate the scheme. Soft landscaping is also now provided to the front of a number of the units as opposed to solely within the rear private amenity spaces which aids in maintaining the open character of the site. The proposals allow for sufficient space between the dwellings and the boundaries of the site ensuring that there is a visual buffer between the application site and the surrounding built form.

Third parties have raised concerns with regards to boundary treatments; both with regards to existing and proposed. Appropriate boundary treatment can be secured through condition.

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

development, due to appropriate design, siting and scale of the development, preserve the character and appearance of this part of the Conservation Area.

#### Residential amenity

##### Impact upon existing occupiers

House plot 4 is sited in relatively close proximity to 35 Welton Road but it is important to note that this replaces an existing dwelling which is currently sited close to this shared boundary. Plot 4 has been designed so that the upper floor windows will be obscurely glazed to ensure that the occupiers of number 35 do not suffer from an unacceptable level of loss of privacy. Any overlooking from ground floor levels and from the outdoor amenity area can be reduced through the installation of appropriate screening. Whilst the level of activity may increase in this area due to the placement of the garden up to the boundary, this is not considered to result in harm at a level that would warrant a refusal of the application. The current situation places a parking/turning area at this point and as such, a level of noise and disturbance is already experienced.

Concerns have been raised with regards to loss of privacy resulting from windows serving the flats. This block has been reduced in scale due to the removal of one of the units. This results in the distance between 35 Welton Road and the flats being increased. On balance due to the change in levels, positioning of windows and the distance between this part of the development and the existing development, any loss of privacy would not be unduly harmful.

Plot 3 is sited in close proximity to the dwellings Station Cottages. This has been reduced in scale which provides a gap between the dwelling and the neighbouring built form. However, these units will be single storey, and given there are existing buildings in a similar location, and given the existing boundary treatment, this is not considered to be overbearing or result in a significant loss of light to these occupiers.

Overall there is not considered to be undue harm by reason of overbearing impact, loss of light, privacy, increase noise and disturbance or any other harm, which would be at a level which would justify refusing this application.

##### Living conditions of future occupiers

Plot 3 is situated adjacent to a building which is in commercial use as a carpentry business and as such generates a level of noise and disturbance that may cause issues with the living conditions of the future occupiers of this dwelling. It would be unreasonable for the adjacent business unit to have to change its operation due to any future complaints received from this new development. The development should therefore include measures to safeguard against future problems, which could include measures such as sound attenuation fencing. This could be secured through the inclusion of a condition on any permission.

#### Highway Development

The proposed access arrangements which are identical to that proposed under ref. 15/03416/FUL. The provision of a 4.8m wide shared-surface access will be sufficient to

accommodate 2-way traffic flow in accordance with Manual for Streets. The internal road layout will also be sufficient to accommodate service and emergency vehicles and will enable them to turn on-site so they can depart safely in a forward gear.

Under the previous application, concerns were raised regarding the severe gradient of the existing driveway serving the site. The provision of a 1:15 gradient under the current proposal will satisfy the guidance within the Design Manual for Roads and Bridges.

The current proposal will demand a maximum requirement of 16 no. spaces plus 1 to 2 visitor spaces in accordance with policy T.26 of the Local Plan. While a maximum of 3 no. spaces is required for plots 3 and 4 (4 bed dwellings), the provision of 2 no. spaces for each dwelling (plus 1 visitor space) will be acceptable due largely to the sites sustainable location close to Midsomer Norton town centre. The provision of secure and convenient storage for bicycles is acknowledged as this will serve to promote this sustainable mode of transport.

### Ecological Considerations

Ecological surveys have been submitted and considered by the Council's Ecologist. The survey included surveys for bats, and two bat roosts were found, one in the main house and one in an outbuilding, both of which were for low numbers of pipistrelle. These will require an EPS licence and mitigation must be secured. The LPA must consider the three tests of the Habitats Regulations and the ability of the scheme to obtain an EPS licence.

Test 1 - Does the development meet a purpose of preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance to the environment?

The public benefits should be commensurate with the level of impact. There are sustainability benefits of providing a mixture of 5 additional dwellings close to the town centre of Midsomer Norton. Further, the development will result in jobs in the construction phase, and whilst this is only for a short period of time, this can be seen to be an economic benefit to the scheme. The test can be said to be passed.

Test 2 There is no satisfactory alternative

The development proposes the redevelopment of the site and to achieve the quantum of development put forward there is no alternative than what is put forward.

Test 3 - The action authorised will not be detrimental to the maintenance of the population of the species

The ecology report describes appropriate mitigation for bats. If this is implemented as described, the above test is likely to be met and an EPS licence would be likely to be obtained.

There are also trees and other vegetation which supports some wildlife value, measures to mitigate for impacts on these should be included within an overall ecological and protected species mitigation plan.

Overall the development is considered to be ecologically acceptable.

#### Arboriculture

Overall, compared to the recent refusal, the flats within the scheme have now been moved further away from the mature trees at the boundary of the site. Revised information has been submitted during the application process to overcome concerns raised by the Arboricultural Officer. It is noted that there are no drainage proposals in place, and any scheme that comes forward would need to be informed by the tree survey and avoid any damage to tree routes.

Overall, subject to conditions in relation to tree protection, there are no objections on these grounds.

#### Drainage

The Drainage Engineer has responded citing the application is not acceptable in the current form as no details have been provided with regards to surface water drainage. This was previously cited as a reason for refusal but the Inspector dealing with the appeal did not see any reason as to why the use of a sustainable drainage system could not be secured through the inclusion of condition. Therefore, in this case, a condition to secure this will be added to any condition to ensure that the proposal reduced surface water run off from the site and would not increase flood risk elsewhere.

#### Conclusion

Overall, the development is considered to preserve the character and appearance of the Conservation Area. Whilst it is somewhat regrettable that the existing building is to be lost, this is not considered to play a significant role in the Conservation Area, and given the scheme that is presented, coupled with the benefits of providing additional housing, the loss is not resisted. It is also noted that this was not previously raised as a reason for refusal or cited as an issue within the appeal decision.

The proposals would result in a scheme that would not harm highway safety or the residential amenity of the neighbouring occupiers. Further, the scheme is considered to be ecologically acceptable. It is therefore recommended that planning permission is granted for the proposals put forward.

### **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 Arboricultural Method Statement and Tree Protection Plan (Pre-commencement)**

No development shall commence until a Detailed Arboricultural Method Statement with Tree Protection Plan following the recommendations contained within BS 5837:2012 has been submitted to and approved in writing by the Local Planning Authority. The arboricultural method statement shall incorporate a provisional programme of works; supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and certificates of completion to the local planning authority. The statement should include the control of potentially harmful operations such as site preparation (including demolition, clearance and level changes); the storage, handling and mixing of materials on site, burning, location of site office, service run locations including soakaway locations and movement of people and machinery. No development or other operations shall thereafter take place except in complete accordance with the approved details.

Reason: To ensure that trees to be retained are not adversely affected by the development proposals in accordance with Policy NE.4 of the Bath and North East Somerset Local Plan. This is a condition precedent because the works comprising the development have the potential to harm retained trees. Therefore these details need to be agreed before work commences.

## **3 Arboriculture - Compliance with Arb Method Statement (Pre-occupation)**

The approved development shall be carried out in accordance with the approved Arboricultural Method Statement and Tree Protection Plan. No occupation of the approved development shall commence until a signed certificate of compliance by the appointed Arboriculturalist has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that trees to be retained are not adversely affected by the development proposals in accordance with Policy NE.4 of the Bath and North East Somerset Local Plan. To ensure that the approved method statement is complied with for the duration of the development.

## **4 Hard and Soft Landscaping (Pre-occupation)**

No occupation shall commence until a hard and soft landscape scheme has been submitted to and approved in writing by the Local Planning Authority showing details of all trees, hedgerows and other planting to be retained; a planting specification to include numbers, size, species and positions of all new trees and shrubs, details of existing and proposed walls, fences, other boundary treatment and surface treatment of the open parts of the site, and a programme of implementation.

Reason: To ensure the provision of an appropriate landscape setting to the development in accordance with Policies D.2 and D.4 of the Bath and North East Somerset Local Plan.

## **5 Hard and Soft Landscaping (Compliance)**

All hard and/or soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme (phasing) agreed in writing with the Local Planning Authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in

writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details.

Reason: To ensure that the landscape scheme is implemented and maintained in accordance with Policies D.2 and D.4 of the Bath and North East Somerset Local Plan.

#### **6 Highways - Bound/Compacted Vehicle Access (Pre-occupation)**

No occupation of the development shall commence until the vehicular access has been constructed with a bound and compacted surfacing material (not loose stone or gravel).

Reason: To prevent loose material spilling onto the highway in the interests of highways safety in accordance with Policy T.24 of the Bath and North East Somerset Local Plan.

#### **7 Highways - 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.

#### **8 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

#### **9 Highways - Visibility splays (Pre-occupation)**

The development hereby permitted shall not be occupied until the visibility splays shown on the submitted plan (F1123/116A submitted under ref.

15/03416/FUL) have been provided with no obstruction to visibility at or above a height of 600mm above the nearside carriageway level. The visibility splays shall thereafter be maintained free of obstruction at all times.

Reason: To ensure visibility is maintained in the interests of highways safety in accordance with Policy T.24 of the Bath and North East Somerset Local Plan.

#### **10 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.

#### **11 Flood Risk and Drainage - Surface Water Discharge Rates (Pre-commencement)**

No development shall commence, except ground investigations, until written confirmation from the sewerage company (Wessex Water) accepting the surface water discharge into their network including point of connection and rate has been submitted to the Local Planning Authority. If the sewerage company are not able to accept the proposed surface water discharge, an alternative method of surface water drainage, which has first been submitted to and approved in writing by the Local Planning Authority, shall be installed prior to the occupation of the development.

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

#### **12 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.

#### **13 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.

#### **14 Ecological and Protected Species (Bats) Mitigation Scheme (Bespoke trigger)**

Prior to the commencement of any works including site clearance, demolition or construction on site, an Ecological and Protected Species (Bats) Mitigation Scheme, produced by a suitably experienced ecologist (licensed bat worker) shall be submitted to and approved by the Local Planning Authority. This shall be accompanied by either (a) a copy of the European Protected Species licence required for the works in accordance with the Habitat and Species Regulations 2010, or (b) written confirmation that the works do not require an European Protected Species licence, and shall also include:

1. Full and completed ecological and bat survey findings, including update surveys if applicable
2. Full details of proposed bat mitigation for example a European protected species licence application method statement, together with specifications for replacement bat roost provision, with full details to be shown on scale plans and drawings as applicable
3. Full details of all other necessary ecological and wildlife protection and mitigation
4. Details of proposed soft landscaping and lighting design, with the objective of providing suitable, dark, bat flight-corridor habitats, connecting roost locations to adjacent vegetation, and designed to encourage long term use of the roost spaces by bats and to minimise risk of roost failure.

The development shall thereafter be implemented only in accordance with the approved Ecological and Protected Species (Bats) Mitigation Scheme.

Reason: to safeguard ecology and protected species including bats and their roosts

#### **15 Ecological follow up report (Bespoke trigger)**

Prior to occupation of the development, an ecological follow-up report produced by a suitably experienced ecologist (licensed bat worker) confirming and demonstrating, using photographs where appropriate, that works have been carried out in accordance with the Ecological and

Protected Species (Bats) Mitigation Scheme, and all necessary ecological measures have been implemented and incorporated into the scheme, shall be submitted to the local planning authority and approved in writing prior to occupation of the development.

Reason: to ensure the ecological and protected species mitigation scheme is satisfactorily implemented

#### **16 Removal of Permitted Development Rights - No extensions or alterations (Compliance)**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no extension, external alteration or enlargement of the dwelling(s) or other buildings hereby approved shall be carried out unless a further planning permission has been granted by the Local Planning Authority.

Reason: Any further extensions require detailed consideration by the Local Planning Authority because further development could result in overdevelopment of the site.

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

No development shall take place on site until a scheme to protect future residents of plot 3 from noise has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved before the development is brought into use.

Reason: To ensure that the occupiers of this unit are protected against any noise from the adjacent commercial use.

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

Notwithstanding the approved plans, 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.

#### **19 Screening (Pre-occupation)**

The dwellings hereby approved shall not be occupied until details of all proposed boundary treatment has 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, and to protect residential amenity, 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.

#### **20 Water Efficiency - Rainwater Harvesting (Pre-occupation)**

No occupation of the approved dwellings shall commence until a scheme for rainwater harvesting or other methods of capturing rainwater for use by residents (eg. Water butts) has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: In the interests of water efficiency in accordance with Policy SCR5 of the Placemaking Plan.

#### **21 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:**

0 Revised Drawing 15 Nov 2016 F1123/100F PROPOSED SITE PLANS AND SECTION  
15 Nov 2016 F1123/101E PROPOSED SITE SECTION AND SCHEDULES  
15 Nov 2016 F1123/112D PROPOSED PLANS AND ELEVATIONS PLOT  
15 Nov 2016 F1123/115D PROPOSED PLANS AND SECTIONS PLOTS 5 AND  
15 Nov 2016 F1123/116D PROPOSED SITE PLAN SHOWING VEHICULAR MOVEMENTS

0 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)

0 Works or demolition must not commence to any buildings on the site until an EPS licence has been obtained.

### **0 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.

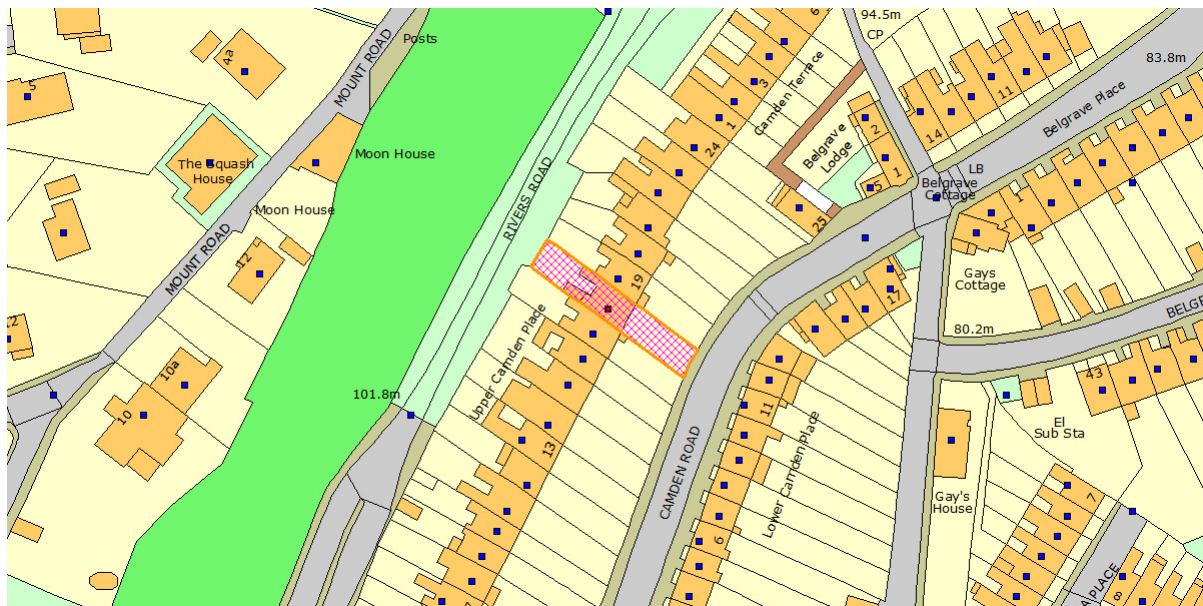
Please note all conditions should be read fully as these headings are intended as a guide only.

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.

0 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.

**Item No:** 003  
**Application No:** 16/05508/FUL  
**Site Location:** 18 Upper Camden Place Walcot Bath Bath And North East Somerset BA1 5HX



**Ward:** Lansdown      **Parish:** N/A      **LB Grade:** II  
**Ward Members:** Councillor Patrick Anketell-Jones Councillor Anthony Clarke  
**Application Type:** Full Application  
**Proposal:** Installation of proposed mansard roof and associated dormer windows to front and rear elevations  
**Constraints:** Affordable Housing, Agric Land Class 3b,4,5, Article 4, Article 4, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, Listed Building, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,  
**Applicant:** Mrs Tracey Dean-Chalkley  
**Expiry Date:** 9th February 2017  
**Case Officer:** Laura Batham

## REPORT

Reason for calling to committee:

The application was deferred from the February Committee meeting to allow for Members to visit the site and for an ecology survey to be undertaken. The applicants have also

revised the proposed drawings to alter the layout of the second floor to allow the existing staircase and banister to remain unaltered.

The application was referred to the Chair by Cllr Annketell-Jones and the application was added to the agenda for the following reason:

I have read this application & the report presented to me which includes the request by the Ward Cllr that it be considered by the DMC. I note the reasons for refusal & acknowledge consultee comments support this view but I feel the issue should be debated in the public arena as in the past there had been approval for a similar scheme under the policy relevant at that time.

#### Site Description:

18 Upper Camden Place is a mid-terraced dwelling located in the world heritage site and conservation area. The property is grade II listed and forms part of 14 houses which step up gradually from east to west. The dwellings are set higher and back from the road, into the hillside. Constructed in Bath stone, the dwelling has a low double pitched roof set behind a parapet wall.

#### Proposal:

Installation of proposed mansard roof and associated dormer windows to front and rear elevations

#### History:

14194 & LB/14194-1 Erection of a mansard roof - Consent 23.3.88

14194-2 & 14194-3 Erection of a mansard roof - Renewal of permission - Consent June 1993

DC - 07/02686/LBA - CON - 19 October 2007 - Internal alterations to include formation of bathroom at second floor and filling of opening at first floor

DC - 16/05509/LBA - PDE - - Internal and external alterations to install mansard roof and associated dormer windows to front and rear elevations

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

#### Bath Preservation Trust:

The Trust objects to this application on the basis of overdevelopment of the listed building and subsequent harm to its special historic and architectural interest. Whilst we are sympathetic to the owners' desire to increase living space, the level of change proposed constitutes substantial harm which is not outweighed by public benefit.

This dwelling is part of an early 19th century terrace which steps down on the slope. Whilst we recognise there have been changes to roof profiles further up the terrace this dwelling is part of small group of buildings with a rhythmic and intended parapet low roof profile.

The proposed changes will completely interrupt this roofline, tower above it (in particular the chimneys and gable ends) have an overbearing and incongruous impact and substantially change the character of this section of the terrace. As a result of the changes there would be substantial upper floor internal fabric interventions and loss of legible historic plan form which will again impact on the significance of the listed building.

Ecology: Following initial guidance and further assessment of the applications the Ecologist has advised that an ecology survey is required in support of the application. Further comments to be provided at committee.

Historic England:

Historic England has provided further comments regarding the proposed works to the listed building, confirming their concerns with the proposal:

18 Upper Camden Place forms part of a Grade II terrace of 14 houses, which in turn is part of a longer stretch of terraces (separately listed), all within the Bath Conservation Area and World Heritage Site. They gradually step up Camden Road south to north and overlook their Lower Camden Place counterparts, likewise listed Grade II. The upper terrace is of late-18th, early-19th century, and is thought to be in part by John Eveleigh (an English surveyor and architect based in Bath). They take the form of three storeys with attics and basements; the list description specifying no.18 having 'paired windows to upper floors, canted bay to right with small central pediment and six-panel door glazed to top'. The heritage value derives from the more modest architectural set-piece terraces lining these streets, predominantly still uniform and repetitive in their form and appearance.

This application proposes a replacement roof to 18 Upper Camden Place. This will involve the loss of the original historic roof structure, its replacement with a mansard form and the introduction of staircase to access enlarged roofspace. To implement this scheme will require significant loss of historic roof fabric including chimney stacks, and a substantial elongation to the form of the three storey terraced dwelling. The intended elevation terminates at the cornice and parapet, providing a strong architectural feature of stepped-up parapets and stacks. Cumulative alterations to the roof form along these terraces will incrementally change the historic character of this terrace.

As the application affects a listed building, the statutory requirement to have special regard to the desirability of preserving the building, its setting and any features of special interest (ss.16, 62, Planning (Listed Buildings and Conservation Areas) Act 1990) must be taken into account by your authority when making its decision. Under the National Planning Policy Framework 2012 it is a core planning principle to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations (para.17 NPPF). Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Where a proposal will lead to less than substantial harm of a designated heritage asset, this harm should be weighed against the public benefits of the proposal (para. 134).

We do not agree with the Heritage Impact Assessment's conclusion that the historic significance of this heritage asset is the irregular architectural composition. Whilst there have been alterations to surrounding properties, the prevailing form is one of uniformity and repetition. The roof form remains consistent in its historic arrangement along this terrace, and the assessment that it 'will not be uncharacteristic nor will it disrupt the roof form or appearance of the terrace', is wholly disagreed with. Notwithstanding, the raised mansard roof will involve the loss of a harmful extent of this significant historic structural

component. This will need to be weighed against the public benefit of providing one additional bedroom.

We consider that the application does not meet the requirements of the NPPF, in particular paragraph numbers para. 134, and cannot currently support this proposal.

## **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
- Adopted Neighbourhood Plans

The following policies of the Core Strategy (2014) 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 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  
BH.2 - Listed buildings and their settings  
BH.6: Development within or affecting Conservation Areas

The Placemaking Plan is at an advanced stage (albeit still at Examination) and policies not subject to representations at Draft Plan stage (or only subject of supporting representations) are considered to be capable of being given substantial weight. Policies still subject to outstanding/unresolved representations can only be given limited weight at this stage until the Inspector's Final Report is received.

The following policies have substantial weight

D.5: Building Design  
D.6: Amenity

The following policies have significant weight

HE.1: Historic Environment

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.



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.

#### National Policy

The National Planning Policy Framework adopted March 2012 and National Planning Practice Guidance.

### **OFFICER ASSESSMENT**

The application seeks consent for the complete removal of the historic roof structure, the addition of a new and higher roof in mansard form, demolition and rebuild of chimneys. The property is grade II listed and is located in the conservation area and world heritage site of Bath. The dwelling is set within a terrace where mansard roofs are not considered to be a prominent feature and the current roof has a very low profile with low parapet wall. The proposal is accompanied by a listed building application which will assess the impact of the works upon the fabric of the building.

Impact upon the listed building and character of the area:

The significance of this building as a building listed of special architectural and historic interest lies in its completeness as a historic building and the roof form and fabric is a critical element of this. The proposal results in the complete loss of the historic roof form and fabric. To facilitate the mansard roof, the application also proposes to demolish the chimneys to below the parapet level and re-build and raise the height of the chimneys. The resultant overall loss of historic fabric and form is considerable and cannot be supported. The supporting heritage assessment has not addressed the loss of historic fabric within the building and the resulting impact upon significance.

As well as loss of historic fabric, the proposals have a significant impact on the character and appearance of the building. The house is set within a section of terrace where mansard roofs are not a prominent feature. The roof was designed to have a low profile with low parapet wall. The mansard together with the new chimneys would be a prominent extension which would harm the character and appearance of the listed building as originally built. Whilst there are examples of mansard roofs in the area, it is not considered that this sets a precedent for these changes to the roof of this listed building. The mansard would be significantly higher than the adjacent buildings resulting in a large gable end walls which would be prominent and awkward in the street scene and cause harm to the character of the conservation area and world heritage site. The application states that the addition of the mansard roof would improve the appearance of the dwelling, add interest to the terrace and improve the street scene. It is not considered that the proposal would add interest to the terrace. Indeed, it rather results in significant loss of the critical components of the existing building. The terrace is already acknowledged to have special historic and architectural interest in its grade II listing. A mansard roof is not required to improve the appearance of the building and results in a significant change to the original character of the listed building.

It is considered that the proposals result in substantial harm to the listed building through loss significant parts of the building and impact on its original character.

The application has relied upon a previous consent granted in 1988 and renewed in 1993 for a mansard roof of a similar design; however, this was granted prior to the adoption of the current national and local policies. The current policies and best practice guidance have greater weight and a development granted under policies which are 20 years old is not considered to be a sufficient reason for approval. Policies evolve and represent a snapshot in time rather than an unchangeable element which must thereafter be permitted.

The National Planning Policy Framework advises that 'where a proposed development will lead to substantial harm of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. The applicants have indicated that there is a need for additional accommodation within the property for their family. Public benefits are defined in national guidance as a benefit which is of a nature or scale to be of benefit to the public at large and should not just be a private benefit. The personal preferences for an increase in accommodation are not a public benefit for the building and not a sufficient justification for the level of harm proposed. The proposed alterations do not represent sustainable development which can be weighed against the level of harm caused to the dwelling.

#### Design and Amenity:

The dwelling is set into the hillside with the rear gardens rising to the north of the site. The addition of the mansard roof would include the addition of windows overlooking the gardens; however, this level of overlooking would not be significant in comparison to the existing situation. The addition would not cause any significant loss of amenity or a significant increase in overlooking of the neighbouring dwellings.

#### Ecology:

It is noted for completeness that the extensive works proposed in ecological terms require a survey. This survey has been completed by the applicant and has been forwarded for review by the Ecologist. A update will be provided at Committee with regards to whether the survey has addressed concerns raised.

#### Conclusion:

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. It is considered that the proposals would result in substantial harm to the special historic and architectural interest of the building. This level of harm is not outweighed by any public benefits and refusal is therefore recommended.

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 proposals would result in substantial harm and would not preserve or enhance the character of the conservation area.

## **RECOMMENDATION**

**REFUSE**

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

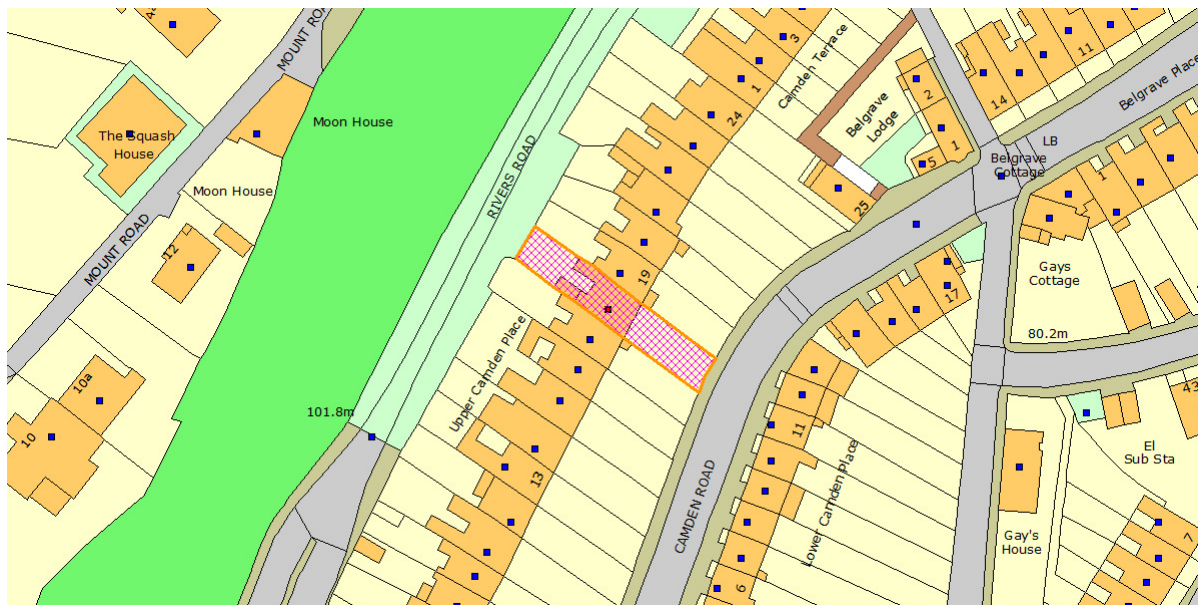
1 The proposed complete removal of the historic roof structure, the addition of a new and higher roof in mansard form, demolition and rebuild of the chimneys, would result in substantial harm to the listed building and this level of harm is not outweighed by any public benefits. The alterations would also cause harm to the character of the conservation area and world heritage site. As such the proposal is considered contrary to section 16 of the Planning (Listed Buildings and Conservation Areas) Act, Saved Local Plan Policies BH.2, BH.6, Policy B4 of the Core Strategy, Placemaking Plan Policy HE1 and the advice contained within the NPPF.

## **PLANS LIST:**

This decision relates to drawings 231/21, 231/a and location plan received on 11th November 2016 and 231/11 Rev. B and 231/1 Rev. D received on 16th February 2017.

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

**Item No:** 004  
**Application No:** 16/05509/LBA  
**Site Location:** 18 Upper Camden Place Walcot Bath Bath And North East Somerset BA1 5HX



**Ward:** Lansdown      **Parish:** N/A      **LB Grade:** II  
**Ward Members:** Councillor Patrick Anketell-Jones Councillor Anthony Clarke  
**Application Type:** Listed Building Consent (Alts/exts)  
**Proposal:** Internal and external alterations to install mansard roof and associated dormer windows to front and rear elevations  
**Constraints:** Affordable Housing, Agric Land Class 3b,4,5, Article 4, Article 4, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, Listed Building, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,  
**Applicant:** Mrs Tracey Dean-Chalkley  
**Expiry Date:** 9th February 2017  
**Case Officer:** Laura Batham

## REPORT

Reason for calling to committee:

The application was deferred from the February Committee meeting to allow for Members to visit the site and for an ecology survey to be undertaken. The applicants have also revised the proposed drawings to alter the layout of the second floor to allow the existing staircase and banister to remain unaltered.

The application was referred to the Chair by Cllr Annketell-Jones and the application was added to the agenda for the following reason:

I have read this application & the report presented to me which includes the request by the Ward Cllr that it be considered by the DMC. I note the reasons for refusal & acknowledge consultee comments support this view but I feel the issue should be debated in the public

arena as in the past there had been approval for a similar scheme under the policy relevant at that time.

**Site Description:**

18 Upper Camden Place is a mid-terraced dwelling located in the world heritage site and conservation area. The property is grade II listed and forms part of 14 houses which step up gradually from east to west. The dwellings are set higher and back from the road, into the hillside. Constructed in Bath stone, the dwelling has a low double pitched roof set behind a parapet wall.

**Proposal:**

Internal and external alterations to install mansard roof and associated dormer windows to front and rear elevations

**History:**

14194 & LB/14194-1 Erection of a mansard roof - Consent 23.3.88

14194-2 & 14194-3 Erection of a mansard roof - Renewal of permission - Consent June 1993

DC - 07/02686/LBA - CON - 19 October 2007 - Internal alterations to include formation of bathroom at second floor and filling of opening at first floor

DC - 16/05508/FUL - PDE - - Installation of proposed mansard roof and associated dormer windows to front and rear elevations

**SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

**Bath Preservation Trust:**

The Trust objects to this application on the basis of overdevelopment of the listed building and subsequent harm to its special historic and architectural interest. Whilst we are sympathetic to the owners' desire to increase living space, the level of change proposed constitutes substantial harm which is not outweighed by public benefit.

This dwelling is part of an early 19th century terrace which steps down on the slope. Whilst we recognise there have been changes to roof profiles further up the terrace this dwelling is part of small group of buildings with a rhythmic and intended parapet low roof profile.

The proposed changes will completely interrupt this roofline, tower above it (in particular the chimneys and gable ends) have an overbearing and incongruous impact and substantially change the character of this section of the terrace. As a result of the changes there would be substantial upper floor internal fabric interventions and loss of legible historic plan form which will again impact on the significance of the listed building.

**Historic England:**

Historic England has provided further comments regarding the proposed works to the listed building, confirming their concerns with the proposal:

18 Upper Camden Place forms part of a Grade II terrace of 14 houses, which in turn is part of a longer stretch of terraces (separately listed), all within the Bath Conservation Area and World Heritage Site. They gradually step up Camden Road south to north and overlook their Lower Camden Place counterparts, likewise listed Grade II. The upper

terrace is of late-18th, early-19th century, and is thought to be in part by John Eveleigh (an English surveyor and architect based in Bath). They take the form of three storeys with attics and basements; the list description specifying no.18 having 'paired windows to upper floors, canted bay to right with small central pediment and six-panel door glazed to top'. The heritage value derives from the more modest architectural set-piece terraces lining these streets, predominantly still uniform and repetitive in their form and appearance.

This application proposes a replacement roof to 18 Upper Camden Place. This will involve the loss of the original historic roof structure, its replacement with a mansard form and the introduction of staircase to access enlarged roofspace. To implement this scheme will require significant loss of historic roof fabric including chimney stacks, and a substantial elongation to the form of the three storey terraced dwelling. The intended elevation terminates at the cornice and parapet, providing a strong architectural feature of stepped-up parapets and stacks. Cumulative alterations to the roof form along these terraces will incrementally change the historic character of this terrace.

As the application affects a listed building, the statutory requirement to have special regard to the desirability of preserving the building, its setting and any features of special interest (ss.16, 62, Planning (Listed Buildings and Conservation Areas) Act 1990) must be taken into account by your authority when making its decision. Under the National Planning Policy Framework 2012 it is a core planning principle to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations (para.17 NPPF). Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Where a proposal will lead to less than substantial harm of a designated heritage asset, this harm should be weighed against the public benefits of the proposal (para. 134).

We do not agree with the Heritage Impact Assessment's conclusion that the historic significance of this heritage asset is the irregular architectural composition. Whilst there have been alterations to surrounding properties, the prevailing form is one of uniformity and repetition. The roof form remains consistent in its historic arrangement along this terrace, and the assessment that it 'will not be uncharacteristic nor will it disrupt the roof form or appearance of the terrace', is wholly disagreed with. Notwithstanding, the raised mansard roof will involve the loss of a harmful extent of this significant historic structural component. This will need to be weighed against the public benefit of providing one additional bedroom.

We consider that the application does not meet the requirements of the NPPF, in particular paragraph numbers para. 134, and cannot currently support this proposal.

Ecology: Following initial guidance and further assessment of the applications the Ecologist has advised that an ecology survey is required in support of the application. Further comments to be provided at committee.

Third Parties/Neighbours:  
No comments 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)

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

- CP6 - Environmental quality
- B4 - The World Heritage Site

The following saved policies of the Bath and North East Somerset 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

The Placemaking Plan is at an advanced stage (albeit still at Examination) and policies not subject to representations at Draft Plan stage (or only subject of supporting representations) are considered to be capable of being given substantial weight. Policies still subject to outstanding/unresolved representations can only be given limited weight at this stage until the Inspector's Final Report is received.

The following policies have significant weight  
HE.1: Historic Environment

## **OFFICER ASSESSMENT**

The application seeks consent for the complete removal of the historic roof structure, the addition of a new and higher roof in mansard form, demolition and rebuild of chimneys, associated alterations to the plan form of the building and upgrading of historic fabric to meet fire precautions as a result of the changes. The property is grade II listed and is located in the conservation area and world heritage site of Bath.

The significance of this building as a building listed of special architectural and historic interest lies in its completeness as a historic building and the roof form and fabric is a critical element of this. The proposal results in the complete loss of the historic roof form and fabric. The new roof form and additional storey result also in a change to the historic plan form of the building and necessary upgrading of fabric to meet fire regulations. The proposals initially included alterations to the staircase at second floor level. Following the February Committee meeting the applicant has altered the plans to remove the need for this alteration. Whilst this has removed one area of demolition, to facilitate the mansard roof, the application also proposes to demolish the chimneys to below the parapet level and re-build and raise the height of the chimneys. The resultant overall loss of historic fabric and form is considerable and cannot be supported. The supporting heritage assessment has not addressed the loss of historic fabric within the building and the resulting impact upon significance.

As well as loss of historic fabric, the proposals have a significant impact on the character and appearance of the building. The house is set within a section of terrace where mansard roofs are not a prominent feature. The roof was designed to have a low profile with low parapet wall. The mansard together with the new chimneys would be a prominent extension which would harm the character and appearance of the listed building as originally built. Whilst there are examples of mansard roofs in the area, it is not considered that this sets a precedent for these changes to the roof of this listed building. The mansard would be significantly higher than the adjacent buildings resulting in a large gable end walls which would be prominent and awkward in the street scene. The application states that the addition of the mansard roof would improve the appearance of the dwelling, add interest to the terrace and improve the street scene. It is not considered that the proposal would add interest to the terrace. Indeed, it rather results in significant loss of the critical components of the existing building. The terrace is already acknowledged to have special historic and architectural interest in its grade II listing. A mansard roof is not required to improve the appearance of the building and results in a significant change to the original character of the listed building.

It is considered that the proposals result in substantial harm to the listed building through loss significant parts of the building and impact on its original character.

The application has relied upon a previous consent granted in 1988 and renewed in 1993 for a mansard roof of a similar design; however, this was granted prior to the adoption of the current national and local policies. The current policies and best practice guidance have greater weight and a development granted under policies which are 20 years old is not considered to be a sufficient reason for approval. Policies evolve and represent a snapshot in time rather than an unchangeable element which must thereafter be permitted.

The National Planning Policy Framework advises that 'where a proposed development will lead to substantial harm of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. The applicants have indicated that there is a need for additional accommodation within the property for their family. Public benefit is defined in national guidance as a benefit which is of a nature or scale to be of benefit to the public at large and should not just be a private benefit. The personal preferences for an increase in accommodation are not a public benefit for the building and not a sufficient justification for the level of harm proposed. The



proposed alterations do not represent sustainable development which can be weighed against the level of harm caused to the dwelling.

**Ecology:**

It is noted for completeness that the extensive works proposed in ecological terms require a survey. This survey has been completed by the applicant and has been forwarded for review by the Ecologist. A update will be provided at Committee with regards to whether the survey has addressed concerns raised.

**Conclusion:**

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. It is considered that the proposals would result in substantial harm to the special historic and architectural interest of the building. This level of harm is not outweighed by any public benefits and refusal is therefore recommended.

**RECOMMENDATION**

REFUSE

**REASON(S) FOR REFUSAL**

1 The proposed complete removal of the historic roof structure, the addition of a new and higher roof in mansard form, demolition and rebuild of the chimneys, associated alterations to the plan form of the building and upgrading of historic fabric to meet building regulations as a result of the changes would result in substantial harm to the listed building and this level of harm is not outweighed by any public benefits. As such the proposal is considered contrary to section 16 of the Planning (Listed Buildings and Conservation Areas) Act, Saved Local Plan Policy BH.2, Placemaking Plan Policy HE1 and the advice contained within the NPPF.

**PLANS LIST:**

This decision relates to drawings 231/21, 231/a and location plan received on 11th November 2016 and 231/11 Rev. B and 231/1 Rev. D received on 16th February 2017.

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

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| Bath & North East Somerset Council |  |                          |
|------------------------------------|--|--------------------------|
| MEETING:                           | Development Management Committee   | AGENDA<br>ITEM<br>NUMBER |
| MEETING<br>DATE:                   | 8th March 2017   |                          |
| RESPONSIBLE<br>OFFICER:            | Mark Reynolds – Group Manager (Development Management) (Telephone: 01225 477079) |                          |
| TITLE:                             | APPLICATIONS FOR PLANNING PERMISSION   |                          |
| WARDS:                             | ALL  |                          |
| BACKGROUND PAPERS:                 |  |                          |
| AN OPEN PUBLIC ITEM                |  |                          |

#### **BACKGROUND PAPERS**

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

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

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

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

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

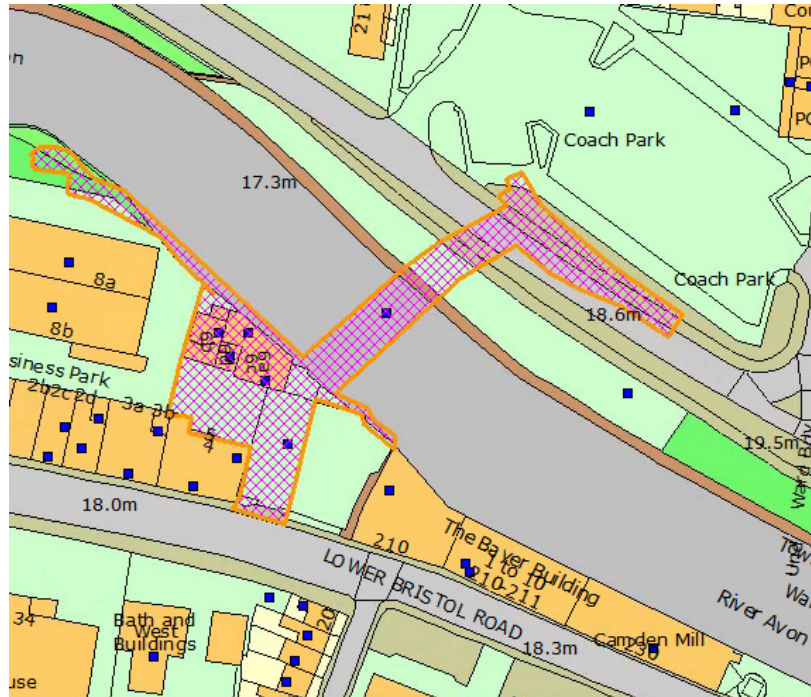
## INDEX

| ITEM NO. | APPLICATION NO. & TARGET DATE:    | APPLICANTS NAME/SITE ADDRESS and PROPOSAL  | WARD:     | OFFICER:                | REC:               |
|----------|-----------------------------------|--|-----------|-------------------------|--------------------|
| 01       | 16/05348/REG03<br>6 February 2017 | Bath And North East Somerset Council<br>Bath Quays Bridge, Green Park Road,<br>City Centre, Bath,<br>Demolition of existing building (Boiler House) and two (2) no. associated arches and provision of new bridge crossing of the river Avon for pedestrian and cycle use, including new public realm on the North and South river banks, landscaping, a new river wall and links to the existing highway network.   | Kingsmead | Chris Griggs-Trevarthen | PERMIT             |
| 02       | 16/05349/REG13<br>6 February 2017 | Bath & North East Somerset Council<br>Bath Quays Bridge, Green Park Road,<br>City Centre, Bath,<br>Demolition of building (Boiler House) within curtilage of listed building (Newark Works and associated arch structures).  | Kingsmead | Chris Griggs-Trevarthen | CONSENT            |
| 03       | 16/06188/FUL<br>23 March 2017     | PegasusLife Ltd<br>Hinton Garage Bath Ltd Hinton Garage, Albion Place, Kingsmead, Bath, Bath And North East Somerset<br>Demolition of the former Hinton Garage Showroom and Workshop and erection of an Assisted Living Development comprising apartments and integrated communal and support facilities; landscaped resident's gardens; staff areas; basement residents car and bicycle parking; refuse storage and associated infrastructure and services. (Resubmission of application 15/05367/FUL). | Kingsmead | Chris Gomm              | Delegate to PERMIT |

|    |                                 |   |                      |                   |        |
|----|---------------------------------|---|----------------------|-------------------|--------|
| 04 | 16/05520/FUL<br>10 March 2017   | Mr & Mrs Simon Darnton<br>57 Warminster Road, Bathampton,<br>Bath, Bath And North East Somerset,<br>BA2 6RX<br>Addition of first floor and raising of roof<br>to create two storey dwelling, two storey<br>side and rear infill extension, erection of<br>front porch and erection of single<br>garage with terrace above following<br>demolition of existing garage. | Bathavon<br>North    | Emma<br>Hardy     | PERMIT |
| 05 | 16/06124/FUL<br>10 March 2017   | Mrs A Chippendale<br>14 Audley Grove, Lower Weston, Bath,<br>Bath And North East Somerset, BA1<br>3BS<br>Erection of 1 no. dwelling, car parking<br>and associated landscaping in rear<br>garden of existing dwelling.  | Kingsmead            | Emma<br>Hardy     | PERMIT |
| 06 | 16/05888/FUL<br>27 January 2017 | Mr Geoff Jones<br>3 Streamside, Chew Magna, Bristol,<br>Bath And North East Somerset, BS40<br>8QZ<br>Erection of front and side extension to<br>create house access from road level,<br>rear single storey extension and<br>associated works  | Chew Valley<br>North | Samantha<br>Mason | REFUSE |
| 07 | 16/06118/FUL<br>6 March 2017    | Mr Vaughan Thompson<br>46 High Street, Saltford, Bristol, Bath<br>And North East Somerset, BS31 3EJ<br>Addition of pitched roof and rear dormer<br>to existing single storey side extension.<br>Minor alterations to existing windows.<br>Reinstatement of front boundary wall.<br>Provision of deck to front.<br>Improvements to off-street car parking.             | Saltford             | Sasha<br>Berezina | PERMIT |

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

**Item No:** 01  
**Application No:** 16/05348/REG03  
**Site Location:** Bath Quays Bridge Green Park Road City Centre Bath



**Ward:** Kingsmead      **Parish:** N/A      **LB Grade:** N/A  
**Ward Members:** Councillor Chris Pearce      Councillor Andrew Furse  
**Application Type:** Regulation 3 Application  
**Proposal:** Demolition of existing building (Boiler House) and two (2) no. associated arches and provision of new bridge crossing of the river Avon for pedestrian and cycle use, including new public realm on the North and South river banks, landscaping, a new river wall and links to the existing highway network.  
**Constraints:** Affordable Housing, Agric Land Class 3b,4,5, Air Quality Management Area, Article 4, Bath Core Office Area, Bath Enterprise Area, British Waterways Major and EIA, British Waterways Minor and Householders, Centres and Retailing, Conservation Area, Contaminated Land, Cycle Route, Flood Zone 2, Flood Zone 3, Forest of Avon, Hotspring Protection, Listed Building, LLFA - Flood Risk Management, MOD Safeguarded Areas, River Avon and Kennet & Avon Canal, Sites of Nature Conservation Interest, SSSI - Impact Risk Zones, World Heritage Site,  
**Applicant:** Bath And North East Somerset Council  
**Expiry Date:** 6th February 2017  
**Case Officer:** Chris Griggs-Trevarthen

## **REPORT**

### **REASON FOR REPORTING TO COMMITTEE**

The application is being brought to committee at the request of the Group Manager as it represents a significant piece of infrastructure which is the first development to come forward as part of the wider 'Bath Quays' project.

### **DESCRIPTION**

The planning application site spans the river Avon in the centre of Bath, between and including parts of the north and south banks of the river.

The northern landing area comprises part of the new landscape area currently being constructed as part of the Bath Quays Waterside project (ref: 14/04195/ERE03). Within this northern area the proposed bridge will connect to the street network being developed as part of the Bath Quays Waterside proposals.

The southern landing area currently comprises the former Stothert & Pitt works and is part of the setting of the former Newark Works building which is a Grade II listed building. There is a curtilage listed building (the boiler house) within the site which is proposed to be demolished together with some of the adjoining arches to facilitate the provision of the new bridge. The remaining land within the southern area of the site currently comprises car parking and hard standing.

The majority of the site, excluding the southern landing area, falls within the Bath Conservation Area, the boundary of which is defined by the southern bank of the river. The whole site falls within the Bath World Heritage Site.

The River Avon is designated as a Site of Nature Conservation Interest (SNCI). The river is also known to be used by bats from the Bath and Bradford-on-Avon Bats Special Area of Conservation (SAC).

Due to its position over the river the site also falls within flood zone 3b.

The proposal is to erect a new pedestrian and cycle bridge over the River Avon alongside the creation of new public realm works on the north and south river banks, a new river wall and links into the existing highway network.

The proposed bridge comprises a thin steel structure that is complemented by a natural stone deck.

The application has been accompanied by the following documents:

Design and Access Statement;  
Planning Statement;  
Verifiable Visual Montages;  
Statement of Community Involvement;  
BANES Sustainable Construction Checklist;  
Heritage Statement;  
Flood Risk Assessment;

Ecology Assessment;  
Transport Assessment;  
Archaeological Assessment;  
Landscape and Visual Appraisal;

A concurrent application for listed building consent for the demolition of the Boiler House and the associated arch structures has been submitted and is also being brought before the committee (ref: 16/05349/REG13)

## **RELEVANT PLANNING HISTORY**

*Planning reference: 16/04818/ERE03 - Bath Quays South*

Mixed-use development of land bounded by Lower Bristol Road, Riverside Court, River Avon and Maritime House with vehicular access via Riverside Road and Lower Bristol Road comprising:

(1) Detailed Application for the erection of an office building (Use Class B1 - 6,000sqm GIA), change of use of and alterations to Newark Works and adjacent buildings to provide Creative Employment Workspace (Use Class B1, A1, A3, D1, D2, - 4,503sqm GIA, non-B1 uses not more than 10% of the total floor area). Associated development comprising demolition of existing buildings, provision of new public realm and infrastructure works.

(2) Outline Application (Access, Layout and Scale to be approved) for the erection of building(s) to accommodate up to 5,804sqm of residential accommodation (up to 69 no of units, Use Class C3), and up to 193sqm GIA of retail space (Use Class A1, A2 or A3). Associated development comprising demolitions, provision of public realm, landscaping and infrastructure works.

Application status - Pending consideration

*Planning reference: 14/04195/ERE03 - Bath Quays Waterside Project*

Flood risk mitigation works enabling the development of the Bath Quays to include: Realignment of Green Park Road; Changing Corn Street to be two-way traffic and Ambury to dual-lane; Relocating access points to Avon Street Car Park; Changing the Coach Park to be drop-off and pick-up only; Widen the River Channel in places between Churchill Bridge and Midland Bridge; Replace Riverside ground floor windows and doors at Waterfront House, Camden Mill and Bayer Building; Demolish existing walls and replace with higher walls between Churchill Bridge and Camden Mill; Provision of new flood wall between Bayer Building and Midland Bridge and Realignment of Riverside footpath at Green Park.

Application status - Permitted - 4th February 2015

*Planning reference: 07/01034/EFUL and 07/01044/LBA - Dyson Academy Scheme*

Construction of school building of 10,888 sq m to house the Dyson School of Design Innovation, including construction of new pedestrian bridge across River Avon, and



associated access, servicing and landscape areas incorporating on-site bus facilities, all following partial demolition of existing buildings.

Application status - Withdrawn - 27th October 2008

*Planning reference: 06/02857/EOUT - South West of England Regional Development Agency*

Construction of two buildings between 3 - 6 storeys in height for educational purposes, the development of a pedestrian and cycle bridge across the River Avon, a new access road from Lower Bristol Road, heightened flood defence wall and associated landscaping and public open space, after demolition of existing buildings.

Application status - Withdrawn - 29th January 2007

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

A summary of consultation responses to the application have been provided below.

DRAINAGE AND FLOOD RISK: No objection.

ENVIRONMENTAL PROTECTION: No objection, subject to condition.

PUBLIC RIGHTS OF WAY TEAM: No objection, subject to conditions.

WALES AND WEST UTILITIES: No objection, informative suggested.

WESSEX WATER: No objection, informative suggested.

ECOLOGY: No objection, subject to conditions.

A European Protected Species Licence will be required for the demolition of the otter site. Prior to any consent the LPA will therefore need to be confident that the "three tests" of the Habitat Regulations would be met and a licence is likely to be obtained. This upfront provision of a replacement resting site / holt would maintain the existing provision of resting sites at this location within the river system and so would not be detrimental to the maintenance of otter populations at a favourable conservation status in this part of the range

The predictions of the new lighting levels for the bridge with one lit handrail show a much improved situation, with majority of modelled light spill levels being 0.7lux or less, and a more limited extent of light spill away from the bridge. Whilst it is unhelpful that there is no supporting narrative that details the approach to bridge lighting, this arrangement if delivered at operation, should meet the ecological requirements for this location, delivering close to zero light spill on the water and banks.

If the bridge operates only at or below these light levels the ecologist concludes that the scheme would deliver the ecological requirements deemed necessary to avoid a likely significant effect under the habitat regulations.

NATURAL ENGLAND: No objection, subject to conditions.

Welcome the change to lighting a single handrail only. At 3m above the water level, the predicted lux gets near to 1 but, as Horseshoe bats are likely to be flying and foraging at lower levels than this, and since the predicted lightspill levels are much lower nearer the water, the predicted levels are now acceptable.

ENVIRONMENT AGENCY: No objection, subject to conditions.

The Environment Agency's initial concern was that if Churchill Bridge was replaced at a higher level in the future, extra debris could collect on the bridge causing a blockage, which would in turn increase the flood level.

Following discussions with the applicant's flood risk consultant, there is assurance that there would be a minimal risk of debris blockage at this bridge during flood events and that there would be no extra risk of debris collecting on the bridge, even if Churchill Bridge was removed.

Furthermore, given that the approximate 1 in 100 20% level is around the same as the bridge soffit level and the modelling shows no increase in flood risk.

It is recommended that Flood Management Plan is put in place for the bridge, to ensure that the bridge is closed during flood events when there could be a potential risk to life.

HIGHWAYS OFFICER: No objection, subject to comments and conditions.

There needs to be a 5m paved run-off at the end of the ramp for the southern landing.

There are a number of inconsistencies in the submission with regard to the car park ramp materials.

The reserved capacity of the proposed bridge is considered to be reasonable and appropriate in light of existing commitments and live applications.

Clarification over the areas for adoption is sought.

A stage 1 safety audit was requested at pre-application stage, but has not been provided. There are some concerns about conflicts between pedestrians/cyclists and goods/delivery vehicles around the western end of the bridge ramp.

Drawings show a line of posts or rising bollards within the area required for manoeuvres for a refuse/service vehicle. These will need to be relocated further west. Position of the cycle stands will also require careful consideration.

Offsite highways works are also proposed, but some minor changes are required to the drawings shown. A Grampian condition should be used to secure these works prior to the opening of the bridge to the public.

There is some concern about the 1 in 6 gradient ramp on the north landing, but it is understood that this is a temporary arrangement.

CONSERVATION OFFICER: Not acceptable in current form

The elegant design of the footbridge structure itself is supported. However, there are unresolved matters associated with the new bridge including the following:

Use of steel piling and concrete capping beam for the new river wall is visually harmful to the settings of the surrounding assets.

Design of the visual and physical relationship between the ramp, steps and public space at the south landing is visually and physically unresolved, and unlikely to provide an environment for visitors where they would be encouraged to linger.

It is also unclear precisely how the historic floor-scape will successfully integrate with the design.

The difficulty of the change in levels and height requirements for the bridge is recognised, but a more sensitive and attractive design solution for the public realm should be sought that would positively improve the settings of the heritage assets, and ensure the retention and revealing of the historic floor-scape features.

The boiler house in isolation has low significance, but its contribution to the overall understanding of the Stothert and Pitt industrial operation has value. Its loss may be acceptable if the resulting public benefits outweigh the harm caused to the historic environment, and the replacement development significantly improves the setting of the remaining relevant heritage assets.

The tall arches formed the north and west wall of the smithy building and survive as a visual reminder of this structure. Their strong visual presence on the river bank provides evidence of the former use of the site and acts as a highly visible local landmark, particularly when viewed looking south across the river from the conservation area.

The proposed loss of arches requires a significantly high quality replacement design of new build and public realm to outweigh loss of these arches.

In such circumstances it is not possible to support these applications for the new footbridge and demolition of the boiler house and arches as proposed.

HISTORIC ENGLAND: Historic England refers to their comments made at pre-application stage which have been provided. They recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of the Council's specialist conservation advice.

Historic England pre-application advice: The bridge appears to be a sinuous and potentially elegant crossing over the River. Historic England does not consider that it would have a harmful impact on the setting of adjacent heritage assets, or on the character and appearance of the Bath Conservation Area or the City of Bath World Heritage Site.

However, the bridge will have a direct physical impact on the surviving fabric of the Grade II former Stothert and Pitt works. The arched wall is a prominent and distinctive feature in

views across the River from the north, and is identified as being of significance in the Preliminary Heritage Statement (ABA, June 2016) prepared for BaNES for the South Quay Site. Demolition of this section of the wall will cause some harm to the significance of the site, and whilst there will be a public benefit associated with the provision of a new pedestrian and cycle bridge across the River in this location, it is not clear what attempts have been made to avoid that harm in the first instance.

**ARBORICULTURE:** Not acceptable in current format, but condition suggested.  
No revised plan has been submitted to include the trees to demonstrate that this is possible or practical to retain the indicated trees on the north bank, particularly given the limited working space available.

The step and ramp arrangement is intended to be a temporary arrangement and the loss of these trees are considered likely as part of the Bath Quays North development when compensatory planting provision can be secured.

**ARCHAEOLOGY:** Not acceptable in current form, but conditions suggested.  
(a) the historic quay wall on the south bank being obscured by the proposed sheet pile river wall, and  
(b) the proposed demolition of historic arches on the south bank, although I note that one more arch is to be retained

**CANAL AND RIVERS TRUST:** General advice and informative suggested.  
Welcome the choice of design which will add interest to the river.

**BATH PRESERVATION TRUST:** Comments  
Support a new river connection in this strategic location and approve of the design which is a lightweight, organic structure.

Question the loss of several of the arches which do contribute to the sense of place of South Quays and are part of the historic character and story of the site. We would like to see further work undertaken to ascertain whether a larger number of the arches can be retained as part of the south bank landing.

The metal piling and concrete capping does not preserve or enhance the existing river wall, the setting of heritage assets on the site and to the east of the site (Bayer Building), nor the setting of the Conservation Area. The current absence of metal piling with concrete capping reinforces the unique local identity and character of this important historic industrial area of Bath and its relationship with the river and reinforces its sense of place.

In this respect the cumulative harm of inappropriate works to traditional river bank details should not be underestimated.

If metal piling and concrete capping has to be used for new river walls we suggest it then needs to be faced with a natural stone wall to reinforce local character and distinctiveness.

**BATH HERITAGE WATCHDOG:** Strong objection.

1. Development that will have an adverse impact on the Character and Setting of Listed Buildings and the nearby Conservation Area, especially when taken in conjunction with other development proposals.
2. Demolition of structures that form part of the significance and legibility of the site - Foundry Building, Boiler House and Arches.
3. Alter the character of the riverbank by the loss of historic wharf walls and installation of sheet piling.
4. Overstated benefits of the public realm.

THIRD PARTIES/NEIGHBOURS: 2 letters of objection have been received. The main issues raised were:

The proposed king and metal piling sections with concrete capping proposed for the river wall at the historic Newark Foundry Site harms and does not enhance the character of existing river walls, the setting of heritage assets on the site, the setting of historic industrial buildings to the east and their river walls, or the setting of the Conservation Area.

The proposals fail to reinforce local distinctiveness, identity and sense of place

The new public realm, spaces, formed adjacent the arrival point of the bridge on the Newark Foundry Site are not of a high quality and the vehicular access from Lower Bristol Road, to the south of the bridge, should be omitted.

It would be inappropriate to approve the above applications in the absence of an agreed scheme for the historic Newark Foundry site which is also subject of proposals 16/04819/REG13 and 16/04818/EREGO3. The site needs to be considered comprehensively so there is no room for doubt as to the final impact of proposals.

The proposals are flawed and will cause lasting harm to the World Heritage Site.

Queries are raised about the process of the Council applying to itself for planning permission.

A number of comments are made about the proposals for the adjoining Bath Quays South proposal which are not the subject of this planning application.

1 letter of support and 1 general comment were received. The main points raised were:

The bridge will provide a useful crossing point and cut several minutes of people's journey times.

Proposals will help businesses to attract and retain high calibre employees and provide quicker access to local shops, cafes and the railway station.

## **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

- DW1 District Wide Spatial Strategy
- B1 Bath Spatial Strategy
- B2 Central Area Strategic Policy
- B4 The World Heritage Site and its setting
- SD1 Presumption in favour of Sustainable Development
- CP2 Sustainable Construction
- CP5 Flood Risk Management
- CP6 Environmental Quality
- CP7 Green Infrastructure
- 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

#### RELEVANT LOCAL PLAN POLICIES

- D.2 General Design and public realm considerations
- D.4 Townscape considerations
- SR.9 Protection of recreational routes
- ES.5 Foul and surface water drainage
- ES.9 Pollution and nuisance
- ES.12 Noise and vibration
- ES.15 Contaminated Land
- NE.1 Landscape character
- NE.4 Trees and woodland conservation
- NE.8 Nationally important species and habitats
- NE.9 Locally important species and habitats
- NE.12 Natural features: retention, new provision and management
- NE.15 Character, amenity and wildlife value of water courses
- BH.2 Listed buildings and their settings
- BH.3 Demolition of a listed building
- BH.6 Development within or affecting 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 Promoting of walking and use of public transport
- T.5 Cycling Strategy: improved facilities
- T.7 Cycling Strategy: strategic cycling network
- T.16 Development of transport infrastructure
- T.24 General development control and access policy

#### PLACEMAKING PLAN

Following the Examination hearings the Inspector has now issued her Interim Statement and has advised the Council of her recommended Main Modifications required to make the plan sound. The Main Modifications and Minor Proposed Changes are now subject to public consultation prior to the Inspector issuing her Final Report. The following policies can now be given substantial weight:

- SU1 Sustainable Drainage
- D1 Urban Design Principles
- D2 Local Character & Distinctiveness
- D3 Urban Fabric
- D4 Streets and spaces
- D5 Building Design
- D6 Amenity
- D8 Lighting
- D10 Public Realm
- NE1 Development and Green Infrastructure
- NE2 Conserving and enhancing the landscape and landscape character
- NE4 Ecosystem services
- NE5 Ecological networks
- NE6 Trees and woodland conservation
- PCS1 Pollution and nuisance
- PSC5 Contamination
- ST1 Promoting sustainable travel
- ST2A Recreational routes
- ST3 Transport infrastructure
- SB4 Bath Quays North & Bath College
- SB5 South Quays & Riverside Court

The following policies, as modified by the Inspector, have significant weight:

- HE1 Historic Environment
- NE3 Sites, species and habitats
- ST7 Transport requirements for managing development

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. Principle of development
2. Flood Risk

3. Heritage, character and appearance
4. Ecology
5. Surface water drainage
6. Trees and woodland
7. Highways safety
8. Archaeology
9. North Bridge Landing
10. Public benefits
11. Planning balance
12. Conclusion

## 1. PRINCIPLE OF DEVELOPMENT

Policy CP13 of the Core Strategy requires the timely delivery of infrastructure to support new development.

Policies SB4 and SB5 of the emerging Placemaking Plan seek the regeneration of Bath Quays South ("BQS") and Bath Quays North ("BQN").

The vision for BQN in the Placemaking Plan states that *its redevelopment will deliver a new mixed use quarter that connects the heart of the city to a vibrant and remodelled riverside environment*. It is expected to deliver around 30,000sq.m of new employment and residential floorspace.

The vision for BQS seeks a mix of commercial and residential uses and seeks to create a variety of new routes through the area including improved pedestrian and cyclist connections to the city centre. The current planning application for development of BQS is currently under consideration (ref: 16/04818/ERE03) and includes a significant amount of office and residential development.

The proposed bridge provides some context for these related developments, providing an opportunity to optimise pedestrian and cyclist movement between the city centre, the regeneration sites and the neighbouring communities to the south of the river. It represents an important piece of infrastructure to help support the regeneration of this part of Bath and the new development envisaged in BQS and BQN. Its broad location is identified in diagrams 2, 7 and 8 of part 2 (Bath) of the Placemaking Plan.

The principle of a new pedestrian and cycle bridge in this location is therefore considered to be acceptable.

## 2. FLOOD RISK

Due to the fact that the application site lies over the river, it is considered to fall within flood zone 3b. This is classified as functional floodplain and being at the highest risk of flooding.

In terms of flood risk vulnerability, the proposed bridge represents a piece of transport infrastructure which has to cross the area of risk (i.e. the River Avon) and is therefore



classified as 'essential infrastructure' as per table 2: Flood risk vulnerability classification in the NPPG.

Table 3 in the flood risk section of the NPPG sets out the flood risk vulnerability and flood zone 'compatibility'. This identifies that 'essential infrastructure' within flood zone 3b is required to pass the exceptions test.

Due to its position within a high risk flood zone and its flood risk vulnerability, the proposed bridge is required to pass both the sequential and exceptions tests as set out in the NPPF.

The site falls across two soon-to-be allocated sites (BQS and BQN). Both allocations have been through the sequential test as part of the plan making process and guidance in the NPPG indicates that the sequential test does not need to be applied for individual developments on allocated site. However, as the Placemaking Plan has not yet been formally adopted, it is necessary to apply the sequential test in this instance.

The sequential test aims to steer new development to areas with the lowest probability of flooding. The NPPG advises that, when applying the sequential test, a pragmatic approach should be taken. In the current application, it is clear that the location of the bridge is to serve the purposes discussed in the section above (i.e. to optimise pedestrian and cyclist movement between the city centre, the regeneration sites and the neighbouring communities to the south of the river). To propose a search area outside of the immediate vicinity of the Bath Quays would therefore completely negate the purpose and effectiveness of the proposed bridge. Furthermore, given the nature of the proposed development, i.e. a new bridge over the river, any alternative site would be in an equally high flood zone.

It is therefore considered, adopting a pragmatic approach, that the sequential test is passed.

The exceptions test has two parts. The first part requires that the development provide wider sustainability benefits to the community that outweigh the flood risk. This balancing exercise is discussed in section 11 below.

The second part of the exceptions test requires that a site-specific flood risk assessment must 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.

A site-specific flood risk assessment has been submitted with the application and has been reviewed by the Environment Agency. Following some initial concerns raised about the soffit height of the proposed bridge and the risk of debris blockage during a flood event, further information was provided by the applicant's flood risk consultant. The Environment Agency have been assured that there is a minimal risk of debris blockage at this bridge during flood events that there would be no extra risk of debris collecting on the bridge.

The proposed bridge is therefore considered to be safe from flood risk for its lifetime. Furthermore, the approximate 1 in 100 20% level is around the same as the bridge soffit

level and the modelling undertaken by the applicant shows no increase in flood risk elsewhere. The Environment Agency has therefore removed their objection.

The second part of the exceptions test is therefore considered to have been passed.

### 3. HERITAGE, CHARACTER AND APPEARANCE

The proposed development has the potential to affect a number of heritage assets. These include the Grade II listed Newark Works, the Bath Conservation Area and the City of Bath World Heritage Site. Other heritage assets in the vicinity include Camden Mill (Grade II listed) and Camden Malthouse and Silo (Grade II listed). The Bayer Building adjacent to the application site is also considered to be a non-designated heritage asset.

#### *Newark Works*

The south bank of the river was developed from the early nineteenth century onwards with warehouses and factories, a number of which survive today. The Stothert and Pitt ironworks gained international renown for crane building during the mid-twentieth century. The main building to Lower Bristol Road, known as Newark Works, was listed grade II in 2006. Other surviving buildings on the wider site include a foundry building of 1895, a boiler house of 1901 and various industrial landscape features including railway tracks, stone setts, and a wharf wall to the river.

Additionally, within the area of the proposed southern landing there is a row of several stone arches running from the Bayer Building into the elevations of the boiler house. These arches previously formed part of the north wall of the now demolished smithy extension (c1873).

The proposal includes the demolition of the boiler house and 2 of the stone arches (those nearest the boiler house) to facilitate the southern landing of the bridge.

The Conservation Officer identifies the boiler house, when viewed in isolation, as containing fairly low heritage significance, but states that its contribution to the overall understanding of the Stothert and Pitt industrial operation has some value. The loss of this building will therefore result in some harm to the significance of the heritage asset.

The tall arches formed the north and west wall of the former smithy building and survive as a visual reminder of this structure. Their strong visual presence on the river bank provides evidence of the former use of the site and acts as a highly visible local landmark, particularly when viewed looking south across the river from the conservation area. The impact upon the conservation area is discussed below, but it is considered that the loss of these 2 arches represents a further loss of significance and harm to the listed building.

The proposals include the construction of a new river wall along the south bank to accommodate the new bridge landing. This part of the river bank is associated with the historic quays and faced with natural stone which has been altered and added to over the years, contributing to the character and setting of the heritage assets, including Newark Works. The use of exposed steel piling and concrete capping beams to form the new river wall will cut across the historic quay wall where the bridge lands. This will appear

incongruous amid the remaining historic quay wall and represents a further harm to the significance of the listed building.

The south landing includes public realm proposals for the area currently forming part of the courtyard of Newark Works and part of the car park serving the adjacent Bayer Building. The formation of the landing in this area does present the opportunity to better reveal the significance of the heritage assets, including Newark Works. However, the design of the visual and physical relationship between the proposed ramp, steps and public space with the surrounding environment is visually and physically unresolved, and unlikely to provide an environment for visitors where they would be encouraged to linger.

The retained presence of the Bayer Building car park, which dominates one side of the public space, undermines the ability of the proposal to provide a comprehensive improvement to the public realm.

The Council's Urban Designer and Conservation Officer make similar criticisms of the proposed public realm around the south landing. It is therefore not possible to agree with the assessment made within the submitted heritage statement that the proposed landing on the south bank will have a positive impact upon the significance of the Newark Works.

Instead, it is considered that the proposed works to remove the part of the car park and implement and introduce an area of public realm will only have a neutral impact upon the significance of the Newark Works.

The current submission lacks detail in respect of some aspects of the proposed landscaping around this area. However, these details can be secured by condition and it may be possible to seek improvements to the public arrangement to address some of these criticisms through the approval of the details.

The proposed bridge itself will provide better public access to the Newark Works site and will allow new views into the site helping to better reveal its significance. Furthermore, the elegant design of the footbridge structure, which will appear as a lightweight and organic structure, is considered to provide an enhancement to the setting of the Newark Works.

Weighing all of the above aspects of the proposal together, the overall impact of the proposed development is considered to result in less than substantial harm to the Newark Works heritage asset.

### *Bath Conservation Area*

The majority of the site, excluding the southern landing area, falls within the Bath Conservation Area, the boundary of which is defined by the southern bank of the river. Views from the Conservation Area to the Newark Works, including the historic stone arches and river quay wall, make a positive contribution towards its character and appearance.

The loss of the 2 stone arches will have a detrimental impact upon the setting of, and reducing the positive contribution made towards, the Conservation Area. Similarly, the

new river wall will appear incongruous amid the remaining historic quay wall and represents a further harm to the setting of the Conservation Area.

However, it is considered that the bridge itself will appear as an elegant, sinuous structure which will enhance and make a positive contribution towards this rather neglected part of the Conservation Area.

The other aspects of the scheme, including the north and south landing areas, are considered to have a neutral impact upon the Conservation Area.

Weighing all of the above aspects of the proposal together, the overall impact upon the significance of the Bath Conservation Area is considered to be neutral.

### *Bath World Heritage Site*

The statement of Outstanding of Universal Values (OUVs) sets out how the green setting of the City in a hollow in the hills - the deliberate appreciation of the landscape in the creation of a beautiful city - was one of the key reasons for the inscription of Bath as a World Heritage Site.

The river corridor plays a significant role in forming part of this landscape character. Views out from and toward the river corridor contribute to the wider cityscape.

The proposed will open up and offer new views to the hills surrounding Bath city centre, allowing for a greater appreciation of the city's landscape setting. Whilst the scale of these changes in the context of the overall World Heritage Site is small, this is still considered to be a minor benefit of the scheme.

However, when considered in conjunction with the loss of the stone arches and the boiler house, the overall impact upon the Bath World Heritage Site is considered to be neutral.

### *Other heritage assets*

Camden Mill (Grade II listed) is located a short distance to the east of the application. The lightweight, organic design of the bridge means that it will not intrude in any harmful way upon the setting of the Camden Mill. The bridge itself and the other aspects of the proposals will not have any significant visual impact upon the setting of Camden Mill or Camden Malthouse and Silo (Grade II listed). The impact upon Camden Mill and Camden Malthouse and Silo (Grade II listed) is therefore considered to be neutral.

The Bayer Building lies immediately adjacent to the Newark Works which forms part of its setting. However, this area is currently a car park and does not make a positive contribution to the setting of this non-designated heritage asset. The replacement of this area with the southern bridge landing and the proposed public realm will therefore have a neutral impact upon the Bayer Building.

The historic stone arches more closely related to the historical evolution and understanding of Stothert and Pitt site and are less related to the Bayer Building. The loss

of two of these stone arches will have a neutral impact upon the Bayer Building. Similarly, the proposed changes to the river wall relate more to the historic Stothert and Pitt site than to the Bayer Building. The overall impact of the proposals upon the Bayer Building is therefore considered to be neutral.

#### *Heritage conclusions*

In light of the above, it is considered that the proposals will result in the following impacts to the surrounding heritage assets:

- (i) Less than substantial harm to the Newark Works;
- (ii) Preserves the character and appearance of the Bath Conservation Area;
- (iii) Preserves the OUVs, integrity and authenticity of the Bath World Heritage Site;
- (iv) Preserves the setting and significance of Camden Mill and Camden Malthouse and Silo;
- (v) Preserves the setting and significance of the Bayer Building.

In accordance with paragraph 134 of the NPPF, the less than substantial harm identified above should be weighed against the public benefits of the scheme. This balance is undertaken in section 11 below.

## 4. ECOLOGY

The application site comprises a section of the River Avon which is an important habitat for a range of wildlife including protected species. It is a designated Site of Nature Conservation interest (SNCI) and is used by otter, bats, including the light-sensitive greater and lesser horseshoe bats (which are likely to be associated with the Bath & Bradford on Avon Bats Special Area of Conservation (SAC)), and kingfisher.

The river is an important habitat in its own right but is also recognised as providing supporting habitat for the Bath & Bradford on Avon bat SAC. 12 of the 18 UK bat species have been recorded using the river corridor through Bath. The development proposed would result in the temporary loss of bank side vegetation, and in a permanent increase in light levels to this section of the river.

An otter resting place has been identified and will be destroyed by the proposed development. This will require the applicant to apply for a European Protected Species (EPS) Licence. Prior to any consent being granted there will need to be confidence that the "three tests" of the Habitat Regulations would be met and a licence is likely to be obtained.

The Council's Ecologist has confirmed this upfront provision of a replacement otter resting site / holt would maintain the existing provision of resting sites at this location within the river system and so would not be detrimental to the maintenance of otter populations at a favourable conservation status in this part of the range. The upfront provisions and details of the replacement holt can be secured through a planning condition.

The second derogation test requires there to be no satisfactory alternative to the loss of the protected habitat. This includes consideration of whether not undertaking the development represents a 'satisfactory alternative'.

In the current case, there is a strong imperative to undertake the development in order to assist in the regeneration of the Bath Quays, to provide better pedestrian and cyclist connections between the city centre and the residential neighbourhoods to the south of the river and to realise the objectives of the Core Strategy and Placemaking Plan. It is therefore considered that the 'do nothing' approach is not a satisfactory alternative.

Another alternative for consideration would be moving the position of the bridge to avoid the jetty structure where the otter resting site is located. However, there is limited space to achieve this to the east of the bridge's current position. If it were moved to the west, the landing of the bridge would cut across much of the BQS site and sterilise much of its potential for redevelopment. It would also position the south landing in such a way that a direct pedestrian and cycle link onto the Lower Bristol Road would be more difficult to achieve. Moving the bridge location is therefore considered not to be a satisfactory alternative.

The other derogation test, whether there are imperative reasons of overriding public interest, will be discussed in section 11 below.

There is a small amount of habitat clearance and replacement on the south bank. No details of the extent, nature or location of replacement habitat or any habitat enhancements are provided. However, the Council's ecologist is satisfied that this can be secured by condition.

The proposed bridge will include lighting within the underside of the proposed handrails. Initially concerns were raised by the Council's ecologist that the levels of light spill onto the river were too great. Following revisions, including lighting the south handrail only, revised lux contour plans have been submitted. The Council's ecologist and Natural England are satisfied that the reduced light levels shown will not result in any likely significant impact upon bats from the SAC. The lighting levels demonstrated are indicative and demonstrate what can be achieved. The final lighting design is therefore proposed to be controlled by condition.

## 5. SURFACE WATER DRAINAGE

A number of highway drainage systems, particularly around the south landing, are likely to be affected by the works. The Council's Drainage and Flood Risk Team have reviewed the application and are satisfied that it will not have any adverse impact upon surface water drainage. The proposals are therefore considered to comply with policy CP5 of the Core Strategy and SU1 of the emerging Placemaking Plan in respect of surface water drainage.

## 6. TREES AND WOODLAND

There are several trees located adjacent to the proposed north bank landing. They have not been shown on the proposed site plan and a query was raised as to whether it was intended that they would be removed or retained. Following information from the applicant, it has been confirmed that the intention is to retain these trees as part of the current application, but it has been acknowledged that these trees are likely to be lost in the

future as part of the BQN development. The arboriculturalist is therefore satisfied that compensatory planting provision can be secured as part of any BQN application.

Conditions requiring an arboricultural method statement and tree protection plan are proposed to limit the impacts of the current proposals on the retained trees.

## 7. HIGHWAYS

A Transport Statement has been submitted with the application and this has been reviewed by the Highways Officer who has made a number of comments.

### *Bridge Capacity*

The bridge will be 4.5m wide and unsegregated for use by pedestrians and cyclists. This width is considered sufficient to prevent any conflicts between pedestrians and cyclists and to allow a free flow of movement.

The bridge will not generate vehicular, pedestrian or cycle traffic in its own right but will be a distributor of pedestrian and cycle movements between the City Centre and the Lower Bristol Road/Westmoreland areas. Chapter 5 of the Transport Statement predicts the future pedestrian and cycle flows likely to use the bridge assuming some diversion from the upstream and downstream bridges at Churchill Bridge and Midland Bridge respectively combined with new demand generated by the Bath Quays North and South proposals.

Using evidence from Sustrans guidance the Transport Assessment predicts combined pedestrian and cycle flows of 495 in the AM peak and 525 in the PM. This is compared against predicted capacity of between 640 and 790. In the PM peak this suggests that usage will be between 66% and 82% of predicted capacity.

Whilst this appears to offer a reasonable reserve capacity it is worth noting that this does not include allowance for other sites which are the subject of live applications, such as the Pickfords site on the south side of Lower Bristol Road, or sites which are assumed to have potential for redevelopment but have yet to come forward. Notwithstanding the above, the reserve capacity is considered reasonable and appropriate in light of existing commitments and live applications.

### *Off-site Highways Works*

Off-site highways works are proposed and shown on drawings submitted in support of the BQS application (ref: 16/04818/ERG03). The principle of these works has been agreed with the Highways Authority, but some minor changes and revised drawings have been requested. The Highways Officer considers that these off-site highways works are required to support the proposed bridge and revised access arrangements to the BMT car park. A Grampian condition is therefore considered appropriate to secure these works prior to the opening of the bridge to the public.

### *Other Matters*

The Transport Statement states that the application site boundary should end 5m from the end of the southern bridge landing ramp. This will allow space for users unable to use the direct route to/from Lower Bristol Road via the proposed steps, to do so via the ramp. However, the drawings appear to indicate that this gap is only 2m which would not appear to provide sufficient run-off within the area of the application site. Subject to the existing levels, the required run-off area will need to be appropriately paved. Whilst part of the 5m run-off area falls outside of the application site, it is on land forming part of the BQS development which is in the control of the applicant. Given that BQS is intended to be delivered broadly contemporaneously with the proposed bridge, it is considered that a suitable worded Grampian condition could be drafted to ensure that an adequate and safe, run-off area is provided at the end of the southern landing ramp.

Additionally, the route from the bridge to Lower Bristol Road and vice versa for those unable to use the steps: cyclists; the mobility impaired, whether with wheelchairs or on foot; and those pushing buggies and prams, will involve a U turn around the western end of the bridge ramp and passage through the relatively narrow section between the ramp and the Newark works. At its narrowest this will be 5m wide and, with the occasional passage of goods and delivery vehicles combined with the proximity of Newark Works and the proposed Quays South buildings, it is likely to feel narrower.

Use of this route is also likely to remain high in the long term because of the demand to visit properties on Lower Bristol Road east of its junction with Riverside Road.

This proposed arrangement is therefore less than satisfactory, but the Highways Officer has stopped short of raising a formal objection on this matter. It may be possible to seek improvements to the arrangement of the ramps and stairs associated with the south landing through a condition requiring the submission of a detailed hard landscaping scheme.

The application includes some conflicting information about the proposed materials for the car park ramp from the Lower Bristol Road. It is therefore considered to clarify and secure details of an appropriate surfacing material through a condition requiring the submission of a detailed hard landscaping scheme.

There is some concern raised by the Highways Officer about the areas proposed to be adopted as public highway. The plan shows the link which passes between the Newark Works and the BMT car park split roughly 50/50 between adopted and un-adopted space. This assumes half the width being adopted footway and half being un-adopted vehicular route. This appears illogical for two reasons. Firstly, the majority of pedestrians using the steps between the bridge landing and Lower Bristol Road would inevitably be bound to walk in the un-adopted space for part of that route. Secondly, maintenance of half of the width by the Highway Authority and half by a maintenance company would be difficult, confusing and illogical. The Highway Authority would prefer to adopt and maintain the full width of this area. However, this is a matter for the applicant to resolve with the Highways Authority when it seeks adoption of the road and does not materially alter the consideration of this planning application. The overall arrangement in terms of highways safety is considered acceptable.

## 8. ARCHAEOLOGY



The Council's archaeologist has raised similar concerns to those raised by the Conservation Officer regarding the loss of two of the historic stone arches and the proposed sheet piling to the new river wall. The harm to these structures is set out in the heritage section above and must be weighed against the public benefits of the scheme which are discussed later in the report.

Notwithstanding the archaeologist's comments, conditions requiring archaeological excavation of the bridge pier locations, historic recording of the structures to be demolished and publication and archiving of the results have been suggested and are considered necessary if consent is to be granted.

## 9. NORTH BRIDGE LANDING

The north bridge landing is situated near to the realigned Corn Street within the area of the BQN allocation (Policy SB4). The level of the bridge landing on the north bank is higher than the existing land level. The reason for this is that the BQN will require ground raising to take place to lift it out of the floodplain to ensure that the future developments are safe from flooding. The north bridge landing is therefore elevated above the current land level in anticipation of the land raising which will be required as part of BQN.

As the bridge will come forward in advance of BQN, a temporary arrangement of steps and ramps for the north landing is proposed. However, the step and ramp arrangement to the north of the bridge landing is clumsy and includes a 1 in 6 gradient ramp. The north landing is not befitting the high quality, elegant architecture of the bridge itself and does not provide a high quality public realm solution. However, it is intended to be a temporary arrangement. Plans have been provided which show the intended eventual north landing which will continue the sinuous design of the bridge into the BQN development. The currently proposed arrangement does not prejudice the delivery of this more elegant solution.

Therefore, whilst the proposed north landing is less than satisfactory in terms of public realm, it is intended as a temporary solution and does not prejudice the implementation of a more elegant solution as part of the BQN development when it is delivered.

## 10. PUBLIC BENEFITS

The proposed development of a new bridge over the River Avon will deliver a number of public benefits which will weigh in favour of the application.

Firstly, the bridge will provide improved pedestrian and cycle links between the City Centre and communities to the south of the River Avon. The span of river between Churchill Bridge and Midland Bridge currently impedes pedestrian and cycle access to the Lower Bristol Road and the communities to the south. The position of the proposed bridge is broadly halfway between both of these existing bridges and will provide a more direct route across the river and cut down journey times for pedestrians and cyclists. This supports the aims of policies T.3 (Promotion of walking and public transport) and T.5 (Cycle Strategy: improved facilities) of the Local Plan which both seek to promote walking

and cycling throughout the district. The bridge will also support emerging policy ST.1 of the Placemaking Plan which seeks to give priority to pedestrian and cycle movements and to provide them with new and enhanced facilities. This is clearly a very significant public benefit of the scheme which weighs in favour of the application.

As discussed in section 1, the proposed bridge will also act as a link between the two major regeneration sites of BQS and BQN. The vision for both of these developments envisages the bridge as a new link which will open up opportunities for these regeneration sites and will assist with the delivery and success of these important sites near the city centre. Providing a link between the BQS and BQN will increase the attractiveness of these sites as an area to invest and will make the area more attractive to businesses or residents who may wish to locate there. Currently BQS is relatively isolated in terms of pedestrian and cyclist accessibility. The proposed bridge opens the site up significantly and improves the accessibility to this otherwise 'island' site. The proposal therefore also considered to support the delivery of two allocated sites (policy SB5 and SB6 of the emerging Placemaking Plan).

The proposed bridge design was selected via an international design competition commissioned by Bath and North East Somerset Council in 2015. This approach has resulted in a bridge design which is considered to be a high quality structure which enhances this stretch of the river and parts of the surrounding area. Historic England describes the proposed bridge design as a 'sinuous and potentially elegant crossing over the River'. Similarly, the Conservation Officer and Urban Designer support the design of the bridge itself and consider that it contributes towards creating a good quality of public realm. The bridge therefore represents the creation a high quality, landmark structure which will improve and enhance the quality of public realm in this area.

Policy B2 of the Core Strategy seeks, inter alia, to accommodate major riverside access within the central area of Bath and also seeks to provide opportunities to connect people to the natural environment. The proposed bridge meets these aims by enabling and encouraging access to and across the river corridor in an area of Bath where the city has historically turned its back on the river.

In light of the above, there are clearly significant and substantial public benefits which will be derived from the proposed development a new bridge.

## 11. PLANNING BALANCE

The various balancing exercises outlined in sections 2, 3 and 4 above require the benefits of the scheme to be weighed up against various harms. These include the following balancing exercises:

1. Flood Risk - Exceptions Test - Does the development provide wider sustainability benefits to the community that outweigh the flood risk?
2. Heritage - Is the 'less than substantial harm' to the Newark Works outweighed by the public benefits?

### 3. Ecology - Habitat Regulations - Do imperative reasons of overriding public interest exists?

#### *Exceptions Test*

As discussed above, the proposed development will deliver a number of public benefits, including better connectivity for pedestrians and cyclists, assisting in the redevelopment of two regeneration sites, the enhancement of the public realm and improved access to the river. These are all considered to be wider sustainability benefits to the community and carry substantial weight in favour of the development.

Although the site is technically located within flood zone 3b, which is at the highest risk of flooding, the submitted FRA and response from the Environment Agency indicate that the development will be safe for its lifetime and therefore does not have a significantly high flood risk.

Guidance within the NPPG (Paragraph 036: Reference ID: 7-036-20140306) also states that where a site is part of a regeneration strategy, as is the case here, it is very likely that it will provide the wider sustainability benefits to pass the first part of the exceptions test.

In light of the identified benefits of the proposal and the guidance in the NPPG, it is considered that the wider sustainability benefits to the community clearly outweigh the identified flood risk. The exceptions test is therefore considered to be passed.

#### *Heritage*

Paragraph 134 of the NPPF requires that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The requirement to conduct this balancing exercise is also reflected within the wording of the emerging Placemaking Plan policy HE1.

Guidance in the NPPG (Paragraph: 020 Reference ID: 18a-020-20140306) states that public benefits can be anything that delivers economic, social or environmental progress as described in the NPPF. Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.

As set out above, the public benefits of the proposed bridge are substantial. Against these benefits is set the less than substantial harm to the Newark Works arising from the loss of the boiler house, the loss of the two stone arches and the construction of the sheet piled and concrete capped river wall.

The NPPF advises that great weight should be given to the conservation of a heritage asset and that the more important the asset the greater the weight should be. However, in the current circumstances it is considered that the considerable public benefits of the bridge, identified above, outweigh the less than substantial harm to the Newark Works identified. It is therefore considered that the proposed development complies with paragraph 134 of the NPPF and policy HE1 of the emerging Placemaking Plan.

## *Habitat Regulations*

As the proposed development results in the destruction of an otter resting site, the habitat regulations require that the development must meet a purpose of 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment'.

The proposed bridge is not required to preserving public health or public safety and therefore there must be an imperative reason of overriding public interest to justify the development.

Natural England guidance on what will be taken into account when considering whether there are imperative reasons of overriding public interest. This includes where the development is meeting or making a contribution towards a specific need, such as:

- o The requirement to maintain the nation's health, safety, education, environment (sustainable development, green energy, green transport);
- o Complying with planning policies and guidance at a national, regional and local level;
- o Requirements for economic or social development (Nationally Significant Infrastructure Projects, employment, regeneration, mineral extraction, housing, pipelines, etc.).

The public benefits of the proposed bridge would make a contribution towards meeting a number of these needs. As identified in the sections above, the proposed bridge will improve pedestrian and cyclist connectivity therefore promoting green transport and better health, it complies with and helps to achieve the aims of a range of local planning policies and it will help to deliver regeneration, to include a mix of employment and housing, for both BSQ and BQN.

In light of the considerable public benefits of the proposed development, and the fact that the proposal only effects a single otter resting site, it is considered that there are imperative reasons of overriding public interest to justify the proposed development. It is therefore considered that the three tests of the habitat regulations are passed.

## 12. OVERALL BALANCE AND CONCLUSION

The principle of the proposed development draws support from the various identified policies of the Core Strategy and the emerging Placemaking Plan. It will deliver a number of public benefits including:

Increased connectivity for pedestrians and cyclists;  
Assist with the regeneration of BQS and BQN;  
Provide a high quality, landmark structure that enhances the public realm;  
Improves and encourages greater access to the river.

The proposed development meets both the sequential and exceptions tests meaning that it will be safe throughout its lifetime and it will not increase flood risk elsewhere.

There is harm identified to the Newark Works through the loss of the boiler house, loss of the two stone arches and the creation of the sheet piled and concrete capped river wall. However, this harm is identified as less than substantial and is outweighed by the identified public benefits.

The proposal will also require the destruction of an otter resting site, but it is considered that appropriate mitigation is proposed and that the population of the species will be maintained at a favourable conservation status in their natural range. No satisfactory alternative can be identified and it is considered that there are imperative reasons of overriding public interest to justify the loss of the otter resting site.

The bridge is confirmed as having sufficient reserve capacity for pedestrians and cyclists and will not prejudice highways safety. Off-site highways works on the Lower Bristol Road are to be secured by condition.

The north bridge landing is elevated above the current land levels in anticipation of the land raising required to deliver BQN. Whilst the proposed landing arrangement of ramps and steps is less than satisfactory, this is a temporary solution and it will not prejudice the delivery of a more elegant solution incorporating the north landing into BQN at a later date.

Overall it is considered that 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 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, and site compound arrangements. The management plan shall also specify the sound power levels of the equipment, their location, and proposed mitigation methods to protect residents from noise and dust. 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 Construction Phase Plan (Pre-commencement)**

No development permitted by this planning permission shall commence until such time as a Construction phase plan has been submitted to, and approved in writing by the local planning authority in consultation with the Environment Agency. The scheme shall thereafter proceed in accordance with the approved details.

Reason: To ensure no increased flood risk during the construction period in accordance with policy CP5 of the Core Strategy. This is a condition precedent because the incorrect phasing of works has the potential to increase flood risk, so these details are required before the start of works.

### **4 Bridge Materials (Bespoke Trigger)**

Prior to the construction of the approved bridge structure samples of the materials to be used for the steel frame and natural stone decking shall be 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 Wildlife Protection and Enhancement (Pre-commencement)**

No development shall take place until full details of an Ecology Management and Enhancement Scheme have been submitted to and approved in writing by the local planning authority. These details shall include:

- (i) All necessary ecological protection measures to be implemented prior to and during construction phase;
- (ii) A timetable of delivery to show provision of the otter holt and habitat enhancements prior to demolition of the existing resting site;
- (iii) Details of habitat replacement and enhancement;
- (iii) Proposed conservation management objectives for the otter holt site, replacement habitat and enhanced habitat and prescriptions and timescale for their on-going management;

All works within the scheme shall be carried out in accordance with the approved details and prior to the approved bridge being opened to the public.

Reason: To safeguard local species and their habitats in accordance with policy NE.9 and NE.10 of the Bath and North East Somerset Local Plan and policy NE3 of the emerging Placemaking Plan. This must be done prior to development as any works have the potential to harm wildlife.

## **6 Hard Landscaping (Bespoke Trigger)**

The approved bridge shall not be opened to the public until a hard landscape scheme has been submitted to and approved in writing by the Local Planning Authority showing details of existing and proposed walls, fences, ground levels, other boundary treatment and surface treatment of the open parts of the site, the position and details of any bollards or street furniture and a programme of implementation.

Reason: To ensure the provision of an appropriate landscape setting to the development in accordance with Policies D.2 and D.4 of the Bath and North East Somerset Local Plan.

## **7 Landscaping Implementation (Compliance)**

All hard and/or soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the approved bridge being opened to the public or in accordance with the programme (phasing) agreed in writing with the Local Planning Authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details.

Reason: To ensure that the landscape scheme is implemented and maintained in accordance with Policies D.2 and D.4 of the Bath and North East Somerset Local Plan.

## **8 Archaeology - Controlled Excavation (Bespoke Trigger)**

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

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

## **9 Archaeology - Historic Building Recording (Pre-commencement)**

No development or demolition 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 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 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.

#### **10 Archaeology - Post Excavation and Publication (Bespoke Trigger)**

The approved bridge shall not be opened to the public 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 has produced significant archaeological findings and the Council will wish to publish or otherwise disseminate the results.

#### **11 Arboricultural Method Statement and Tree Protection Plan (Bespoke Trigger)**

No works to the north bank shall commence until a Detailed Arboricultural Method Statement with Tree Protection Plan following the recommendations contained within BS 5837:2012 has been submitted to and approved in writing by the Local Planning Authority. The arboricultural method statement shall incorporate a provisional programme of works; supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and certificates of completion to the local planning authority. The statement should include the control of potentially harmful operations such as site preparation (including demolition, clearance and level changes); the storage, handling and mixing of materials on site, burning, location of site office, service run locations including soakaway locations and movement of people and machinery. No development or other operations shall thereafter take place except in complete accordance with the approved details.

Reason: To ensure that trees to be retained are not adversely affected by the development proposals in accordance with Policy NE.4 of the Bath and North East Somerset Local Plan. This is a condition precedent because the works comprising the development have the potential to harm retained trees. Therefore these details need to be agreed before work commences.

#### **12 Lighting Strategy (Bespoke Trigger)**

No lighting shall be installed as part of the development until a lighting strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include the following:

The approach and design of the bridge lighting;  
Detailed light spill calculations (including lux contour plans) to achieve the levels shown on drawing number 12905-1-E or lower;  
Details of light control systems and regimes.

Any lighting installed shall accord with the details of the approved lighting strategy.



Reason: To prevent harm to ecology and bat activity arising from increased light levels above the river.

### **13 Review of installed lighting (Bespoke Trigger)**

a. Within 3 months of the first operation of any installed lighting, a technical review of the lighting shall be carried out by a competent person to confirm compliance of the installed scheme with the approved lighting strategy. The review and report shall include an assessment of the operational light spill onto the river and bankside and shall confirm that it falls within the predicted and acceptable limits set out in the approved lighting strategy.

Should the review conclude that the lighting scheme is not in compliance, the report shall detail the modifications required to the lighting scheme to achieve compliance. If the installed lighting scheme is not in compliance with the lighting strategy, then the lighting shall be switched off or dimmed to a complaint level until the modifications referred to in part (b) below have been carried out.

b. Where modifications are required to secure compliance, these shall be carried out within 6 months of the first operation of the completed lights and the report from (a) shall be updated to confirm compliance and shall be submitted to and approved in writing by the Local Planning Authority.

The lighting shall thereafter be maintained in full accordance with the details agreed.

Reason: To ensure that the predicted light levels are achieved and to prevent harm to ecology and bat activity arising from increased light levels above the river.

### **14 Bridge ramp run-off (Compliance)**

The approved bridge shall not be opened to the public until a level area extending 5m to the west from the end of the bridge ramp has been paved and made available to members of the public. This area shall be kept clear of any obstructions, except for any features forming part of the approved landscape scheme.

Reason: In the interests of pedestrian safety in order to allow those who are unable to use the direct route to/from Lower Bristol via the proposed steps to do so safely via the ramp and in accordance with policy T.24 of the Bath and North East Somerset Local Plan and policy ST7 of the emerging Placemaking Plan.

### **15 Off-site highways works (Bespoke Trigger)**

The approved bridge shall not be opened to the public until a scheme of off-site highways works for the Lower Bristol Road adjacent to the site has been completed in accordance with details first submitted to and approved in writing by the Local Planning Authority.

Reason: To secure the detail and implementation of a scheme of off-site highways works in the interests of highways safety in accordance with policy T.24 of the Bath and North East Somerset Local Plan and policy ST7 of the emerging Placemaking Plan.

### **16 Flood Management Plan (Bespoke Trigger)**

The approved bridge shall not be opened to the public until a Flood Management Plan has been submitted to and approved in writing by the Local Planning Authority. This should

include details to ensure that the bridge is not used during times of flood where there could be potential risk to life. 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 measures within the approved Flood Management Plan shall be implemented in perpetuity.

Reason: To reduce flood risk and the risk to the public during a flood event in accordance with policy CP5 of the Core Strategy.

#### **17 Bridge Deck Height (Compliance)**

The development hereby permitted shall be constructed with the Bridge deck set no lower than 19.9m AOD at any part of the span.

Reason: To reduce flood risk and the potential for debris to be trapped under the bridge during times of high flows and in accordance with policy CP5 of the Core Strategy.

#### **18 Flood Defence Line (Compliance)**

There must be a continuous defence line maintained along the south bank of the river of 20.25m AOD at all times

Reason: To reduce flood risk and to maintain flood defence at all times in accordance with policy CP5 of the Core Strategy.

#### **19 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:**

|                |  |
|----------------|--|
| J2571_S_001_PO | EXISTING SITE PLAN                       |
| J2571_S_101_PO | PROPOSED SITE PLAN                       |
| J2571_S_102_PO | PROPOSED SITE PLAN WITHOUT SOUTH PROJECT |
| J2571_S_103_PO | PROPOSED BRIDGE DECK PLAN                |
| J2571_S_104_PO | PROPOSED SURFACE FINISHES - NORTH BANK   |
| J2571_S_105_PO | PROPOSED SURFACE FINISHES - SOUTH BANK   |
| J2571_S_106_PO | PROPOSED BELOW BRIDGE DECK PLANTING PLAN |
| J2571_S_107_PO | REFLECTED SOFFIT PLAN                    |
| J2571_S_109_PO | DEMOLITION PLAN                          |
| J2571_S_201_PO | GEOMETRY AND PROPOSED LONG SECTION       |
| J2571_S_201_PO | GEOMETRY AND PROPOSED LONG SECTION       |
| J2571_S_202_PO | SPAN DECK SECTION                        |
| J2571_S_203_PO | PIER SECTION                             |
| J2571_S_204_PO | RIVER SPAN DECK                          |
| J2571_S_301_PO | PROPOSED PROJECT ELEVATIONS AT BRIDGE    |
| J2571_S_302_PO | ELEVATION FLOOD DEFENCE WALL             |
| J2571_S_401_PO | SOUTH ABUTMENT SECTION AND ELEVATION     |
| J2571_S_402_PO | SOUTH ABUTMENT SECTION AND ELEVATION     |
| J2571_S_403_PO | PROPOSED BALUSTRADE                      |

J2571\_S\_501\_PO SITE LOCATION PLAN  
12905-1-E LUX CONTOURS (WATER LEVEL)  
12905-1-E LUX CONTOURS (1M ABOVE WATER LEVEL)  
12905-1-E LUX CONTOURS (2M ABOVE WATER LEVEL)  
12905-1-E LUX CONTOURS (3M ABOVE WATER LEVEL)

#### 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.

#### INFORMATIVES

1. Public footpath AQ91a crosses the application site. A TTRO must be applied for an in force for the duration of the development in the interests of public safety. The surface of the footpath must be reinstated to a suitable condition for use by the public once the works have been completed.

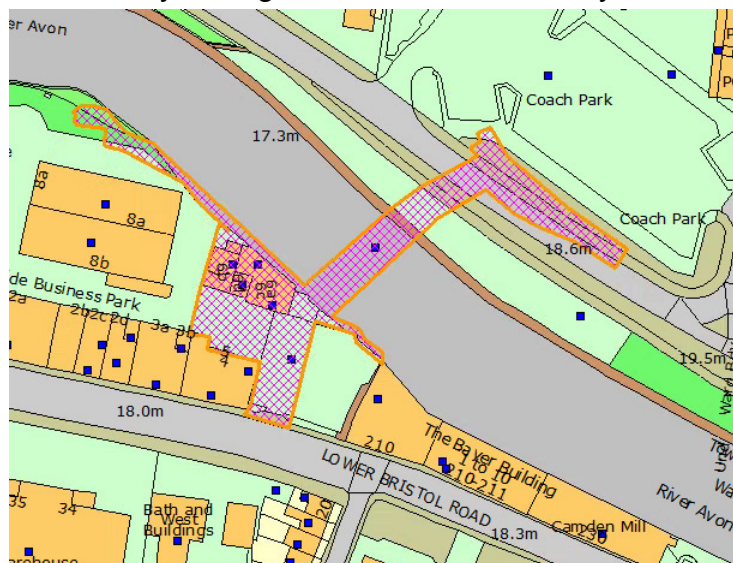
2. Wales & West Utilities has pipes in the area. Their apparatus may be affected and at risk during construction works. The promoter of these works should contact Wales and West Utilities directly to discuss their requirements in detail before any works commence on site. Should diversion works be required these will be fully chargeable

3. As part of the Bath Quays Waterside project flap valves are to be fitted to existing surface water outfalls, one of which is located on the south bank within the red line area of this development. Rationalisation of the existing drainage within the Bayer Building car park has been suggested by the Bath Quays Waterside Project Team as being desirable. It is however noted that such works may well be delivered by the Bath Quays South development at this location.

4. The applicant should contact the Canal & River Trust Waterway Engineer on 0303 040 4040 to ensure that the Work complies with their 'Code of practice for work adjacent to the waterway' and that the appropriate agreements are in place.

5. Under the Environmental Permitting (England and Wales) Regulations 2010 permission from the Environment Agency may be required should any site/site infrastructure works take place in, under, over or within 8 metres of the bank top of a designated 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:** 02  
**Application No:** 16/05349/REG13  
**Site Location:** Bath Quays Bridge Green Park Road City Centre Bath



**Ward:** Kingsmead      **Parish:** N/A      **LB Grade:** N/A  
**Ward Members:** Councillor Chris Pearce      Councillor Andrew Furse

|                          |  |
|--------------------------|--|
| <b>Application Type:</b> | Regulation 13 Application  |
| <b>Proposal:</b>         | Demolition of building (Boiler House) within curtilage of listed building (Newark Works and associated arch structures).   |
| <b>Constraints:</b>      | Affordable Housing, Agric Land Class 3b,4,5, Air Quality Management Area, Article 4, Bath Core Office Area, Bath Enterprise Area, British Waterways Major and EIA, British Waterways Minor and Householders, Centres and Retailing, Conservation Area, Contaminated Land, Cycle Route, Flood Zone 2, Flood Zone 3, Forest of Avon, Hotspring Protection, Listed Building, LLFA - Flood Risk Management, MOD Safeguarded Areas, River Avon and Kennet & Avon Canal, Sites of Nature Conservation Interest, SSSI - Impact Risk Zones, World Heritage Site, |
| <b>Applicant:</b>        | Bath & North East Somerset Council   |
| <b>Expiry Date:</b>      | 6th February 2017  |
| <b>Case Officer:</b>     | Chris Griggs-Trevarthen  |

## REPORT

### REASON FOR REPORTING TO COMMITTEE

The application is being brought to committee at the request of the Group Manager as it represents a significant piece of infrastructure which is the first development to come forward as part of the wider 'Bath Quays' project.

### DESCRIPTION

The planning application site spans the river Avon in the centre of Bath, between and including parts of the north and south banks of the river.

The northern landing area comprises part of the new landscape area currently being constructed as part of the Bath Quays Waterside project (ref: 14/04195/ERE03). Within this northern area the proposed bridge will connect to the street network being developed as part of the Bath Quays Waterside proposals.

The southern landing area currently comprises the former Stothert & Pitt works and is part of the setting of the former Newark Works building which is a Grade II listed building. There is a curtilage listed building (the boiler house) within the site which is proposed to be demolished together with some of the adjoining arches to facilitate the provision of the new bridge. The remaining land within the southern area of the site currently comprises car parking and hard standing.

The majority of the site, excluding the southern landing area, falls within the Bath Conservation Area, the boundary of which is defined by the southern bank of the river. The whole site falls within the Bath World Heritage Site.

The River Avon is designated as a Site of Nature Conservation Interest (SNCI). The river is also known to be used by bats from the Bath and Bradford-on-Avon Bats Special Area of Conservation (SAC).

The application seeks listed building consent for the demolition of building (Boiler House) within curtilage of listed building (Newark Works) and the associated arch structures.

The proposal is to erect a new pedestrian and cycle bridge over the River Avon alongside the creation of new public realm works on the north and south river banks, a new river wall and links into the existing highway network.

A concurrent planning application for to erect a new pedestrian and cycle bridge over the River Avon alongside the creation of new public realm works on the north and south river banks, a new river wall and links into the existing highway network and is also being brought before the committee (ref: 16/05348/REG13).

## **RELEVANT PLANNING HISTORY**

*Planning reference: 16/04818/ERE03 - Bath Quays South*

Mixed-use development of land bounded by Lower Bristol Road, Riverside Court, River Avon and Maritime House with vehicular access via Riverside Road and Lower Bristol Road comprising:

(1) Detailed Application for the erection of an office building (Use Class B1 - 6,000sqm GIA), change of use of and alterations to Newark Works and adjacent buildings to provide Creative Employment Workspace (Use Class B1, A1, A3, D1, D2, - 4,503sqm GIA, non-B1 uses not more than 10% of the total floor area). Associated development comprising demolition of existing buildings, provision of new public realm and infrastructure works.

(2) Outline Application (Access, Layout and Scale to be approved) for the erection of building(s) to accommodate up to 5,804sqm of residential accommodation (up to 69 no of units, Use Class C3), and up to 193sqm GIA of retail space (Use Class A1, A2 or A3). Associated development comprising demolitions, provision of public realm, landscaping and infrastructure works.

Application status - Pending consideration

*Planning reference: 14/04195/ERE03 - Bath Quays Waterside Project*

Flood risk mitigation works enabling the development of the Bath Quays to include: Realignment of Green Park Road; Changing Corn Street to be two-way traffic and Ambury to dual-lane; Relocating access points to Avon Street Car Park; Changing the Coach Park to be drop-off and pick-up only; Widen the River Channel in places between Churchill Bridge and Midland Bridge; Replace Riverside ground floor windows and doors at Waterfront House, Camden Mill and Bayer Building; Demolish existing walls and replace with higher walls between Churchill Bridge and Camden Mill; Provision of new flood wall between Bayer Building and Midland Bridge and Realignment of Riverside footpath at Green Park.

Application status - Permitted - 4th February 2015

*Planning reference: 07/01034/EFUL and 07/01044/LBA - Dyson Academy Scheme*

Construction of school building of 10,888 sq m to house the Dyson School of Design Innovation, including construction of new pedestrian bridge across River Avon, and

associated access, servicing and landscape areas incorporating on-site bus facilities, all following partial demolition of existing buildings.

Application status - Withdrawn - 27th October 2008

*Planning reference: 06/02857/EOUT - South West of England Regional Development Agency*

Construction of two buildings between 3 - 6 storeys in height for educational purposes, the development of a pedestrian and cycle bridge across the River Avon, a new access road from Lower Bristol Road, heightened flood defence wall and associated landscaping and public open space, after demolition of existing buildings.

Application status - Withdrawn - 29th January 2007

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

A summary of consultation responses to the application have been provided below.

ECOLOGY: No objection, subject to conditions.

NATURAL ENGLAND:

CONSERVATION OFFICER: Not acceptable in current form

The elegant design of the footbridge structure itself is supported. However, there are unresolved matters associated with the new bridge including the following:

Use of steel piling and concrete capping beam for the new river wall is visually harmful to the settings of the surrounding assets.

Design of the visual and physical relationship between the ramp, steps and public space at the south landing is visually and physically unresolved, and unlikely to provide an environment for visitors where they would be encouraged to linger.

It is also unclear precisely how the historic floor-scape will successfully integrate with the design.

The difficulty of the change in levels and height requirements for the bridge is recognised, but a more sensitive and attractive design solution for the public realm should be sought that would positively improve the settings of the heritage assets, and ensure the retention and revealing of the historic floor-scape features.

The boiler house in isolation has low significance, but its contribution to the overall understanding of the Stothert and Pitt industrial operation has value. Its loss may be acceptable if the resulting public benefits outweigh the harm caused to the historic environment, and the replacement development significantly improves the setting of the remaining relevant heritage assets.

The tall arches formed the north and west wall of the smithy building and survive as a visual reminder of this structure. Their strong visual presence on the river bank provides

evidence of the former use of the site and acts as a highly visible local landmark, particularly when viewed looking south across the river from the conservation area.

The proposed loss of arches requires a significantly high quality replacement design of new build and public realm to outweigh loss of these arches. At present this is not achieved with the current development proposals for Bath Quays South.

In such circumstances it is not possible to support these applications for the new footbridge and demolition of the boiler house and arches as proposed.

**HISTORIC ENGLAND:** Historic England refers to their comments made at pre-application stage which have been provided. They recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of the Council's specialist conservation advice.

Historic England pre-application advice: The bridge appears to be a sinuous and potentially elegant crossing over the River. Historic England does not consider that it would have a harmful impact on the setting of adjacent heritage assets, or on the character and appearance of the Bath Conservation Area or the City of Bath World Heritage Site.

However, the bridge will have a direct physical impact on the surviving fabric of the Grade II former Stothert and Pitt works. The arched wall is a prominent and distinctive feature in views across the River from the north, and is identified as being of significance in the Preliminary Heritage Statement (ABA, June 2016) prepared for BaNES for the South Quay Site. Demolition of this section of the wall will cause some harm to the significance of the site, and whilst there will be a public benefit associated with the provision of a new pedestrian and cycle bridge across the River in this location, it is not clear what attempts have been made to avoid that harm in the first instance.

**ARCHAEOLOGY:** Not acceptable in current form, but conditions suggested.

- (a) the historic quay wall on the south bank being obscured by the proposed sheet pile river wall, and
- (b) the proposed demolition of historic arches on the south bank, although I note that one more arch is to be retained

**BATH PRESERVATION TRUST:** Comments

Support a new river connection in this strategic location and approve of the design which is a lightweight, organic structure.

Question the loss of several of the arches which do contribute to the sense of place of South Quays and are part of the historic character and story of the site. We would like to see further work undertaken to ascertain whether a larger number of the arches can be retained as part of the south bank landing.

The metal piling and concrete capping does not preserve or enhance the existing river wall, the setting of heritage assets on the site and to the east of the site (Bayer Building), nor the setting of the Conservation Area. The current absence of metal piling with



concrete capping reinforces the unique local identity and character of this important historic industrial area of Bath and its relationship with the river and reinforces its sense of place.

In this respect the cumulative harm of inappropriate works to traditional river bank details should not be underestimated.

If metal piling and concrete capping has to be used for new river walls we suggest it then needs to be faced with a natural stone wall to reinforce local character and distinctiveness.

BATH HERITAGE WATCHDOG: Strong objection.

1. Development that will have an adverse impact on the Character and Setting of Listed Buildings and the nearby Conservation Area, especially when taken in conjunction with other development proposals.
2. Demolition of structures that form part of the significance and legibility of the site - Foundry Building, Boiler House and Arches.
3. Alter the character of the riverbank by the loss of historic wharf walls and installation of sheet piling.
4. Overstated benefits of the public realm.

THIRD PARTIES/NEIGHBOURS: 3 letters of objection have been received. The main issues raised were:

The proposed king and metal piling sections with concrete capping proposed for the river wall at the historic Newark Foundry Site harms and does not enhance the character of existing river walls, the setting of heritage assets on the site, the setting of historic industrial buildings to the east and their river walls, or the setting of the Conservation Area.

The proposals fail to reinforce local distinctiveness, identity and sense of place

The new public realm, spaces, formed adjacent the arrival point of the bridge on the Newark Foundry Site are not of a high quality and the vehicular access from Lower Bristol Road, to the south of the bridge, should be omitted.

It would be inappropriate to approve the above applications in the absence of an agreed scheme for the historic Newark Foundry site which is also subject of proposals 16/04819/REG13 and 16/04818/ERGO3. The site needs to be considered comprehensively so there is no room for doubt as to the final impact of proposals.

The proposals are flawed and will cause lasting harm to the World Heritage Site.

Queries are raised about the process of the Council applying to itself for planning permission.

The proposals have not solved the flooding problems of the site.

A number of comments are made about the proposals for the adjoining Bath Quays South proposal which are not the subject of this planning application.

## **POLICIES/LEGISLATION**

The primary consideration is the duty placed on the Council under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 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.

From the historic environment aspect there is also a duty placed on the Council under Section 72 of the Act to pay special attention to the preservation or enhancement of the character of the surrounding Conservation Area.

Section 12 'Conserving and Enhancing the Historic Environment' of the National Planning Policy Framework sets out the Government's high-level policies concerning heritage and sustainable development. The Historic Environment Planning Practice Guide published jointly by CLG, DCMS, and English Heritage provides more detailed advice with regard to alterations to listed buildings, development in conservation areas and World Heritage Sites.

## **OFFICER ASSESSMENT**

The main issues to consider are:

1. Heritage, character and appearance
2. Ecology
3. Public benefits
4. Planning balance
5. Conclusion

### **1. HERITAGE, CHARACTER AND APPEARANCE**

The proposed development has the potential to affect a number of heritage assets. These include the Grade II listed Newark Works, the Bath Conservation Area and the City of Bath World Heritage Site. Other heritage assets in the vicinity include Camden Mill (Grade II listed) and Camden Malthouse and Silo (Grade II listed). The Bayer Building adjacent to the application site is also considered to be a non-designated heritage asset.

#### *Newark Works*

The south bank of the river was developed from the early nineteenth century onwards with warehouses and factories, a number of which survive today. The Stothert and Pitt ironworks gained international renown for crane building during the mid-twentieth century. The main building to Lower Bristol Road, known as Newark Works, was listed grade II in 2006. Other surviving buildings on the wider site include a foundry building of 1895, a boiler house of 1901 and various industrial landscape features including railway tracks, stone setts, and a wharf wall to the river.

Additionally, within the area of the proposed southern landing there is a row of several stone arches running from the Bayer Building into the elevations of the boiler house. These arches previously formed part of the north wall of the now demolished smithy extension (c1873).

The proposal includes the demolition of the boiler house and 2 of the stone arches (those nearest the boiler house) to facilitate the southern landing of the bridge.

The Conservation Officer identifies the boiler house, when viewed in isolation, as containing fairly low heritage significance, but states that its contribution to the overall understanding of the Stothert and Pitt industrial operation has some value. The loss of this building will therefore result in some harm to the significance of the heritage asset.

The tall arches formed the north and west wall of the former smithy building and survive as a visual reminder of this structure. Their strong visual presence on the river bank provides evidence of the former use of the site and acts as a highly visible local landmark, particularly when viewed looking south across the river from the conservation area. The impact upon the conservation area is discussed below, but it is considered that the loss of these 2 arches represents a further loss of significance and harm to the listed building.

The proposals include the construction of a new river wall along the south bank to accommodate the new bridge landing. This part of the river bank is associated with the historic quays and faced with natural stone which has been altered and added to over the years, contributing to the character and setting of the heritage assets, including Newark Works. The use of exposed steel piling and concrete capping beams to form the new river wall will cut across the historic quay wall where the bridge lands. This will appear incongruous amid the remaining historic quay wall and represents a further harm to the significance of the listed building.

The south landing includes public realm proposals for the area currently forming part of the courtyard of Newark Works and part of the car park serving the adjacent Bayer Building. The formation of the landing in this area does present the opportunity to better reveal the significance of the heritage assets, including Newark Works. However, the design of the visual and physical relationship between the proposed ramp, steps and public space with the surrounding environment is visually and physically unresolved, and unlikely to provide an environment for visitors where they would be encouraged to linger.

The retained presence of the Bayer Building car park, which dominates one side of the public space, undermines the ability of the proposal to provide a comprehensive improvement to the public realm.

The Council's Urban Designer and Conservation Officer make similar criticisms of the proposed public realm around the south landing. It is therefore not possible to agree with the assessment made within the submitted heritage statement that the proposed landing on the south bank will have a positive impact upon the significance of the Newark Works. Instead, it is considered that the proposed works will have a neutral impact upon the significance of the Newark Works.

The current submission lacks detail in respect of some aspects of the proposed landscaping around this area. However, these details can be secured by condition and it may be possible to seek improvements to the public arrangement to address some of these criticisms through the approval of the details.

The proposed bridge itself will provide better public access to the Newark Works site and will allow new views into the site helping to better reveal its significance. Furthermore, the elegant design of the footbridge structure, which will appear as a lightweight and organic structure, is considered to provide an enhancement to the setting of the Newark Works.

Weighing all of the above aspects of the proposal together, the overall impact of the proposed development is considered to result in less than substantial harm to the Newark Works heritage asset.

### *Bath Conservation Area*

The majority of the site, excluding the southern landing area, falls within the Bath Conservation Area, the boundary of which is defined by the southern bank of the river. Views from the Conservation Area to the Newark Works, including the historic stone arches and river quay wall, make a positive contribution towards its character and appearance.

The loss of the 2 stone arches will have a detrimental impact upon the setting of, and reducing the positive contribution made towards, the Conservation Area. Similarly, the new river wall will appear incongruous amid the remaining historic quay wall and represents a further harm to the setting of the Conservation Area.

However, it is considered that the bridge itself will appear as an elegant, sinuous structure which will enhance and make a positive contribution towards this rather neglected part of the Conservation Area.

The other aspects of the scheme, including the north and south landing areas are considered to have a neutral impact upon the Conservation Area.

Weighing all of the above aspects of the proposal together, the overall impact upon the significance of the Bath Conservation Area is considered to be neutral.

### *Bath World Heritage Site*

The statement of Outstanding of Universal Values (OUVs) sets out how the green setting of the City in a hollow in the hills - the deliberate appreciation of the landscape in the creation of a beautiful city - was one of the key reasons for the inscription of Bath as a World Heritage Site.

The river corridor plays a significant role in forming part of this landscape character. Views out from and toward the river corridor contribute to the wider cityscape.

The proposed will open up and offer new views to the hills surrounding Bath city centre, allowing for a greater appreciation of the city's landscape setting. Whilst the scale of these changes in the context of the overall World Heritage Site is small, this is still considered to be a minor benefit of the scheme.

However, when considered in conjunction with the loss of the stone arches and the boiler house, the overall impact upon the Bath World Heritage Site is considered to be neutral.

### *Other heritage assets*

Camden Mill (Grade II listed) is located a short distance to the east of the application. The lightweight, organic design of the bridge means that it will not intrude in any harmful way upon the setting of the Camden Mill. The bridge itself and the other aspects of the proposals will not have any significant visual impact upon the setting of Camden Mill or Camden Malthouse and Silo (Grade II listed). The impact upon Camden Mill and Camden Malthouse and Silo (Grade II listed) is therefore considered to be neutral.

The Bayer Building lies immediately adjacent to the Newark Works which forms part of its setting. However, this area is currently a car park and does not make a positive contribution to the setting of this non-designated heritage asset. The replacement of this area with the southern bridge landing and the proposed public realm will therefore have a neutral impact upon the Bayer Building.

The historic stone arches more closely related to the historical evolution and understanding of Stothert and Pitt site and are less related to the Bayer Building. The loss of two of these stone arches will have a neutral impact upon the Bayer Building. Similarly, the proposed changes to the river wall relate more to the historic Stothert and Pitt site than to the Bayer Building. The overall impact of the proposals upon the Bayer Building is therefore considered to be neutral.

#### *Heritage conclusions*

In light of the above, it is considered that the proposals will result in the following impacts to the surrounding heritage assets:

- (i) Less than substantial harm to the Newark Works;
- (ii) Preserves the character and appearance of the Bath Conservation Area;
- (iii) Preserves the OUVs, integrity and authenticity of the Bath World Heritage Site;
- (iv) Preserves the setting and significance of Camden Mill and Camden Malthouse and Silo;
- (v) Preserves the setting and significance of the Bayer Building.

In accordance with paragraph 134 of the NPPF, the less than substantial harm identified above should be weighed against the public benefits of the scheme. This balance is undertaken in sections below.

## 2. ECOLOGY

The application site comprises a section the River Avon which is an important habitat for a range of wildlife including protected species. It is a designated Site of Nature Conservation interest (SNCI) and is used by otter, bats, including the light-sensitive greater and lesser horseshoe bats (which are likely to be associated with the Bath & Bradford on Avon Bats Special Area of Conservation (SAC)), and kingfisher.

The river is an important habitat in its own right but is also recognised as providing supporting habitat for the Bath & Bradford on Avon bat SAC. 12 of the 18 UK bat species have been recorded using the river corridor through Bath. The development proposed would result in the temporary loss of bank side vegetation, and in a permanent increase in light levels to this section of the river.

An otter resting place has been identified and will be destroyed by the proposed development. This will require the applicant to apply for a European Protected Species (EPS) Licence. Prior to any consent being granted there will to be confidence that the "three tests" of the Habitat Regulations would be met and a licence is likely to be obtained.

The Council's Ecologist has confirmed this upfront provision of a replacement otter resting site / holt would maintain the existing provision of resting sites at this location within the river system and so would not be detrimental to the maintenance of otter populations at a favourable conservation status in this part of the range. The upfront provisions and details of the replacement holt can be secured through a planning condition.

The second derogation test requires there to be no satisfactory alternative to the loss of the protected habitat. This includes consideration of whether not undertaking the development represents a 'satisfactory alternative'.

In the current case, there is a strong imperative to undertake the development in order to assist in the regeneration of the Bath Quays, to provide better pedestrian and cyclist connections between the city centre and the residential neighbourhoods to the south of the river and to realise the objectives of the Core Strategy and Placemaking Plan. It is therefore considered that the 'do nothing' approach is not a satisfactory alternative.

Another alternative for consideration would be moving the position of the bridge to avoid the jetty structure where the otter resting site is located. However, there is limited space to achieve this to the east of the bridge's current position. If it were moved to the west, the landing of the bridge would cut across much of the BQS site and sterilise much of its potential for redevelopment. It would also position the south landing in such a way that a direct pedestrian and cycle link onto the Lower Bristol Road would be more difficult to achieve. Moving the bridge location is therefore considered not to be a satisfactory alternative.

The other derogation test, whether there are imperative reasons of overriding public interest, will be discussed in sections below.

There is a small amount of habitat clearance and replacement on the south bank. No details of the extent, nature or location of replacement habitat or any habitat enhancements are provided. However, the Council's ecologist is satisfied that this can be secured by condition.

The proposed bridge will include lighting within the underside of the proposed handrails. Initially concerns were raised by the Council's ecologist that the levels of light spill onto the river were too great. Following revisions, including lighting the south handrail only, revised lux contour plans have been submitted. The Council's ecologist and Natural England are satisfied that the reduced light levels shown will not result in any likely significant impact upon bats from the SAC. The lighting levels demonstrated are indicative and demonstrate what can be achieved. The final lighting design is therefore proposed to be controlled by condition.

### 3. ARCHAEOLOGY

The Council's archaeologist has raised similar concerns to those raised by the Conservation Officer regarding the loss of two of the historic stone arches and the proposed sheet piling to the new river wall. The harm to these structures is set out in the heritage section above and must be weighed against the public benefits of the scheme which is discussed later in the report.

Notwithstanding, this the archaeologist's objection, conditions requiring archaeological excavation of the bridge pier locations, historic recording of the structures to be demolished and publication and archiving of the results have been suggested and are considered necessary if consent is to be granted.

#### 4. PUBLIC BENEFITS

The proposed development of a new bridge over the River Avon will deliver a number of public benefits which will weigh in favour of the application.

Firstly, the bridge will provide improved pedestrian and cycle links between the City Centre and communities to the south of the River Avon. The span of river between Churchill Bridge and Midland Bridge currently impedes pedestrian and cycle access to the Lower Bristol Road and the communities to the south. The position of the proposed bridge is broadly halfway between both of these existing bridges and will provide a more direct route across the river and cut down journey times for pedestrians and cyclists. This supports the aims of policies T.3 (Promotion of walking and public transport) and T.5 (Cycle Strategy: improved facilities) of the Local Plan which both seek to promote walking and cycling throughout the district. The bridge will also support emerging policy ST.1 of the Placemaking Plan which seeks to give priority to pedestrian and cycle movements and to provide them with new and enhanced facilities. This is clearly a very significant public benefit of the scheme which weighs in favour of the application.

As discussed in section 1, the proposed bridge will also act as a link between the two major regeneration sites of BQS and BQN. The vision for both of these developments envisages the bridge as a new link which will open up opportunities for these regeneration sites and will assist with the delivery and success of these important sites near the city centre. Providing a link between the BQS and BQN will increase attractiveness of these sites as an area to invest and will make the area more attractive to businesses or residents who may wish to locate there. The proposal therefore also supports the delivery of two allocated sites (policy SB5 and SB6 of the emerging Placemaking Plan).

The proposed bridge design was selected via an international design competition commissioned by Bath and North East Somerset Council in 2015. This approach has resulted in a bridge design which is considered to be a high quality structure which enhances this stretch of the river and parts of the surrounding area. Historic England describes the proposed bridge design as a 'sinuous and potentially elegant crossing over the River'. Similarly, the Conservation Officer and Urban Designer support the design of the bridge itself and consider that it contributes towards creating a good quality of public realm. The bridge therefore represents the creation a high quality, landmark structure which will improve and enhance the quality of public realm in this area.

Policy B2 of the Core Strategy seeks, inter alia, to accommodate major riverside access within the central area of Bath and also seeks to provide opportunities to connect people to the natural environment. The proposed bridge meets these aims by enabling and encouraging access to and across the river corridor in an area of Bath where the city has historically turned its back on the river.

## 11. PLANNING BALANCE

### *Heritage*

Paragraph 134 of the NPPF requires that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The requirement to conduct this balancing exercise is also reflected within the wording of the emerging Placemaking Plan policy HE1.

Guidance in the NPPG (Paragraph: 020 Reference ID: 18a-020-20140306) states that public benefits can be anything that delivers economic, social or environmental progress as described in the NPPF. Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.

As set out above, the public benefits of the proposed bridge are substantial. Against these benefits is set the less than substantial harm to the Newark Works arising from the loss of the boiler, the loss of the two stone arches and the construction of the sheet piled and concrete capped river wall. The NPPF advises that great weight should be given to the conservation of a heritage asset and that the more important the asset the greater the weight should be. However, in the current circumstances is it considered that the considerable public benefits of the bridge, identified above, outweigh the less than substantial harm to the Newark Works identified. It is therefore considered that the proposed development complies with paragraph 134 of the NPPF and policy HE1 of the emerging Placemaking Plan.

### *Habitat Regulations*

As the proposed development results in the destruction of an otter resting site, the habitat regulations require that it must meet a purpose of 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment'.

The proposed bridge is not required to preserving public health or public safety and therefore there must be an imperative reason of overriding public interest to justify the development.

Natural England guidance on what will be taken into account when considering whether there are imperative reasons of overriding public interest. This includes where the development is meeting or making a contribution towards a specific need, such as:



- o The requirement to maintain the nation's health, safety, education, environment (sustainable development, green energy, green transport);
- o Complying with planning policies and guidance at a national, regional and local level;
- o Requirements for economic or social development (Nationally Significant Infrastructure Projects, employment, regeneration, mineral extraction, housing, pipelines, etc.).

The public benefits of the proposed bridge would make a contribution towards meeting a number of these needs. As identified in the sections above, the proposed bridge will improve pedestrian and cyclist connectivity therefore promoting green transport and better health, it complies with and helps to achieve the aims of a range of local planning policies and it will help to deliver regeneration, to include a mix of employment and housing, for both BSQ and BQN.

In light of the considerable public benefits of the proposed development, and the fact that the proposal only effect a single otter resting site, it is considered that there is are imperative reasons of overriding public interest to justify the proposed development. It is therefore considered that the three tests of the habitat regulations are passed.

## 12. OVERALL BALANCE AND CONCLUSION

There is harm identified to the Newark Works through the loss of the boiler house, loss of the two stone arches and the creation of the sheet piled and concrete capped river wall. However, this harm is identified as less than substantial and is outweighed by the identified public benefits.

The proposal will also require the destruction of an otter resting site, but it is considered that appropriate mitigation is proposed and that the population of the species will be maintained at a favourable conservation status in their natural range. No satisfactory alternative can be identified and it is considered that there are imperative reasons of overriding public interest to justify the loss of the otter resting site.

Overall it is considered that 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**

**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 Archaeology - Controlled Excavation (Bespoke Trigger)**

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

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

## **3 Archaeology - Historic Building Recording (Pre-commencement)**

No development or demolition 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 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 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 - Post Excavation and Publication (Bespoke Trigger)**

The approved bridge shall not be opened to the public 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 has produced significant archaeological findings and the Council will wish to publish or otherwise disseminate the results.

## **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.

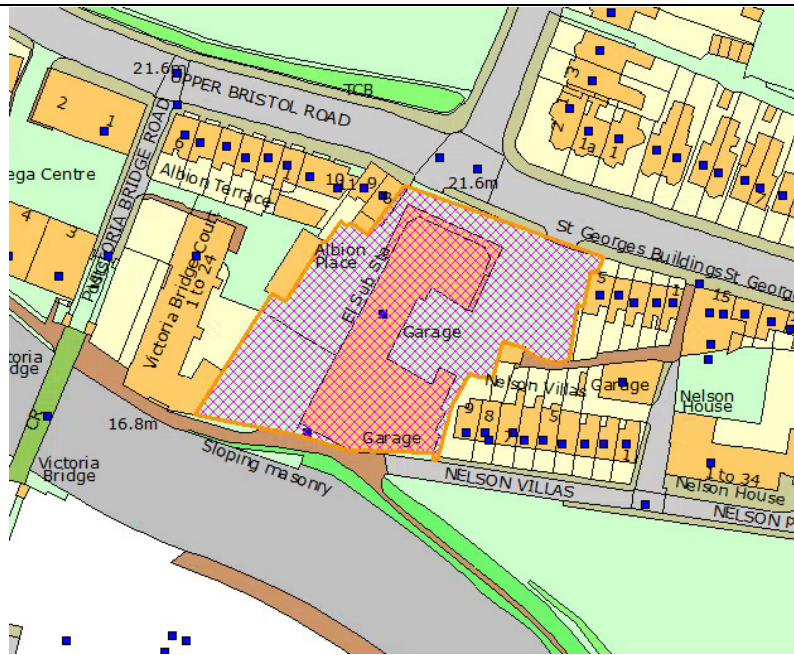
#### **PLANS LIST:**

J2571\_S\_001\_PO EXISTING SITE PLAN  
J2571\_S\_101\_PO PROPOSED SITE PLAN  
J2571\_S\_102\_PO PROPOSED SITE PLAN WITHOUT SOUTH PROJECT  
J2571\_S\_103\_PO PROPOSED BRIDGE DECK PLAN  
J2571\_S\_104\_PO PROPOSED SURFACE FINISHES - NORTH BANK  
J2571\_S\_105\_PO PROPOSED SURFACE FINISHES - SOUTH BANK  
J2571\_S\_106\_PO PROPOSED BELOW BRIDGE DECK PLANTING PLAN  
J2571\_S\_107\_PO REFLECTED SOFFIT PLAN  
J2571\_S\_109\_PO DEMOLITION PLAN  
J2571\_S\_201\_PO GEOMETRY AND PROPOSED LONG SECTION  
J2571\_S\_201\_PO GEOMETRY AND PROPOSED LONG SECTION  
J2571\_S\_202\_PO SPAN DECK SECTION  
J2571\_S\_203\_PO PIER SECTION  
J2571\_S\_204\_PO RIVER SPAN DECK  
J2571\_S\_301\_PO PROPOSED PROJECT ELEVATIONS AT BRIDGE  
J2571\_S\_302\_PO ELEVATION FLOOD DEFENCE WALL  
J2571\_S\_401\_PO SOUTH ABUTMENT SECTION AND ELEVATION  
J2571\_S\_402\_PO SOUTH ABUTMENT SECTION AND ELEVATION  
J2571\_S\_403\_PO PROPOSED BALUSTRADE  
J2571\_S\_501\_PO SITE LOCATION PLAN  
12905-1-E LUX CONTOURS (WATER LEVEL)  
12905-1-E LUX CONTOURS (1M ABOVE WATER LEVEL)  
12905-1-E LUX CONTOURS (2M ABOVE WATER LEVEL)  
12905-1-E LUX CONTOURS (3M ABOVE WATER LEVEL)

#### **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.

|                        |  |
|------------------------|--|
| <b>Item No:</b>        | 03   |
| <b>Application No:</b> | 16/06188/FUL   |
| <b>Site Location:</b>  | Hinton Garage Bath Ltd Hinton Garage Albion Place Kingsmead<br>Bath Bath And North East Somerset |



**Ward:** Kingsmead

**Parish:** N/A

**LB Grade:** N/A

**Ward Members:** Councillor Chris Pearce      Councillor Andrew Furse

**Application Type:** Full Application

**Proposal:** Demolition of the former Hinton Garage Showroom and Workshop and erection of an Assisted Living Development comprising apartments and integrated communal and support facilities; landscaped resident's gardens; staff areas; basement residents car and bicycle parking; refuse storage and associated infrastructure and services. (Resubmission of application 15/05367/FUL).

**Constraints:** Article 4, British Waterways Major and EIA, British Waterways Minor and Householders, Conservation Area, Flood Zone 2, Flood Zone 3, Flood Zone 8m from centre of river, Hotspring Protection, Listed Building, MOD Safeguarded Areas, Site Of Special Scientific Interest (SI), SSSI - Impact Risk Zones, World Heritage Site,

**Applicant:** PegasusLife Ltd

**Expiry Date:** 23rd March 2017

**Case Officer:** Chris Gomm

## REPORT

The Ward Members (Cllrs Pearce and Furse) have requested that this application be determined by committee; their comments are set out below within the main report.

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

Background

This application seeks full planning permission for the demolition of the former Hinton garage showroom and workshop (Vauxhall dealership) on Upper Bristol Road in Bath and its replacement with an 'assisted living' residential development.

This application is a resubmission; an earlier application for a similar development (Ref: 15/05367/FUL) was refused planning permission under delegated authority on 7 July 2016. The previous application was refused for the following reason:

1. The proposed development (specifically the riverside building) by reason of its excessive and incongruous height will have an unacceptable harmful impact upon surrounding heritage assets. The setting of nearby listed buildings will be undermined to an unacceptable degree. The proposed building is excessively tall and fails to respect its context; as a result the development will have an unacceptably harmful impact upon the character and appearance of the surrounding conservation area as well as the Outstanding Universal Value of the Bath World Heritage Site, its authenticity and integrity. The application is contrary to the Bath & North East Somerset Core Strategy in particular policies CP6 and B4, as well as the saved Bath & North East Somerset Local Plan in particular saved policies D2, D4, BH2 and BH6. This harm to heritage assets outweighs the public benefits that the proposed development brings.

The current application seeks to overcome the above reason for refusal; the differences between the current proposal and that previously refused are detailed in the design section below. The original application is now also the subject of an appeal with a Public Inquiry scheduled for June.

#### The application site and its surroundings

The use of the site as a garage ceased in 2015 and it has remained vacant since that time. The site is now enclosed by substantial 2.4m high hoardings, along the road frontage, for security purposes. It is understood that the existing showroom and workshop buildings were predominantly erected in the 1980s and 1990's and replaced an earlier petrol filling station which occupied the site.

The site is positioned between Upper Bristol Road and the River Avon with a notable change in levels from north to south. Upper Bristol Road which bounds the north of the site is elevated approximately 4 metres above the level of the riverside walkway which adjoins the southern boundary of the site.

Existing residential uses surround the site. Terraced residential properties are situated either side of the site on its Upper Bristol Road frontage. To the west of the site is Victoria Court, a mid-1990s development of 24 flats. Immediately to the east of the site facing south towards Norfolk Crescent gardens is Nelson Villas a terrace of Victorian houses. To the south of the site is the riverside walkway and beyond the river is the eastern extremity of the Western Riverside development.

Nos. 8 and 9 Albion Place adjoin the application site on the Upper Bristol Road frontage; these are Grade II listed buildings dating from the 1790s. The Grade II\* listed Victoria Bridge is situated approximately 35 metres to the west of the site. Also of note are the fine Grade II and Grade II\* properties located further to the east in Norfolk Crescent and Nelson Place West.

The site is located within the Bath Conservation Area and the World Heritage Site. The site is also within the Hot Springs Protection Area. Parts of the site are designated as Flood Zone 3 (high risk) and parts of the site are Flood Zone 2 (medium risk). The site falls within the area covered by the Bath Western Riverside Supplementary Planning Document (BWR SPD).

The proposal has been screened in order to ascertain whether it constitutes EIA (Environmental Impact Assessment) development (Ref: 15/01763/SCREEN). It has been concluded that the development is unlikely to have a significant environmental effect, in EIA terms, and therefore the proposal does not constitute EIA development and an Environmental Statement is not required.

### The Proposed Development

The development will provide 68 'assisted living' retirement apartments together with the associated communal and support facilities; these facilities include a cafe (open to the public during the day) with an external riverside seating area; communal lounge, work/play area; gym; hydro-therapy pool; treatment rooms and guest accommodation. The development also includes staff facilities such as offices. Two communal landscaped gardens are also proposed.

The proposal takes the form of two distinct blocks; a curved 'terrace' on the site's Upper Bristol Road frontage and to the rear an 'L' shaped block the principal elevation of which is to face south to the river. The proposed Upper Bristol Road building is 3.5 storeys (i.e. 3 storeys with a fourth in the mansard) and the proposed riverside building is 4.5 storeys (i.e. 4 storeys with a fifth in the mansard).

Basement car parking is to be provided beneath the majority of the site providing some 61 car parking spaces, 25 bicycle spaces and 23 mobility scooter spaces. The basement car park will be accessed via a ramped access from Upper Bristol Road in a similar position to the existing access.

### Relevant Planning History

o 15/05367/FUL: Demolition of the former Hinton Garage Showroom and Workshop and erection of an Assisted Living Development comprising apartments and integrated communal and support facilities; landscaped residents' gardens; staff areas; basement residents car and bicycle parking; refuse storage and associated infrastructure and services. REFUSED (7 July 2016).

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

B&NES Parks Department: No objection

It is calculated that the development will result in 134 occupants who will generate demand for Parks & Recreational Ground (1742m<sup>2</sup>), Natural Greenspace (1742m<sup>2</sup>) and Allotments (402m<sup>2</sup>); there is a surplus of these facilities in the Kingsmead Ward.

It is therefore considered that there is sufficient existing greenspace provision in the vicinity to absorb the demand for greenspace generated from this development.

B&NES Landscape Architect: Not acceptable in its current format - the revised scheme is an improvement but the reduction in height is not enough to overcome the previous objection.

B&NES Coastal & Land Drainage: No objection subject to conditions

B&NES Economic Development: SUPPORT - Should the application be approved a S106 Site Specific Targeted Recruitment and Training in Construction Obligation should be applied.

B&NES Environmental Monitoring: No objection subject to conditions

B&NES Highways Team: No objection

There is no highways objection subject to the necessary highway works being secured within an appropriate legal agreement and subject to conditions.

Wales & West Utilities: Information provided in relation to utilities

Environment Agency: OBJECTION

The submitted Flood Risk Assessment (FRA) is unacceptable because it does not take into account the new Climate Change allowance guidance (Feb 2016). The FRA should be revised to consider the impact of the recently revised climate change allowances (detailing the impact for each scenario) on the proposed development.

B&NES Urban Design: Not acceptable in its current form

- o The scheme has considerable design merits;
- o The height of the southernmost block remains a source of objection.
- o There is inadequate justification for raising the height of the building to this level when the prevailing context is lower on the north bank
- o The layout and landscape proposals provide good amenity, access and setting for the buildings and results in a high quality public realm.
- o Public use and space facing the river is particularly welcome.

B&NES Conservation Officer: Comments

The removal of the large dormers has rendered the attic more subservient and can now be regarded as an attic storey as opposed to the previous schemes where the attic was in reality a fifth storey. The acceptability of the scheme could now be argued to be in the balance although it is tenuous and robust opposing arguments could be presented that are equally convincing.

The Council's Building Heights Strategy states that in this part of the city building shoulder height should be 4 storeys, one additional setback within the roof scape is likely to be acceptable. Generally, therefore, and ostensibly the proposals would appear to be consistent with this guidance however with a caveat at having to also consider the 'modifiers'.

The redevelopment of the site is clearly highly desirable and I remain very supportive of the applicant's aims in this respect and I am anxious to provide a solution for them to be able to achieve the redevelopment. With this in mind I would urge you to encourage further amendments.

Historic England: OBJECTION

The application site is within the Georgian City zone with building heights informed by Georgian building scale which are typically 3-5 storeys. It is also within the World Heritage Site.

There are a large number of listed buildings that are situated in close proximity to the site including Norfolk Crescent. The Crescent is listed Grade II\*, and as such is in the top 6% of listed buildings. Therefore, greater weight should be given to its conservation including its setting. The other notable listed structure in the vicinity of this site is the grade II\* Victoria Bridge.

The cumulative reduction of overall massing as a result of a 590mm height reduction would certainly be negligible. While some positive changes were made during negotiations over the previous design to include a reduction of 1.85m, the revisions resulting in the current proposals should not be considered sufficient to overcome the reason for refusal. Rather than trimming down floor-to-floor heights we would advise that the riverside building is reduced by a storey, and in doing so, we believe that this elevation would become less strident and conspicuous within the context of the adjacent Georgian and later 19th century cityscape.

Ward Member (Cllr Pearce): OBJECTION

"1. The revised application seeks to reduce the height of the riverside building by only 0.59 metres. The decision notice 7/7/16 referred to the unacceptable harm that this building's excessive and incongruous height would have on the surrounding heritage assets. Hence it seems most doubtful that 0.59 m reduction to a 5 storey building would be anywhere near enough to reduce this harm and that this needs further consideration.

2. There were a significant number of objections to the previous applications not only ref harm to heritage assets, but to severe detrimental impact on neighbouring residents particularly at Nelson Villas and Victoria Bridge Court which have been dismissed"

Ward Member (Cllr Furse): OBJECTION

"I remain supportive of the land use and would like to see a planning restriction on this if the application were to be approved designating that the site is "assisted living", would thus require a further planning permission if it was to change from this at any stage in the future.

However, as you are aware I still feel strongly that the development proposal has not addressed some of the key factors that residents have objected to both in the original application and now this one. Namely;



- i. The development does not recognise the natural slope of the site and as such the riverside elevation is too high and out of proportion with adjacent buildings. When viewing some of the montages looking from South to North (P9, P10 and P11) it is very clear that the development is one story too high.
- ii. Already (and historically) the rear Nelson Villas is dominated by tall buildings along the UBR and this will be further impacted by the UBR development on this site. Therefore the development needs to recognise this and mitigate the impact by not dominating along the river side elevation too. Basically, the riverside elevation is one storey too high.
- iii. To further help this - the roof line as proposed is not a classical 'Georgian Mansard' roof as expected. A more classical design would blend with Nelson place West.
- iv. Full balconies are still within the development and these overlook adjacent sites of Nelson Villas and Victoria Bridge Court. It appears that Juliette balconies have not been considered and in my view they should have been.
- v. The café is still in the plan which will add to traffic movements along Nelson Place West/Nelson Villas with no recognisable turning area. I would like to see all deliveries being serviced from the UBR, with associated access restrictions to the site from Nelson Place West/Nelson Villas.

Overall, the design of the site could and should be better so that its design would blend with the historic setting of Norfolk Crescent.

Also, if it were to be approved I would like to see planning contributions towards; the River path, Norfolk Crescent Green, and contributions towards pavement improvements along Upper Bristol Road and Nelson Villas/Nelson Place West".

Natural England: Further information required

Horseshoe bats were picked up by the surveys carried out on the site's river frontage. A lighting assessment has therefore been undertaken. Unfortunately, the lighting assessment assumes B&NES and Natural England's requirements about lux levels to be "between 0 and 1.0 lux onto immediate banks and above the river". In fact, we require no increase in light spill over the river and a maximum of 1.0 lux increase in light spill on bankside vegetation.

The lighting assessment results show that the predicted lux values from the development onto the river and bankside vegetation are low, but not low enough to meet this requirement. Importantly, the lighting engineer concludes in his assessment that current lux values along the mid-point of the river at this location are below 1 lux.

Further mitigation is therefore necessary in order to reduce the predicted light spill. The Ecology report mentions that a further lighting assessment is being undertaken due to changes in the design of the building, this updated lighting assessment will be required before commenting further.

B&NES Archaeology: No objection subject to conditions

B&NES Contaminated Land: No objection subject to conditions

## Avon & Somerset Police: Design comments

### Bath Heritage Watchdog: OBJECTION

- o The reason for refusal has not been addressed;
- o No objection to the demolition or the principle of the development;
- o It is a storey too tall across the whole site;
- o Overdevelopment/in appropriate massing and scale;
- o Dominating impact on Nelson Villas, Norfolk Crescent and Victoria Bridge;
- o Harm to the conservation area and World Heritage Site;
- o The Upper Bristol Road frontage does not gel with its context;
- o The ground floor is under-scaled and the roof level over-scaled (Upper Bristol Road);
- o Hipped Mansards should be used on the Upper Bristol Rd frontage;
- o The trees should be removed from the roadside;
- o The building (riverside) is too tall in a transitional location of 2/3 storey buildings;
- o It does not comply with the building heights strategy or SPD;
- o It is an unrelenting mass that will dwarf Victoria apartments;
- o The revision in height and alterations to the top storey has had little effect;
- o The whole mass needs breaking up further and possibly some variation in material for the ground floor
- o It will set a dangerous precedent for this side of the river;
- o Materials need to be clarified

### Bath Preservation Trust: SUPPORT

"The Trust commented favourably on the last set of revisions for this scheme. We have reviewed this resubmitted proposal and acknowledge that the changes to the roof height and the design work done to recess the dormers on the riverside block is successful in lessening the visual impact and prominence of the roofscape. The changes constitute a minor improvement to the scheme. In our view, and especially bearing in mind the very tall developments close to the river in BWR, the height of the building is acceptable; it preserves the setting of nearby heritage assets and would not potentially adversely impact on local character or the special qualities of the WHS.

We continue to support the repair of the streetscape in the Upper Bristol Road, and have no concerns regarding the design or height of this block (revised in May 2016), notwithstanding our earlier comments about the detail and quality of materials".

32 letters of objections have been received from local residents including a letter from the Norfolk Green Residents Association and a petition with 62 signatures. Objections are summarised as follows:

- o The proposal is out of scale with its surroundings;
- o There is no justification for the proposed height;
- o The developers are seeking only to maximise their profits;
- o Loss of views;
- o Nelson Villas will be dwarfed and residents hemmed in;
- o The view of the royal crescent will be blocked from across the river;
- o Loss of light (daylight and sunlight);

- o It will create a car parking problem locally;
- o Noise and pollution from the café;
- o Café opening hours are of concern;
- o Construction noise and dust pollution;
- o Loss of rental value;
- o The changes are minimal and cosmetic;
- o A reduction of 59cm is inadequate;
- o The reduction in height does not overcome the harm;
- o There will be an adverse cumulative effect with other nearby developments;
- o Elderly/infirm residents should not live on such a busy main road;
- o Loss of privacy;
- o The public benefits of the proposal are overstated;
- o The pre-app process has disenfranchised the whole public consultation programme

2 letters of support have also been received and are summarised as follows:

- o Support as the site has been empty for too long;
- o More flats are great.

## **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
- o Neighbourhood Plans (where applicable)

The following Core Strategy policies are relevant:

Policy DW1: District-wide spatial strategy  
 Policy B1: Bath spatial strategy  
 Policy B4: World Heritage Site and setting  
 Policy SD1: Presumption in favour of sustainable  
 Policy CP5: Flood risk management  
 Policy CP6: Environmental quality  
 Policy CP9: Affordable housing  
 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 IMP1: Planning obligations  
 Policy D2: General design and public realm considerations  
 Policy D4: Townscape considerations

Policy ES3: Gas and electricity services  
Policy ES4: Water supply  
Policy ES9: Pollution and Nuisance  
Policy ES12: Noise and Vibration  
Policy ES15: Contaminated land  
Policy WM4: Waste recovery and recycling  
Policy B1: Bath western riverside  
Policy NE9: Locally important wildlife sites  
Policy NE10: Nationally important species and habitats  
Policy NE11: Locally important species and habitats  
Policy NE13A: Bath hot springs  
Policy BH2: Listed buildings and their setting  
Policy BH6: Development within/affecting Conservation Area  
Policy BH7: Demolition in Conservation Areas  
Policy BH12: Important archaeological remains  
Policy BH13: Significant archaeological remains in Bath  
Policy T1: Overarching access policy  
Policy T24: General development control and access policy  
Policy T26: On-site parking and servicing provision

City of Bath World Heritage Site Setting SPD (August 2013)  
Bath City-Wide Character Appraisal SPD (August 2005)  
Planning Obligations SPD (April 2015)  
Bath Western Riverside SPD (2008) (including design codes)  
Bath Building Heights Strategy (September 2010)

Following the Examination hearings the Inspector has now issued her Interim Statement and has advised the Council of her recommended Main Modifications required to make the plan sound. The Main Modifications and Minor Proposed Changes are now subject to public consultation prior to the Inspector issuing her Final Report.

The following policies relevant to this application have substantial weight

Policy SCR1: On-site renewable energy requirement  
Policy SCR5: Water efficiency  
Policy SU1: Sustainable drainage policy  
Policy D1: General urban design principles  
Policy D2: Local character and distinctiveness  
Policy D3: Urban fabric  
Policy D4: Streets and spaces  
Policy D5: Building design  
Policy D6: Amenity  
Policy D10: Public realm  
Policy NE4: Ecosystem services  
Policy NE5: Ecological network  
Policy PCS1: Pollution and nuisance  
Policy PCS3: Air quality  
Policy PCS5: Contamination  
Policy PCS7A: Sewage Infrastructure  
Policy PCS8: Bath Hot Springs

Policy H1: Housing  
Policy H7: Housing accessibility  
Policy ED2B: Non-strategic industrial premises  
Policy ST1: Promoting sustainable transport  
Policy B4: The World Heritage Site  
Policy BD1: Bath Design Policy  
Policy SB8: Western Riverside

The following policies relevant to this application have significant weight

Policy D8: Lighting  
Policy HE1: Historic environment  
Policy NE3: Sites species and habitats  
Policy PCS2: Noise and vibration  
Policy ST7: Transport requirements for managing development  
Policy B1: Bath Spatial Strategy  
Policy B2: Central Area Strategic

National Policy

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

## **OFFICER ASSESSMENT**

### **Principle**

The site is situated within the built-up area of Bath where the principle of development is accepted. At present a number of modern buildings, which are of no architectural or historic merit, occupy this brownfield site and as such the clearance of these buildings and the redevelopment of the site can be supported in principle. Core Strategy (CS) Policy DW1 prioritises the development of brownfield sites in order to minimise the need to develop green field sites.

The application site is located within both the Central Area and the Enterprise Area as designated in the Core Strategy. CS Policy B1 (Bath spatial strategy) supports the regeneration of sites within the Central Area and Enterprise Area in order to create new areas of productive and attractive townscape as well as to provide a much improved relationship between the city and the river. The redevelopment of the former Hinton Garage site offers the opportunity to significantly improve the local townscape as well as provide improved frontages to both the Upper Bristol Road and the river. The redevelopment of the site could contribute to meeting the objectives of the aforementioned adopted Bath spatial strategy and as such redevelopment is supported in principle.

Emerging Placemaking Plan Policy ED2B has now reached a point at which it carries greater weight than saved Local Plan Policy ET3 in respect of loss of employment matters. The previous submission was considered to accord with LP Policy ET3 in respect of the loss of employment because continued business/industrial use would be incompatible with surrounding residential land uses and therefore the benefits were considered to outweigh the economic harm. This 'compatibility' test is no longer a policy consideration; emerging Policy ED2B instead suggests that applications involving a loss of

employment should only resisted if there is a strong economic reason to do so. There is no evidence that there is a strong economic reason to resist the loss of the Hinton Garage site as an employment site (indeed the Council's Economic Development Team support the application) and therefore the application complies with emerging Policy ED2B. In any case the application is allocated for redevelopment as part of the wider Bath Western Riverside allocation as set out in emerging Placemaking Plan Policy SB8 and the accompanying BWR SPD.

## Ecological Matters

The application site is derelict and contains a number of unoccupied buildings. There is an area of scrub along the southern boundary of the site. The River Avon is located immediately to the south of the application site and is designated as a Site of Nature Conservation Importance (SNCI). It is well known that bats frequently use the river as a commuting and foraging corridor.

Bat surveys have been undertaken and submitted within the application; this has established that there is a commuting route for Soprano Pipistrelles (a species of bat) through the application site itself. Mitigation measures have been incorporated into the design of the proposal to ensure that this route is maintained and these have the support of Natural England.

The submitted survey has also identified that Horseshoe bats use the site's river frontage. Bats are highly light-sensitive and therefore a lighting assessment has been undertaken and submitted. Natural England are not content with the lighting assessment's findings as it shows predicted lux values (levels of light) generated by the development as being low, but not low enough.

Since Natural England responded to the consultation, minor amendments have been made to the proposed building's river frontage the intention of which is to reduce light spill; amended plans have been submitted as has an associated revised lighting assessment. Natural England have been reconsulted but at the time of writing had not responded; members will be updated at the meeting. This is highly unlikely to be an insurmountable issue.

## Archaeology

An archaeological desk study has been submitted with the application. It is identified that the Upper Bristol Road follows the line of an ancient route between Bath and Sea Mills (Bristol). There is strong evidence to suggest that the Fosse Way itself passed through the site. There is much evidence of roman activity in the area surrounding the site including a villa within the nearby Lower Common allotments and presumed roman remains in Marlborough Lane.

To-date there has been no evidence of roman activity within the application site itself but there is a high theoretical possibility of evidence of roman activity to be present. There is also a high theoretical possibility that the foundation levels of 18th and 19th century buildings are present within this site, particularly along the Upper Bristol Road frontage. The desk study concludes that whilst the site has a high theoretical possibility for archaeological material to be present, in practice the potential is very low due to the

significant disturbance resulting from the various phases of construction and demolition on the site, including substantial terracing.

The Council's archaeologist has highlighted that only one of the 15 geotechnical test pits went through the post medieval and modern fills down to natural geological deposits. It is therefore possible that earlier archaeological deposits are present but are being masked by 18th and 19th century demolition and modern makeup layers. In light of this possibility and the aforementioned archaeological interest of this site and immediate areas, it is suggested by the Council's archaeologist that three conditions are imposed in order to secure a field evaluation; a programme of archaeological work/mitigation and publication of the results (see conditions schedule below). Subject to these conditions the application accords with emerging Policy HE1 of the Placemaking Plan.

### Flood Risk

The site is situated in a riverside location and unsurprisingly those parts of the site closest to the river are at a high risk of flooding. The southern, riverside extremities of the site are designated as Flood Zone 3 which is an area deemed by the Environment Agency to be at a high risk of flooding. The remainder of the site is designated as Flood Zone 2 (medium risk) and Flood Zone 1 (low risk).

Planning policy requires development that is proposed in areas deemed to be at a high or medium risk of flooding to be subject to the sequential test; this involves demonstrating that there is no land reasonably available in lower flood risk zones for the development. It should be noted however that Paragraph 104 of the NPPF states that where sites have been allocated for development in development plans, through the sequential test, applicants need not apply the sequential test. The application site forms part of the wider Bath Western Riverside allocation as prescribed by saved Policy GDS1 the Local Plan and emerging Policy SB8 of the Placemaking Plan (as the associated Supplementary Planning Document within which it is identified as a 'development zone'). It is not considered necessary therefore to further sequentially test this site.

Following the sequential test it is necessary for the exceptions test to be passed in accordance with Paragraph 102 of the NPPF. It must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk and that the development will be safe for its lifetime. It is considered that the sustainable benefits to the community outweigh the flood risk. Benefits include the social benefits of providing 68 units of assisted living accommodation, the economic benefits that such a development brings and the general benefits in redeveloping this site. Given these public benefits and given that the majority of the site is deemed to be at medium to low risk, it is considered that the benefits outweigh the risk and this element of the Exceptions Test is passed.

With regards to the second test of the Exceptions Test (that the development be safe for its lifetime) The Environment Agency (EA) has objected to the application on the grounds that the latest guidance for undertaking Flood Risk Assessments (FRA) has not been followed. It is the case that new climate change allowance guidance for FRAs was introduced by the EA in February 2016 and the FRA as originally submitted did not follow this revised guidance.

A revised FRA has now been submitted which deals with flood risk issues in the context of the revised EA guidance. The FRA sets out a range of measures, which are integral to the design of the building, to mitigate the impact of a flooding event on the development. The lower ground floor will only contain 'less vulnerable' and 'water compatible uses' with a finished floor level set at the 1:00 year flood level (18.61m AOD). Passive flood defences will also protect the building to 19.55m AOD which is 300mm above the 1:100 year flood level allowing for climate change.

The wellbeing centre and building plant on the lower ground floor will be tanked as a precaution against ground water flooding. All residential accommodation will be above the 1 in 1000 flood level and the development will remain operational up to a 19.55m AOD flood.

The EA has been re-consulted and their further comments are awaited; members will be updated at the meeting. It is highly unlikely that this matter will be insurmountable.

### Highway Considerations

The proposal involves the provision of a 61 space basement car park across the majority of the site; this is to be accessed via a ramp from Upper Bristol Road. The existing western access to the garage (from Upper Bristol Road) is to be retained in a revised form in order to provide the electricity supplier with maintenance access to an electricity substation on-site. A layby is proposed on the Upper Bristol Road frontage to serve delivery vehicles and taxi drop-offs/pick-ups. The proposed car park includes parking/storage space for 23 mobility scooters and 25 parking spaces will also be provided across the development for resident and staff bicycles.

The Highways Team agree that the proposed development will not result in an increase in traffic movements from the site given the site's historic use by the motor trade. The highway arrangements are acceptable to the Highways Team including the proposed levels of car, cycle and mobility scooter parking. The site can be adequately serviced and the swept path analysis satisfactorily demonstrates that the parking spaces are accessible. A number of conditions are recommended in order to secure the submission of a Construction Management Plan, Travel Plan and to ensure the parking spaces remain free of obstruction. The application accords with saved policies T1, T24 and T26 of the Local Plan as well as emerging policies ST1 and ST7 of the Placemaking Plan; the proposed means of access is both suitable and safe and as such the development accords with Paragraph 32 of the NPPF.

### Residential Amenity

The application site is surrounded by residential properties some of which are in close proximity to the site. Victoria Court is situated immediately to the west of the application site and the rear wing of the riverside block will directly face it. Be that as it may it is not considered that the living conditions of those occupying flats within Victoria Court will be significantly adversely affected. The window to window distances typically measure 30-34m; this is sufficient to both ensure loss of privacy and significant loss of light does not occur. Other elements of the riverside block are closer to Victoria Court but these elements tend not to directly face it and as such unacceptable loss of privacy will not occur due to the acute angle involved; this orientation will also minimise overshadowing.



The roadside block will occupy a gap between two existing terraces on Upper Bristol Road; as such the building will be situated alongside those residential properties rather than directly facing or obstructing them. There is limited scope therefore for the roadside block to have a meaningful detrimental impact upon the amenity of the occupiers of Upper Bristol Road properties. It is considered that the riverside block is too distant from the properties situated on the Upper Bristol Road for an adverse impact to result.

The properties known as Nelsons Villas are likely to be those most affected by the proposed development. Nelsons Villas, as stated, are a row of Victorian terraced houses and flats located immediately to the east of the application site. The rear of the roadside block will directly face the rear of Nelsons Villas as will significant parts of the riverside block. The window/balcony to window distances however will be substantial and more than sufficient to ensure that loss of privacy will not occur. The roadside block is to be situated approximately 20-25m to the north of Nelsons Villas whereas the rear flank of the riverside block will be approximately 18m to the west. There is no question that the rear gardens of Nelsons Villas will be significantly overlooked by the proposed development but these gardens are already overlooked by a large number of neighbouring properties and as such enjoy little privacy. It cannot be reasonably argued that the proposed development will result in an unacceptable loss of privacy in respect of the gardens of Nelsons Villas when there is little privacy to be lost.

Due to the changes in levels the proposal involves the construction of a substantial retaining wall to the west-side and rear of some of the properties in Nelsons Villas. It should be noted however that there is already a high boundary wall on parts of this boundary and it is not considered that the proposed retaining structure will have a significantly increased impact on amenity as compared to the existing situation. To the rear (north) the proposed wall will for the most part cast its shadow away from Nelsons Villas. To the side (west) the retaining wall will shade the nearest residential property but to no greater extent than the substantial former Hinton Garage building which is currently situated immediately adjoining the boundary and which has a substantial overshadowing impact on Nelsons Villas.

A Daylight and Sunlight Assessment has been submitted with the application. The report concludes that all assessed rooms (in neighbouring properties) that could be affected in respect of loss of sunlight are BRE compliant. The report further concludes that the vast majority of assessed rooms (in neighbouring properties) that could be affected in respect of a loss of daylight are BRE compliant. The report acknowledges that a small number of bedrooms in Victoria Court will experience a loss of daylight marginally in excess of the BRE criteria but concludes that natural light levels will nevertheless be consistent with those found in denser urban environments and the main living space will be unaffected; these conclusions are accepted.

It is proposed that a café will occupy the eastern end of the riverside block and a terrace serving that café will be situated between the building and Nelsons Villas; this café will serve both residents and the public. Subject to appropriate conditions managing the impact of the café on nearby residential properties it is considered that this can be a compatible form of development. A condition is recommended (see below) to prevent use of the cafe by non-residents (excluding visitors of residents) in the evening. The café and

its terrace will inevitably generate a degree of external noise but so too did the commercial garage/workshop use previously on the site.

Given the proximity of the café to residential properties, care must be taken to ensure the extraction and ventilation systems do not cause undue noise or odour. The submitted Ventilation and Extraction Statement states that kitchen exhaust will rise through ductwork to roof level. It also states that grease and odour filters will be installed and that the system will be acoustically attenuated. This can be adequately controlled by the local planning authority through the imposition of an appropriate condition(s). The hydrotherapy pool at the opposite end of the block (close to Victoria Court) will also require a ventilation system; the positioning of this is unclear and therefore it will need to be clarified and controlled through condition. It has been stated in the submission that an ozone system of water treatment will be utilised which minimises odour. Subject to suitable conditions the application accords with Policy D6 of the Placemaking Plan (amenity).

### Design and Impact on Heritage Assets

The proposed development, as stated above, takes the form of two distinct blocks; a curved 'terrace' fronting the Upper Bristol Road and an 'L' shaped block fronting the river. These two key elements of the proposal are dealt with in turn.

#### Upper Bristol Road Block

This element of the proposal takes the form of a slightly curved building fronting the main road which has been designed to take the form of a terrace. The building is three full storeys with a fourth storey within a mansard. In this case the proposed building is slightly lower than the neighbouring building situated immediately to the west (which is also three storeys with a fourth within a mansard). The neighbouring buildings to the east are approximately half the height at two-storeys.

It is considered that this element of the proposal is acceptable in design terms, including its scale, height and detailing and that as a result it will form a positive addition to the streetscene.

#### Riverside Block

The riverside block comprises four full storeys with a fifth storey within a mansard style roof. Surrounding buildings are notably lower; Victoria Bridge Court which is situated immediately to west of the site and which also has extensive river frontage is three-storeys. Nelson Villa's, a Victorian terrace in close proximity to the east, is two-storeys. The proposed building steps-down to three storeys at each end adjacent to Victoria Bridge Court and Nelson Villas.

Design amendments during the processing of the previous application resulted in the overall height of the proposed building being lowered so that it was 1.825m lower than that originally submitted. It was considered at that time that whilst the previous amendments were welcomed, they did not go far enough in reducing the actual and perceived height of the proposed riverside block and therefore its impact on its surroundings including on heritage assets continued to be unacceptable.

Further alterations have been made to the proposals for the riverside block which seek to address the Council's previous reason for refusal. These subtle alterations are, at first glance, seemingly insignificant but in fact have a meaningful impact on the appearance of the riverside block and the way in which it is read. There are two key changes; a reduction in the height of the building by a further 60cm (approximately 2ft) and the removal of the substantial river facing dormer windows. These two changes together are subtle in nature but significant in impact.

The large and dominating dormer windows, the front of which were in a similar plain as the main elevation (albeit in a contrasting colour), resulted in that top storey being read as a full storey rather than as an attic storey. As stated those dormers have now been removed and the ridge height slightly lowered, the top storey is now recessed significantly from the front elevation and this storey now reads as an attic storey rather than as a full storey. It is considered that whilst the absolute height of the building has not been reduced substantially, that reduction is beneficial nevertheless and the altered perception of the building (as 4 storeys plus an attic rather than as 5 storeys) significantly improves the relationship of the riverside block with its surroundings, including heritage assets, compared to the scheme previously refused. The detail of the riverside block, including its external facing materials and detailing continues to be acceptable.

Consultation responses in relation to the riverside block are split with some in favour of the proposed scheme and others raising objections; others can also be interpreted as neutral.

Historic England have highlighted that there are a large number of listed buildings in close proximity to the site and that greater weight should be given to the conservation of Norfolk Crescent as it is Grade II\* listed. Historic England are of the view that the reduction in the overall massing as a result of the reduction in height is negligible. Ultimately it is advised by HE that the building be reduced by an additional storey so that this building becomes less conspicuous within the cityscape. These views are shared by Bath Heritage Watchdog which also has additional concerns regarding the Upper Bristol Road building. The Council's in-house design team previously supported the height of the building (the previous application) but now consider the building's height to be unacceptable.

Conversely, the Bath Preservation Trust considers the changes to the roof height (as well as the design work to recess the dormers) to be successful in lessening the visual impact and prominence of the roof scape. They consider the height of the building to be acceptable and are of the view that it preserves the setting of nearby heritage assets and would have no adverse impacts on local character or the World Heritage Site. The presence of much higher buildings locally (BWR) are highlighted. The Council's in-house conservation team are less supportive than the Bath Preservation Trust but nonetheless do not object to the application, their comments are considered to be neutral in nature. The conservation team have opined that the removal of the dormers has rendered the attic more subservient and as such can now be regarded as an attic storey; they have concluded that the acceptability of the scheme is in the balance (whilst expressing a preference for the building to be lower).

Given the various advice given by expert consultees it is necessary to weigh that advice in the balance in order to reach opinion on this matter which is clearly balanced. The revised riverside block will indeed cause a degree of harm by reason of its height but it is considered that that harm is not so great to have an unacceptable impact in design terms

or on the character or appearance of the area. On balance, it is concluded that the harm caused by the riverside block will be slight and greatly reduced as a result of the most recent amendments, this slight harm does not justify refusal on design grounds. It is not disputed that had it been proposed (as suggested by various consultees) to delete an additional storey that would have been beneficial in design/impact terms but that is not what is proposed; the application must be determined in the form proposed.

In respect of impact on heritage assets, the identified harm must be weighed against the public benefits (NPPF Paragraph 134) before reaching a final decision, this is dealt with in the conclusion.

Core Strategy Policy CP6 encourages good quality design which reinforces and contributes to its specific context; it is considered that the development complies with this policy in this respect. Furthermore the application is considered to comply with emerging policies D1-D5 of the Placemaking Plan and well as emerging PMP Policy BD1 which together ultimately seek to secure an acceptable standard of design. CS Policy CP6 also requires that any harm to the historic environment must be weighed against any demonstrable public benefit, as stated this is dealt with below.

#### Design Conclusions Including the impact of the scheme as a whole on Impact on 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.' Furthermore 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.

It is considered that the proposed development will preserve the setting of nearby listed buildings and preserve the wider character and appearance of the conservation areas. For the reasons set out above the amendments to the riverside block have reduced the harmful impact caused by that element of the scheme and as such the riverside block, and development as a whole, will not unacceptably undermine the setting of nearby listed buildings. The altered perception of the building caused by the further reduction in height and omitted dormer windows will ensure that the character and appearance of the conservation area is preserved; the impact on the Norfolk Green and the riverside generally will be an acceptable one.

The application accords with saved Local Plan Policy BH6 which states, "Development within or affecting a conservation area will 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" [the policy then goes on to set out particular factors for analysis]. Core Strategy Policy B4 is clear that there is a strong presumption against development that will result in harm to the OUV of the World Heritage Site, its integrity and authenticity, the scheme now meets those objectives. Emerging HE1 of the Placemaking Plan ultimately seeks to safeguard heritage assets and

for the reasons set out above the proposals are considered to accord with that overarching objective.

As stated Paragraph 134 of the NPPF states that, "where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use". As identified above the riverside block (and therefore the scheme as a whole) will result in a degree of harm - this harm will be at the lower end of less-than-substantial harm in NPPF terms. Paragraph 132 of the NPPF states, "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be".

The proposed development brings with it some public benefit. The development will result in the redevelopment of a vacant edge-of-centre previously developed site enabling it to be brought back into an active use (as envisaged by the SPD); this is unquestionably a benefit. The provision of 68 residential units is a benefit in itself and these will contribute towards meeting the city's housing needs. The enhancement of the riverside and the indirect economic impacts of the development in respect of employment, including during the construction phase, all constitute benefits.

The previous application was refused because the public benefits of the proposal did not outweigh the harm caused by the development. The public benefits of the current scheme are no greater than those applicable to the refused scheme but the level of harm is significantly less; this is of critical importance to the requisite balancing exercise. The public benefits (as set out above) outweigh the harm caused by this development - not because the benefits are greater but because the harm is very much reduced (for the reasons set out above).

The harm caused by the proposed development is considered on balance limited; the subtle changes to the design eliminate the perception of a full 5 storey tall building and mitigate the impact of the building on its surroundings. As stated, the result is that the development will preserve the setting of nearby listed buildings as well as the character and appearance of the conservation area and the Outstanding Universal Values of the World Heritage Site. The public benefits whilst limited in nature, nonetheless outweigh the limited harm caused by the development and as such the development's impact on heritage assets is acceptable and in compliance with Paragraph 134 of the NPPF as well as Policy CP6 of the Core Strategy.

### Planning Obligations and Viability

Core Strategy Policy CP9 requires the provision of 30% affordable housing on residential developments in this part of Bath. The Council's adopted Supplementary Planning Document 'Planning Obligations' (2015) states that this requirement for affordable housing includes extra-care accommodation, sheltered/retirement dwellings and other forms of housing with care and support that has a C3 Use Class (Use Classes Order 1987 (as amended)).

Policy CP9 is also clear however that the viability of the proposed development must be taken into account. Local planning authorities are advised (at Paragraph 026 of the

NPPG) that "where an applicant is able to demonstrate to the satisfaction of the local planning authority that the planning obligation would cause the development to be unviable, the local planning authority should be flexible in seeking planning obligations". It goes on to state that "this is particularly relevant for affordable housing contributions which are often the largest single item sought on housing developments. These contributions should not be sought without regard to individual scheme viability".

A viability appraisal (undertaken by Savills) has been submitted by the developers and this seeks to establish whether an affordable housing contribution is viable. The appraisal highlights that the proposed development includes extensive communal space (around 44% of the gross internal area) and as such there is no revenue income to offset the capital cost of these areas. Furthermore there are additional costs involved in the specialist design and specification of extra-care housing as well as other differentiating factors; development of this nature has significant in-built costs. Ultimately it is concluded that it is not viable for the development to make any contribution towards the provision of affordable housing.

The figures and calculations set out in the submitted Savills appraisal cannot be taken at face value but must be carefully scrutinised by the Council; to this end Carter Jonas has been instructed to review the findings of the appraisal. Carter Jonas has undertaken this review and they have concluded that they are in agreement with the Savills appraisal in all respects. It has been highlighted that Pegasus Life need not have a 20% margin and that this could be reduced to 17.5%; the point is made however that even at this reduced margin the scheme would still not be viable, indeed a margin of 12.5% would be needed for the scheme to be in a break-even position (a margin at this level is too low and unreasonable). It is accepted therefore that an affordable housing contribution cannot be reasonably sought in this case. The application therefore accords with Policy CP9 of the adopted Core Strategy.

## Conclusion and Planning Balance

The redevelopment of the site for residential purposes is adopted Council policy; the principle of the loss of the former Hinton Garage premises and its replacement with an 'assisted living' development is therefore acceptable in principle.

The redevelopment scheme has progressed significantly since the Council first provided pre-application advice in excess of two years ago. A number of incremental improvements and enhancements have been made to the scheme in response to the Council's previous concerns and collectively these incremental changes represent a significant improvement. It is considered that the most recent revisions, whilst minor in nature, significantly reduce the riverside block's sense of height and scale as the upper storey now reads as an attic, rather than as a full storey. The most recent changes tip the balance in favour of the scheme (in design/heritage impact terms) and it is considered that the reduced level of harm is now outweighed by the scheme's benefits. The scheme as a whole is of an acceptable design which will have an acceptable impact upon its surroundings including upon the setting of listed buildings, the character and appearance of the conservation area and the World Heritage Site.

The submitted scheme is considered acceptable in respect of its impact on neighbouring properties. The highway impact of the development will not be severe and indeed no

greater than the site's historic use as a garage/car dealership. Subject to the forthcoming resolution of ecology issues (light spill) and flood risk issues, and subject to the below listed conditions, the development is considered compliant with the Development Plan and as such is recommended for approval.

## **RECOMMENDATION**

Delegate to PERMIT

## **CONDITIONS**

0 1. subject to the withdrawal of the Environment Agency's objection AND subject to the resolution of light-spill issues affecting the River Avon.

2. Authorise the Head of Legal and Democratic Services to enter into a Section 106 Agreement to secure:

- a) that the development constitute an 'assisted living' development for the elderly (including the availability of certain range and quantum of support/health services and a minimum occupancy restriction of 60 years of age;
- b) A targeted recruitment and training contribution

3. Subject to the prior completion of the above agreement, authorise the Group Manager to PERMIT subject to the following conditions (or such conditions as may be appropriate):

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

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

2 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. A pre-commencement condition is necessary because there is the potential for unknown archaeological remains to be disturbed on commencement, appropriate investigation methodologies etc must in place prior to commencement therefore.

3 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. A pre-commencement condition is necessary because there is the potential for unknown archaeological remains to be disturbed on commencement, appropriate investigation methodologies etc must in place prior to commencement therefore.

4 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.

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

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - o human health,
  - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - o adjoining land
  - o groundwaters and surface waters,
  - o ecological systems,
  - o archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with section 11 of the National Planning Policy Framework. This is a condition precedent because the works comprising the development have the potential to uncover harmful contamination. Therefore these details need to be agreed before work commences.



6 No development shall commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment, has been submitted to and approved in writing by the Local Planning Authority, unless the findings of the approved investigation and risk assessment has confirmed that a remediation scheme is not required. The scheme shall include:

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

The remediation scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme shall be carried out prior to the commencement of development, other than that required to carry out remediation, or in accordance with the approved timetable of works.

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with section 11 of the National Planning Policy Framework. This is a condition precedent because the works comprising the development have the potential to uncover harmful contamination. Therefore these details need to be agreed before work commences.

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

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

8 In the event that contamination which was not previously identified is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. Thereafter an investigation and risk assessment shall be undertaken, and where remediation is necessary, a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme, a verification report (that demonstrates the effectiveness of the remediation carried out) must be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development.

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers,

neighbours and other offsite receptors and in accordance with section 11 of the National Planning Policy Framework.

9 Prior to the installation of any drainage infrastructure a detailed drainage strategy with supporting calculations shall be submitted to and approved in writing by the local planning authority. The drainage strategy shall comply with the submitted Flood Risk Assessment and shall clearly demonstrate that the surface water will be restricted to a maximum discharge of 60.4 l/s (direct to the River Avon) up to and including the critical 1in100+30% storm event. The calculations shall demonstrate no flooding up to the same return period. The drainage system shall be installed in accordance with the details so approved.

Reason: In the interests of flood risk management

10 Prior to first occupation of the development hereby approved a finalised Flood Warning and Evacuation Plan shall be submitted to and approved in writing by the local planning authority. The development shall be occupied and operated thereafter in accordance with the plan so approved.

Reason. In the interests of Flood Risk Management. NB. This document should be written in consultation with B&NES Emergency Planning Department.

11 The area allocated for parking 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.

12 No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority and shall include details of deliveries (including storage arrangements and timings), contractor parking, traffic management, working hours, site opening times, wheel wash facilities and site compound arrangements. The development shall thereafter be undertaken in accordance with the approved details.

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

13 No occupation of the development shall commence until an updated Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be operated in accordance with the approved Travel Plan.

Reason: In the interest of encouraging sustainable travel methods in accordance with Policy T.1 of the Bath and North East Somerset Local Plan.

14 Prior to the commencement of development at the site details of a Construction Environmental Management Plan for all works of construction and demolition shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall comply with the guidance the BRE Code of Practice on the control of dust from construction and demolition activities. The details so approved shall be fully complied with during the construction of the development.

Reason: To protect the amenities of the occupants of adjacent residential properties

15 Prior to commencement of development at the site a detailed air quality assessment of the proposed Combined Heat and Power unit should be submitted and approved in writing by the Local Planning Authority.

Reason: To protect the amenities of the occupants of the development and adjacent residential properties

16 No customers, with the exception of the residents of the assisting living apartments hereby approved (and any visitors of those residents), shall remain in the cafe on the premises outside the hours of 8:00 am to 18:30 Monday to Saturday, and on Sundays 10:00 am to 16:00.

Reason: To safeguard the residential amenity of nearby occupiers.

17 No development shall take place (with the exception of demolition) until a Community Engagement statement to include a programme of consultation with local residents has been submitted to and been approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period.

Reason: In the interests of the amenities of surrounding occupiers during the construction of the development.

18 No construction of the external walls of the development shall commence until a sample panel of all external walling 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.

19 Details of all ventilation and extraction equipment, including the position and external appearance of that equipment, shall be submitted to and approved in writing by the local planning authority prior to installation. Said equipment shall be installed in accordance with the details so approved.

Reason: To safeguard residential amenity and in the interests of visual amenity.

## **20 Plans List (Compliance)**

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

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

## **PLANS LIST:**

### **1 Approved Plans/Drawings**

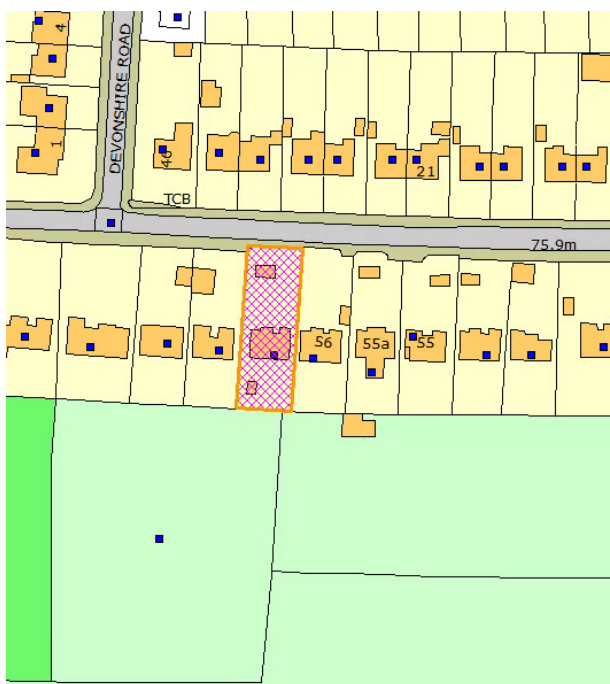
- o Site Location Plan: Drawing No. 1002\_07\_001 Rev P1
- o Existing Site Plan: Drawing No. 1002\_07\_002 Rev P1
- o Existing Lower Ground Floor Plan: Drawing No. 1002\_07\_09 Rev P1
- o Existing Ground Floor Plan: Drawing No. 1002\_07\_10 Rev P1
- o Existing Roof Plan: Drawing No. 1002\_07\_11 Rev P1
- o Existing South Elevation: Drawing No. 1002\_07\_20 Rev P1
- o Existing Context North Elevation: Drawing No. 1002\_07\_21 Rev P1
- o Existing Context East Elevation/Section: Drawing No. 1002\_07\_22 Rev P1
- o Existing Context East Elevation/Section: Drawing No. 1002\_07\_23 Rev P1
  
- o Demolition - Existing Lower Ground Floor Plan: Drawing No. 1002\_07\_50 Rev P1
- o Demolition - Existing Ground Floor Plan: Drawing No. 1002\_07\_51 Rev P1
- o Demolition - Existing Roof Plan: Drawing No. 1002\_07\_52 Rev P1
- o Demolition - Existing North and South Elevation: Drawing No. 1002\_07\_53 Rev P1
- o Demolition - Existing East and West Elevations: Drawing No. 1002\_07\_54 Rev P1
  
- o Proposed Site Plan: Drawing No. 1002\_07\_098 Rev P3
- o Proposed Lower Ground Floor Plan GA: Drawing No. 1002\_07\_099 Rev P4
- o Proposed Ground Floor Plan GA: Drawing No. 1002\_07\_100 Rev P3
- o Proposed First Floor Plan GA: Drawing No. 1002\_07\_101 Rev P3
- o Proposed Second Floor Plan GA: Drawing No. 1002\_07\_102 Rev P3
- o Proposed Third Floor Plan GA: Drawing No. 1002\_07\_103 Rev P3
- o Proposed Roof Plan GA: Drawing No. 1002\_07\_104 Rev P3
  
- o South [river] Elevation GA: Drawing No. 1002\_07\_200 Rev P4
- o North Elevation GA: Drawing No. 1002\_07\_201 Rev P3
- o South [garden] Elevation GA: Drawing No. 1002\_07\_202 Rev P2
- o Gable Elevations GA: Drawing No. 1002\_07\_203 Rev P3
  
- o Section 01/02 - North - South: Drawing No. 1002\_07\_300 Rev P3
- o Section 03 - North - South: Drawing No. 1002\_07\_301 Rev P3
- o Section 04/05 - East - Wes: Drawing No. 1002\_07\_304 Rev P3
- o Site Section 01 - North - South: Drawing No. 1002\_07\_310 Rev P3
- o Site Section 03 - East - West: Drawing No. 1002\_07\_311 Rev P3
  
- o Bay Study - South 1002\_07\_400 Rev P4
- o Bay Study - North 1002\_07\_401 Rev P2
- o Bay Study - West [garden] 1002\_07\_402 Rev P3
- o Bay Study - East [courtyard] 1002\_07\_403 Rev P2
- o Bay Study - South [garden] 1002\_07\_404 Rev P3

2 The drainage layout included in the application did not show the means of restricting the discharge to the agreed rate (60.4 l/s). Details of the outfall will be required for which investigation work will be required to prove the adequacy of the existing structure. Calculations (preferably Micro Drainage .mdx format) are to be submitted proving the performance of the system.

3 Under the Clean Air Act 1993 a chimney height application is required if the boiler meets any of the following conditions:

- (a) to burn pulverised fuel; or
- (b) to burn, at a rate of 45.4 kgs or more an hour, any solid matter; or
- (c) to burn, at a rate equivalent to 366.4 kW or more, any liquid or gaseous matter.

**Item No:** 04  
**Application No:** 16/05520/FUL  
**Site Location:** 57 Warminster Road Bathampton Bath Bath And North East Somerset BA2 6RX



**Ward:** Bathavon North      **Parish:** Bathampton      **LB Grade:** N/A  
**Ward Members:** Councillor M Veal      Councillor Alison Millar      Councillor Geoff Ward

**Application Type:** Full Application

**Proposal:** Addition of first floor and raising of roof to create two storey dwelling, two storey side and rear infill extension, erection of front porch and erection of single garage with terrace above following demolition of existing garage.

|                      |   |
|----------------------|---|
| <b>Constraints:</b>  | Affordable Housing, Agric Land Class 1,2,3a, Forest of Avon, Housing Development Boundary, MOD Safeguarded Areas, SSSI - Impact Risk Zones, |
| <b>Applicant:</b>    | Mr & Mrs Simon Darnton  |
| <b>Expiry Date:</b>  | 10th March 2017   |
| <b>Case Officer:</b> | Emma Hardy  |

## REPORT

Reason for reporting application to Committee:

Objection from Bathampton Parish Council 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:

No. 57 is a detached bungalow located on the south side of Warminster Road in Bathampton. The site forms part of a ribbon development along Warminster Road with residential plots backing onto open countryside to the rear. No. 57 sits within a row of detached bungalows and dormer bungalows of a range of designs sited in a raised position relative to the highway, with two storey houses further along to each side of the application site. The application site has an upwards incline in a southerly direction, rising steeply to the rear of the dwelling. The site is not located within a conservation area or the City of Bath World Heritage Site but does fall within the indicative setting of the World Heritage Site. The site also backs on to Green Belt, the Cotswolds Area of Outstanding Natural Beauty and the Bathampton Down and Woodlands Site of Nature Conservation Interest.

Planning permission is sought to erect a first floor over the existing bungalow to create a two storey house with a two storey rear infill extension to the rear of the existing single storey side extension. The proposed first floor would have a curved roof with an eaves height of between 5m and 5.6m approximately and an overall roof height of approximately 6.65m. The proposal includes alterations to existing window and door openings and the erection of a bridge from the first floor accommodation to the garden at the rear.

The application also proposes to erect a detached garage immediately to the front of the house with terrace above and to construct a graduated access ramp within a landscaped slope to the opposite side. The existing detached garage would be demolished and the existing access drive re-profiled for a shallower gradient.

Amended plans have been received during the course of the application making the following key changes:

- Proposed garaging reduced to one garage; two garages replaced with access path and landscaping;
- Height of safety barrier to rear bridge increased for greater screening;
- Retaining wall adjacent No. 56 replaced with graded landscaped slope;
- Flue replaced with chimney;
- Planting arrangement to front terrace amended.

Relevant planning history:

No relevant recent planning history for the application site.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

### **Bathampton Parish Council**

Although it states that this is an alteration and extension, there is in effect an extra storey and it is so different to the existing arrangement, that it is, in effect, a demolition and rebuild to the present footprint.

The plan arrangement of the house is acceptable. The general idea of improving the access, garaging etc. is also acceptable and is welcomed. But the elevational treatment is wholly out of keeping with the general street scene and is unacceptable. The houses/bungalows in this neighbourhood are very close together and, therefore, should all be of a similar appearance, namely, traditional in order to fit in with the general street appearance.

For the above reasons, therefore, Bathampton Parish Council recommends refusal of the proposed elevational design.

(Officer note: The main part of the proposal consists of the addition of a first floor to create a two storey dwelling. The existing single storey elevations would be retained so this does not amount to demolition and the building of a new dwelling.)

1 objection has been received from the owners/occupiers of No. 56 Warminster Road, the content of which is summarised below:

- Visual impact of enlarged building on immediate neighbours
- Impact on the street scene, out of keeping with surrounding buildings;
- Concerns regarding overlooking at both the front and rear;
- The boundary fence panels and hedges should be retained;
- Potential impact on the property value of No. 56 (Officer note: this is not a planning matter).

The Bath Preservation Trust has also submitted an objection, summarised below:

- Design is out of context with the relatively homogenous character of the street;
- The north elevation would present an uncompromisingly hard face to the street;
- Roof articulation would be out of keeping with the prevailing roofscape of the area;
- Concerns regarding the use of timber cladding;
- The design should be revised to respond better to the local area;
- Proposal is contrary to Section 7 of the NPPF, Core Strategy Policies B1, B4 and CP6 and Local Plan Policies D4 and BH1. (Officer note: Local Plan Policy BH1 is not saved).

Highways: No objection subject to conditions.

Ecology: No objection subject to conditions.

Arboriculture: No objection.

## **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
- SD1: Presumption in favour of sustainable development
- CP2: Sustainable construction
- 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
- NE.1: Landscape character
- NE.4: Trees and woodland conservation
- NE.10: Nationally important species and habitats
- NE.11: Locally important species and habitats
- T.24: General development control and access policy
- T.26: On-site parking and servicing provision

Following the Examination hearings the Inspector has now issued her Interim Statement and has advised the Council of her recommended Main Modifications required to make the plan sound. The Main Modifications and Minor Proposed Changes are now subject to public consultation prior to the Inspector issuing her Final Report. The following policies can now be given substantial weight:

- D.1: General urban design principle
- D.2: Local character and distinctiveness
- D.5: Building design
- D.6: Amenity
- NE.2: Conserving and enhancing the landscape and landscape character
- NE.6: Trees and woodland conservation

The following policies can be given significant weight:

- ST.7: Transport requirements for managing development
- NE.3: Sites, species and habitats

The following Supplementary Planning Document is relevant to this application:



## City of Bath World Heritage Site Setting SPD

### National Policy:

The National Planning Policy Framework adopted March 2012

National Planning Practice Guidance

### **OFFICER ASSESSMENT**

#### Design, character and appearance

Paragraph 60 of the NPPF states that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It goes on to state that it is, however, proper to seek to promote or reinforce local distinctiveness.

The site is not located in a conservation area. The proposed development would be contemporary in design. However, the street scene has a very mixed character comprising two storey and single storey dwellings of a range of designs and a broad palette of materials, with little homogeneity evident on this side of Warminster Road. The proposed development is considered to respond to and make a positive contribution to this mix. The scale of the extended house would not be out of keeping with surrounding dwellings. It is not considered that the proposed external finish materials (render, natural timber, profiled grey roof cladding) would cause harm to the character or appearance of the street scene or the general locality. A condition is recommended requiring samples of external materials to be formally approved prior to the construction of the walls of the development.

Given the scale of the proposed development, the proposed materials and the relationship with countryside behind, it is not considered that the proposal would harm the visual amenity of the adjacent Green Belt or the natural beauty of the neighbouring Area of Outstanding Natural Beauty.

Overall, it is considered the proposed development would respond appropriately to the local context and would have an acceptable appearance on the visual amenity, character and appearance of the general locality. The proposal complies with saved Local Plan Policies D.2, D.4, GB.2 and NE.2, Core Strategy Policy CP6 and the aims of the National Planning Policy Framework.

#### Impact on the setting World Heritage Site

The site falls within the indicative setting of the Bath World Heritage Site (Map 2, City of Bath World Heritage Site Setting SPD). However, given the scale of the proposed development, it is not considered that the proposal would cause demonstrable harm to the wider setting of the World Heritage Site. The proposal therefore complies with Core Strategy Policy B4 and the aims of the National Planning Policy Framework.

#### Impact on neighbouring occupiers

The only properties likely to be affected by the proposed development in terms of visual impact, loss of light, overshadowing or loss of privacy are the occupiers of Nos. 56 and 58 Warminster Road.

The proposed rear infill extension and first floor addition would be sited to the side of both Nos. 56 and 58 Warminster Road so would not result in an unacceptable impact to neighbouring occupiers through visual impact, loss of light or overshadowing.

The proposal includes the creation of a bridge from the first floor to the raised rear garden. An obscured screen measuring between 1.8m high and 1.1m high would be erected on each side of the bridge, with the highest part adjacent to the rear elevation. It is considered that these screens combined with the distance between the bridge and the party boundaries would prevent a harmful level of overlooking to neighbouring gardens.

A raised terrace would be created to the front of the house above the proposed garage adjacent to the party boundary with 56 Warminster Road. This has been designed with a planted area adjacent to No. 56 to prevent a harmful level of overlooking to the front windows of No. 56. A landscaping condition is recommended requiring a detailed plan showing the erection of a barrier between the paved and planted areas to avoid terrace users walking or standing on the planted area in order to protect the occupiers of No. 56 from loss of privacy.

The retained boundary fence would screen views to No. 58's front windows from the proposed access ramp.

Overall, subject to the recommended condition, it is considered that the proposed development would maintain an acceptable standard of amenity for the occupiers of all neighbouring dwellings in accordance with the relevant provisions of Local Plan Policy D.2.

#### Car parking, access and highway safety

No changes to access are proposed. Adequate on-site car parking would be provided to meet the needs of the extended dwelling. A condition is recommended requiring the re-profiled drive to be surfaced in a compacted surfacing material (not loose stone or gravel).

Subject to this condition, it is considered that the proposed development would have an acceptable impact on local highway safety in accordance with saved Local Plan Policies T.24 and T.26 and the aims of the National Planning Policy Framework.

#### Trees and landscaping

No trees of arboricultural significance are implicated by the proposals.

The proposal has been amended to grade the ground level from the boundary with No. 56 to avoid sudden level changes and to retain the existing boundary fence. Mixed hedge and shrub planting would be provided on the slope adjacent No. 56. This would enhance the appearance of the development and the street scene.

A landscaping condition can be attached to secure appropriate species and specimen sizes.

#### Ecology

The site is located adjacent to a Site of Nature Conservation Interest and not far from component sites of the Bath and Bradford on Avon Bats Special Area of Conservation.

The scale of the proposal and measures proposed are not considered sufficiently likely to encounter or impact on bats to justify requiring a protected species survey. Conditions are recommended requiring a precautionary working method and no new external lighting without planning permission.

## **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 - 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.

### **4 Soft Landscaping (Pre-occupation)**

No occupation shall commence until a soft landscape scheme has been submitted to and approved in writing by the Local Planning Authority showing details of all trees, hedgerows and other planting to be retained; a planting specification to include numbers, size, species and positions of all new trees and shrubs and planting; details of existing and proposed walls, fences, other boundary treatment; and a programme of implementation.

Reason: To ensure the provision of an appropriate landscape setting to the development in accordance with Policies D.2 and D.4 of the Bath and North East Somerset Local Plan.

### **5 Highways - Bound/Compacted Vehicle Access (Pre-occupation)**

No occupation of the development shall commence until the vehicular access, parking and turning space has been constructed with a bound and compacted surfacing material (not loose stone or gravel).

Reason: To prevent loose material spilling onto the highway in the interests of highways safety in accordance with Policy T.24 of the Bath and North East Somerset Local Plan.

### **6 Precautionary Ecology Measures (Compliance)**

Works must proceed only in accordance with the following measures for the protection of bats and birds:

- o a careful visual check for signs of active bird nests and bats shall be made of the interior and exterior of the building and its roof, and any crevices and concealed spaces, prior to any works affecting these areas
- o active nests shall be protected undisturbed until the young have fledged
- o works to the roof and any areas with concealed spaces or crevices shall be carried out by hand, lifting tiles (not sliding) to remove them, and checking beneath each one.
- o If bats are encountered works shall cease and the Bat Helpline (Tel 0345 1300 228) or a licenced bat worker shall be contacted for advice before proceeding.

Reason: To avoid harm to protected species (bats and nesting birds) in accordance with Policy NE.10 and NE.11 of the Bath and North East Somerset Local Plan.

### **7 External Lighting (Bespoke Trigger)**

No new external lighting shall be installed without full details of proposed lighting design being first submitted and approved in writing by the Local Planning Authority; details to include lamp specifications, positions, numbers and heights; details of predicted lux levels and light spill, and details of all necessary measures to limit use of lights when not required and to prevent light spill onto nearby vegetation and adjacent land; and to avoid harm to bat activity and other wildlife. The lighting shall be installed in accordance with the approved details.

Reason: To avoid harm to bats and wildlife in accordance with policies NE.10 and NE.11 of the Bath and North East Somerset Local Plan.

### **PLANS LIST:**

This decision relates to the following drawings and information:

Existing Photographs 2350/P, un-numbered Existing Floor Plan, 2350/2 Existing Street View, 2350/3 Existing Elevations, 2350/4 Existing Section, 2350/5 Existing Garden and Parking Area and Design and Access Statement received 11/11/2016, 2350/1 Rev A Location & Block Plan, 2350/6 Rev A, 2350/8 Rev A, 2350/9 Rev A, 2350/10 Rev 10, 2350/13 Bridge Views Photographs to E & W, 2350/14 Terrace View Photographs to NE & NW and 2350/11 Proposed Street View received 23/1/2017 and 2350/7 Rev B received 6/2/17.

### **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.

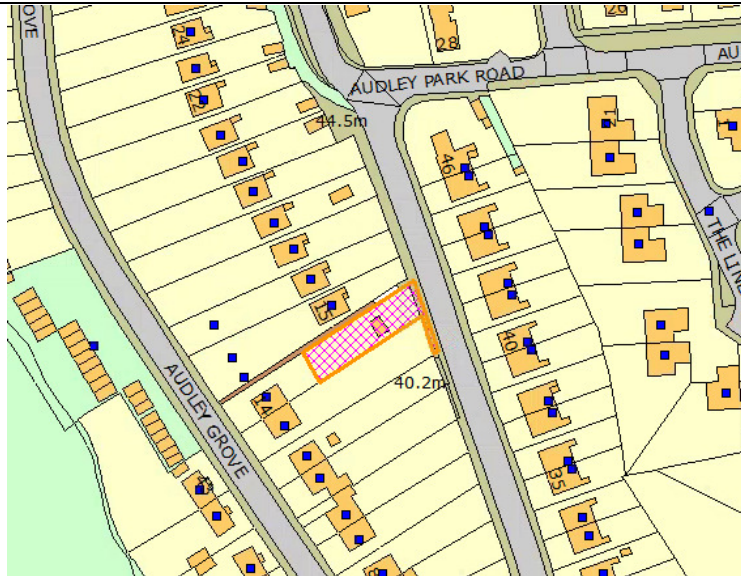
Please note all conditions should be read fully as these headings are intended as a guide only.

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.

|                        |   |
|------------------------|---|
| <b>Item No:</b>        | 05  |
| <b>Application No:</b> | 16/06124/FUL  |
| <b>Site Location:</b>  | 14 Audley Grove Lower Weston Bath Bath And North East Somerset<br>BA1 3BS |



|                          |  |                         |
|--------------------------|--|-------------------------|
| <b>Ward:</b> Kingsmead   | <b>Parish:</b> N/A   | <b>LB Grade:</b> N/A    |
| <b>Ward Members:</b>     | Councillor Chris Pearce  | Councillor Andrew Furse |
| <b>Application Type:</b> | Full Application   |                         |
| <b>Proposal:</b>         | Erection of 1 no. dwelling, car parking and associated landscaping in rear garden of existing dwelling.  |                         |
| <b>Constraints:</b>      | Affordable Housing, Agric Land Class 3b,4,5, Article 4, Article 4, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site, |                         |
| <b>Applicant:</b>        | Mrs A Chippendale  |                         |
| <b>Expiry Date:</b>      | 10th March 2017  |                         |
| <b>Case Officer:</b>     | Emma Hardy   |                         |

## REPORT

Reason for reporting application to Committee:

The application is being referred to the Committee because Councillor Bob Goodman 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 relates to the rear garden of the residential property 14 Audley Grove which backs on to Edward Street in Bath. The site has a substantial upwards incline in the direction of Edward Street to the rear. The locality is primarily residential and is characterised by early to mid-Twentieth Century two storey houses constructed in Bath stone ashlar under tiled roofs. The site is located within the Bath Conservation Area and the City of Bath World Heritage Site.

Planning permission is sought to erect a two storey part-subterranean detached house located in the rear garden of 14 Audley Grove. The proposed dwelling would have a footprint of approximately 9.9m by 7.3m with a single storey front projection adding a further 1.95m in depth. The dwelling would comprise three bedrooms and a bathroom at upper ground floor level and a kitchen, open plan living and dining room, playroom/snug, utility room and WC on the lower ground floor. The building would have a hipped roof with parapet roof edge and rear dormer at first floor. The dwelling is proposed to be finished in buff brick walls, clay tiled roof and zinc cladding to dormer and entrance porch. Two parking spaces would be provided on hardstanding to be accessed from Edward Street via sliding fence screens.

Amended plans have been received during the course of the application to show a neighbouring Sycamore tree retained and to slightly reposition the northern retaining wall to the parking area away from the root protection area of the tree.

Relevant planning history:

No relevant recent planning history for the application site.

15 Audley Grove:

08/01627/FUL - Erection of 2 no houses (Resubmission). Permitted 23/9/2008.

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

Councillor Goodman: I have spoken to several of the residents and indeed looked at the site in question. There are, I believe, good planning reasons for this Application to be referred to the DMC and for it to be rejected.

There is, I believe, a significant impact on the Conservation Area, particularly when viewing the site from the houses higher up.

I am also concerned regarding the parking for the adjoining residents. Not enough parking has been allowed for the development.

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

- Nos. 25, 26, 27, 35, 37, 38, 39, 42, 43, 44 and 45 Edward Street
- No. 15B Audley Grove (also owns Nos. 15, 15A and 16)
- No. 8 Haviland Grove
- No. 8A Southlands
- No. 33 Albany Road, Twerton

2 additional un-addressed objections have also been received.

The content of the objections is summarised below:

- Proposal constitutes overdevelopment;
- The development amounts to 'garden grabbing' which has been outlawed by Government;
- This will set a precedent for similar developments along Edward Street;

- An application for a new dwelling adjacent the substation on Edward Street has historically been refused on the grounds that such development would set a harmful precedent for further development along the street;
- Out of keeping with the surrounding buildings and pattern of development, fails to enhance the character and quality of the area;
- Harm to the Conservation Area and World Heritage Site;
- Object to use of buff brick;
- Dormer windows have previously been refused in this part of the conservation area;
- There are no houses along the west side of Edward Street and the street is historically and architecturally important for this reason. The proposal will alter the street pattern;
- Harmful to natural habitat and landscaping, loss of valuable green space;
- The impact of the development on bats has not been considered;
- Disruption and dangers for neighbours during the construction process;
- Highway safety concerns in regards to: the proposed parking spaces and access; access of heavy goods vehicles during construction and impact on the flow of traffic; enforceability of the recommended highways condition;
- Visibility splays rely on the acquisition of a strip of land from the rear garden of 13 Audley Grove, which hasn't yet happened and there is no guarantee this will take place;
- Concerns regarding increased demand for on street parking associated with the new dwelling and contractors parking on Edward Street;
- Harm to Edward Street neighbours' amenities, including: noise disturbance; harm to views; overlooking and loss of privacy.
- Harm to residential amenities of occupiers of Nos. 15, 15A, 15B, 16 and 14 Audley Grove, including: overlooking from proposed rear bedroom windows and side windows and to neighbouring windows and gardens; overbearing visual impact; loss of direct sunlight and reduced daylight; visual impact of parked cars for occupiers of Nos. 15 and 16;
- The proposal impinges Protocol 1, Article 1 and also Article 8 of the Human Rights Act;
- The proposed house would cast a shadow on the south face of No. 15 year round and this will increase that dwelling's carbon emissions;
- Potential for subsidence and damage to surrounding properties;
- It is unclear from the submission whether the proposed house would have 3 or 4 bedrooms;
- No dimensions stated on the plans, these should be clarified and neighbours notified before planning permission can be granted;
- An application for a new dwelling on Audley Grove was recently refused;
- The Council own a 4ft verge along the side of the road which must be maintained;
- Removal of a sycamore tree outside the application site is unacceptable (Officer note: this is now to be retained).

One general comment has also been received from the other owner/occupier of 15B Audley Grove, summarised below:

- A slightly smaller and lower height house with a green/planted roof would be more appropriate;
- Vehicle access could be moved to Audley Grove instead of Edward Street;
- The current proposal overlooks the rear bedroom windows of No. 15B;
- The concerns of neighbours could be designed out with an amended scheme;
- The position of the rear boundary fence was moved closer to Edward Street by the previous owner and has not been reinstated since application 08/01789/FUL for its retention was withdrawn.



One comment of support has been received from the owners/occupiers of No. 41 Edward Street, summarised below:

- Regret that the original flat green roof design has been replaced but understand the reasoning for this;
- There is sufficient on-site parking provision to avoid increasing demand for on on-street parking;
- Proposal won't set a precedent as the other Audley Grove gardens become gradually shorter and steeper down the hill;
- Suggest additional tree planting adjoining the car park retaining wall to soften views from properties opposite;
- Suggest the construction management plan restricts the hours for heavier works outside peak hours of traffic on Edward Street;
- Supports a condition to agree final external materials but recommends changing buff brick to ashlar.

Conservation: No objection subject to conditions.

Highways: No objection subject to conditions.

Arboriculture: No objection

## **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  
DW1: District wide spatial strategy  
SD1: Presumption in favour of sustainable development  
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:

SC.1: Settlement classification  
D.2: General design and public realm considerations  
D.4: Townscape considerations  
BH.6: Development within or affecting Conservation Areas  
NE.1: Landscape character

NE.4: Trees and woodland conservation  
NE.10: Nationally important species and habitats  
NE.11: Locally important species and habitats  
T.24: General development control and access policy  
T.26: On-site parking and servicing provision

Following the Examination hearings the Inspector has now issued her Interim Statement and has advised the Council of her recommended Main Modifications required to make the plan sound. The Main Modifications and Minor Proposed Changes are now subject to public consultation prior to the Inspector issuing her Final Report. The following policies can now be given substantial weight:

D.1: General urban design principle  
D.2: Local character and distinctiveness  
D.5: Building design  
D.6: Amenity  
D.7: Infill and backland development  
NE.2: Conserving and enhancing the landscape and landscape character  
NE.6: Trees and woodland conservation

The following policy can be given significant weight:

HE.1: Historic environment  
ST.7: Transport requirements for managing development  
NE.3: Sites, species and habitats

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

## **OFFICER ASSESSMENT**

### **Principle of the development**

The site is located within the built up area of Bath. The principle of new dwellings in this location is acceptable subject to compliance with other relevant policies.

### **Design and impact on the Conservation Area**

The site is located within the Bath Conservation Area. The Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the local planning authority shall pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. The character of the area is suburban with predominantly early/mid Twentieth Century residential linear development within relatively large garden plots.

It should be noted that the semi-detached pair of houses Nos. 15A and 15b were granted planning permission recently, which significantly reduced the plot length of No. 15.

Paragraph 60 of the NPPF states that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain

development forms or styles. It goes on to state that it is, however, proper to seek to promote or reinforce local distinctiveness. Whilst the modern design of the proposed house is very different to that of the adjacent Twentieth Century dwellings, the scale and massing of the development is considered in keeping with the surrounding buildings. The dwelling would be of an appropriate scale and would appear unobtrusive from public viewpoints. The proposed dwelling would be sited to continue the staggered building line of the set-back Audley Grove houses and would therefore respect the local pattern of development.

Third party comments regarding 'garden grabbing' are noted; however, this has not been 'outlawed' as suggested. At Paragraph 53 the NPPF sets out that local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. As set out above, the proposed development is not considered to cause harm to the character of the local area.

Forthcoming Placemaking Plan Policy D.7 (now afforded substantial weight) states that backland development could be supported where: a) it is not contrary to the character of the area; b) it is well related and not inappropriate in height, scale, mass and form to the frontage buildings; c) there is no adverse impact to the character and appearance, safety or amenity of the frontage development; and d) it is not harmful to residential amenity as outlined in PMP Policy D.6. The matters of amenity and highway safety are discussed below. The proposed development is considered to relate appropriately to both No. 14 Audley Grove and the surrounding buildings in terms of height, scale, mass and form.

A condition is recommended requiring samples of the proposed external materials to be formally approved. Whilst the use of buff coloured brick is proposed for this modern design it is a material that requires further consideration in the context of this application and its surrounds and a condition requiring samples of materials for consideration has been added to this report.

The proposed rear zinc-clad dormer would be an integral feature of the dwelling's upper ground floor. It is not directly comparable to the addition of a box dormer to the roof slope of a two storey house and is compatible with the contemporary design of the proposed building. Permitting the proposed dwelling would have no bearing on the acceptability of dormer window additions in the vicinity.

Overall, it is considered the proposed development would respond appropriately to the local context and would preserve the character and appearance of the Bath Conservation Area. The proposal complies with saved Local Plan Policies D.2, D.4, BH.6, Core Strategy Policy CP6 and the aims of the National Planning Policy Framework.

#### Impact on the World Heritage Site

Given the scale of the proposed development, its appropriate design and materials and unobtrusive appearance, it is not considered that the proposal would harm the Outstanding Universal Values of the World Heritage Site, its authenticity or integrity. The proposal therefore complies with Core Strategy Policy B4 and the aims of the National Planning Policy Framework.

### Impact on residential amenities

Given the distance between the proposed dwelling and the existing houses on Edward Street, in addition to the difference in ground levels, it is not considered the proposal would cause unacceptable harm to the amenities of the occupiers of those dwellings through loss of light, overshadowing, overbearing visual impact, loss of outlook or loss of privacy.

Whilst the outlook, or visual enjoyment, that a property may have can be adversely affected by the close proximity and depth of a neighbouring extension or building, the right to or protection of a view is not a material planning consideration.

There would be a separation distance of approximately 20m between the rear elevation of the proposed dwelling and the upper floor rear windows at the existing dwelling at 14 Audley Grove. This is a greater distance than between the facing elevations of No. 15 and Nos. 15A and 15B Audley Grove which was recently permitted. Taking this into account, in addition to the difference in ground levels, it is not considered the proposed development would cause a harmful level of overlooking and loss of privacy for the occupiers of 14 Audley Grove.

Similarly, the distance between the proposed dwelling and the rear windows at 13 Audley Grove is considered adequate to avoid a harmful level of overlooking for the occupiers of that dwelling.

It is not considered that the proposed development would result in a significant increase in overlooking to the rear garden and windows of Nos. 15A and 15B Audley Grove compared to the existing relationship between Nos. 15 and the recent semi-detached pair of 15A and 15B. Furthermore, the rear bedroom windows would afford only angled views to the rear elevations of No. 13 and Nos. 15A and 15B.

The rear bedroom windows at the proposed dwelling would afford only angled views to the neighbouring garden at 15 Audley Grove, which is a common relationship in urban and suburban locations.

Given the modest height of the proposed house and the particular relationship with the surrounding properties, particularly the distance from those fronting Audley Grove, it is not considered that the development would cause a harmful impact for the occupiers of neighbouring Audley Grove properties through visual impact, loss of light or overshadowing.

One upper ground floor window is proposed to each side elevation. Whilst the proposals state that these would be fitted with louvres to prevent overlooking, a condition is recommending requiring these to be obscurely glazed and non-opening below 1.7m above internal floor level in order to protect the privacy of neighbouring occupiers.

Overall, it is considered that the proposed development would maintain an acceptable standard of amenity for the occupiers of all neighbouring dwellings in accordance with the relevant provisions of Local Plan Policy D.2.

In regards to the residential amenity provided by the proposed dwelling, all habitable rooms would benefit from an acceptable level of daylight and outlook. Useable private amenity space would be provided to the rear of the proposed dwelling. The proposed dwelling and garden would not experience an unacceptable level of overlooking from any neighbouring property. Overall, the proposed dwelling would provide an acceptable standard of amenity for future occupiers.

#### Car parking, access and highway safety

The proposed development would be accessed from Edward Street. The proposed access arrangements are considered acceptable. It is also noted that there are two existing dropped kerbs on this side of Edward Street in the vicinity of the application site and access to a parking/garage forecourt further up the road opposite Audley Park Road.

Two car parking spaces would be provided, which meets the policy requirement for the proposed three bedroom house as set out in saved Local Plan Policy T.26. Parking provision would remain unchanged for the existing property. Emerging parking standards in the Placemaking Plan are a consideration but are not afforded full weight. ST7 requires 2 spaces for a 3 bed dwelling in the outer zone.

Conditions are recommended requiring: approval of a Construction Management Plan; the parking area to be kept clear of obstruction and used for parking for the proposed dwelling only; and the proposed access to be constructed with a bound and compacted surfacing material. Subject to these conditions, it is considered that the proposed development would not be prejudicial to local highway safety and the free flow of traffic, in accordance with saved Local Plan Policies T.24 and T.26 and the aims of the National Planning Policy Framework.

#### Trees and landscaping

No trees of arboricultural significance would be removed to accommodate the proposed development. There is no objection to the loss of the Purple Plum as indicated.

There is a Sycamore located on the adjoining land to the north of the application site. This tree is not a suitable candidate for a Tree Preservation Order in view of the location in which it is growing and the presence of overhead wires radiating from a nearby telegraph pole. There is no objection in regards to potential impact on this tree.

Soft landscaping is proposed as part of the development including a screen of pleached Red Robin trees along the boundary with the existing dwelling at 14 Audley Grove. The proposed landscaping is considered acceptable. Given the existing landscape value of No. 14's rear garden, it is not considered that the proposals would have an unacceptable impact on the landscape character of the area.

#### Ecology

The proposal affects an area of existing residential garden and would involve removal of structures such as a garden shed and a greenhouse. Whilst the site is likely to be used by a range of common wildlife that typically occurs in gardens, and this is likely to include bat activity, the site does not appear to support any features or habitat that would provide

potentially suitable roosting opportunities. Bat surveys are therefore not considered justified in this case, and the proposal can proceed using the precautionary approach.

The proposal would not harm bat activity. Furthermore, it is not considered that the addition of a single dwelling in a residential area would deter bat activity in the locality. The habitat value of vegetation at the site is not capable of being of sufficient value to be reliant for bat activity. Sensitive lighting would, however, be appropriate as excessive lighting can deter bats and other wildlife; this can be secured by condition.

### Other matters

The submitted plans and drawings are accurately scaled. There is no requirement for dimensions to be stated on the plans.

Potential structural impact on neighbouring property is a private property matter and not a material planning consideration.

A degree of disruption is to be expected from any construction project; however, this is not sufficient justification to refuse an otherwise acceptable application for planning permission.

In regards to precedent, every case must be assessed on its own planning merits. In this case, no material planning harm has been identified as a result of the proposed development, which is considered to comply with both local and national planning policy.

## **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 - Parking (Compliance)**

The areas allocated for parking 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.

#### **4 Highways - Bound/Compacted Surface (Pre-occupation)**

No occupation of the development shall commence until the vehicular access and parking area shown on drawing No. P 001 P02 have been constructed with a bound and compacted surfacing material (not loose stone or gravel).

Reason: To prevent loose material spilling onto the highway in the interests of highways safety in accordance with Policy T.24 of the Bath and North East Somerset Local Plan.

#### **5 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.

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

Notwithstanding the information shown on the application forms and submitted drawings 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.

#### **7 External Lighting (Bespoke Trigger)**

No new external lighting shall be installed without full details of proposed lighting design being first submitted and approved in writing by the Local Planning Authority; details to include lamp specifications, positions, numbers and heights; details of predicted lux levels and light spill, and details of all necessary measures to limit use of lights when not required and to prevent light spill onto nearby vegetation and adjacent land; and to avoid harm to bat activity and other wildlife. The lighting shall be installed in accordance with the approved details.

Reason: To avoid harm to bats and wildlife in accordance with policies NE.10 and NE.11 of the Bath and North East Somerset Local Plan.

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

The proposed upper ground floor side windows 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 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.

### **PLANS LIST:**

This decision is based on the following drawings and information:

352 - S 001 Location Plan, 352 - S 002 Existing Site Plan, 352 - S 301 Existing Section AA, 352 - P 101 Lower Ground Floor Plan, 352 - P 102 Upper Ground Floor Plan, 352 - P 201 Boundary Elevation from 13 Audley Grove, 352 - P 202 South Facing Boundary Elevation, 352 - P 203 Boundary Elevation from 15 Audley Grove, 352 - P 204 North Facing Boundary Elevation, 352 - P 211 South Facing Elevation, 352 - P 212 North Facing Elevation, 352 - P 213 West Facing Elevation, 352 - P 214 East Facing Elevations, 352 - P 301 Section AA, Design and Access Statement, Parking and Technical Note, Structural Assessment, Construction and Environmental Management Plan received 16/12/2016, and 352 - P 001-P02 and 352 - P 103-P02 Roof Plan received 31/1/2017.

### **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.

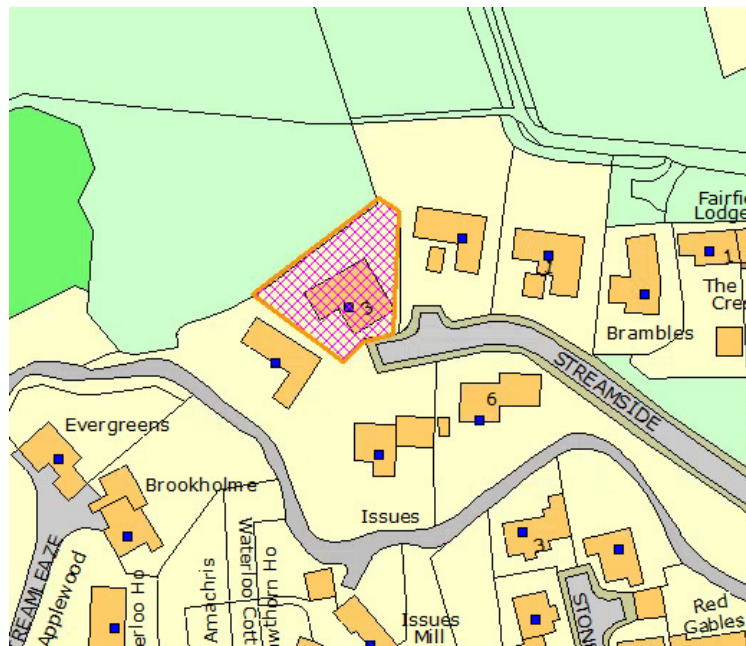
### Community Infrastructure Levy

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.

**Item No:** 06  
**Application No:** 16/05888/FUL  
**Site Location:** 3 Streamside Chew Magna Bristol Bath And North East Somerset BS40 8QZ



**Ward:** Chew Valley North      **Parish:** Chew Magna      **LB Grade:** N/A  
**Ward Members:** Councillor Liz Richardson  
**Application Type:** Full Application  
**Proposal:** Erection of front and side extension to create house access from road level, rear single storey extension and associated works  
**Constraints:** Affordable Housing, Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Conservation Area, Forest of Avon, Greenbelt, SSSI - Impact Risk Zones,  
**Applicant:** Mr Geoff Jones

|                      |                   |
|----------------------|-------------------|
| <b>Expiry Date:</b>  | 27th January 2017 |
| <b>Case Officer:</b> | Samantha Mason    |

## **REPORT**

Reasons for Committee:

Chew Magna Parish Council support the application whilst the Case Officer is minded to refuse. Further, Cllr Richardson has contacted the Case Officer and requested that should the application be recommended for refusal that the application is referred to the DM committee.

The Chair of the committee decided that the application will be considered at committee, giving the following reasons:

'I note PC support and Ward Cllr's DMC request, and having studied the report I know the Officer has assessed the application against Planning Policy. However I recommend the application be heard by DMC allowing for the PC view, in light of their Neighbourhood Plan, and material consideration to be fully discussed as I think the report makes impact on the openness of the Greenbelt debatable.'

Description:

3 Streamside is a detached dwelling located on the edge of Chew Magna. The site is within the Conservation Area and the Bath and Bristol Greenbelt.

The application is seeking planning permission for the erection of a front and side extension to create access to the dwelling from road level, and a rear single storey extension and associated works.

Relevant Planning History:

DC - 01/01815/FUL - PERMIT - 20 September 2001 - Single storey extension to form residential annexe.

DC - 16/05793/CLEU - LAWFUL - 17 January 2017 - Change of use of agricultural land as residential garden (Certificate of lawfulness for an existing use)

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Summary of Consultation/Representations:

Consultation Responses:

Chew Magna Parish Council: Chew Magna parish Council supports this application that proposes the addition of extensions to the existing dwelling that are intended to improve accommodation to the rear of the property and to provide improved pedestrian access to street.

Although the additions are fairly extensive, we do not consider that the scheme will adversely affect either the street view or the amenity presently enjoyed by the immediate neighbours.

Cllr Richardson: I write to give my support to the above application.

The owners of this property have considered various ways in which they can improve the accessibility of their property in such a way as to enable them to stay in the village. This application seeks to improve the accessibility of the property. Can I please request that if you are minded to refuse this application it be referred to the DM committee.

No.3 Streamside is predominantly a single storey property, built into the hillside above its garage. The design ensures it has been well equipped to escape any flooding to living accommodation despite its proximity to the Winford Brook, however the current access from street level to the main building is designed in such a way that it cannot be easily modified to an access that can be adapted to assist with disabilities.

The main purpose for Mr and Mrs Jones wishing to undertake work on their property is to modify accessibility from the street level into the property in a way that enables it to become easier for their ongoing use and is suitable for further disability adaptation should it be required.

The property is in a spacious location and the rear of the property is not overlooked by neighbouring properties. No objections have been received in relation to impact on residential amenity.

The proposed modifications improve accessibility and are not harmful to the character of the neighbourhood, the appearance is in keeping with the existing building and that of the neighbouring properties.

Chew Magna Parish Council supports this application, and like them while accepting the additions are fairly extensive, I do not consider that the scheme will have any adversely affect and I feel the plot is sufficient in size to accommodate the proposed changes.

Representations Received:

None received.

## **POLICIES/LEGISLATION**

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

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

CP6: Environmental Quality  
DW1: District Wide Spatial Strategy  
CP8: Green Belt

Local Plan:

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

BH.6: Development within or affecting Conservation Areas  
D.2: General design and public realm considerations  
D.4: Townscape considerations  
GB.2: Visual Amenities of the Green Belt  
HG.15: Dwelling Extensions in the Green Belt

Placemaking Plan:

Following the Examination hearings the Inspector has now issued her Interim Statement and has advised the Council of her recommended Main Modifications required to make the plan sound. The Main Modifications and Minor Proposed Changes are now subject to public consultation prior to the Inspector issuing her Final Report. The following policies can now be given substantial weight:

D1: General Urban Design Principles  
D2: Local Character and Distinctiveness  
D.3: Urban Fabric  
D.5: Building Design  
D.6: Amenity  
GB1: Visual Amenities of the Green Belt

The following policies are given significant weight:

GB3: Extensions and alterations to buildings in the Green Belt.

The Chew Valley Neighbourhood Plan:  
HDE2: Settlement Build Character  
HDE8: Parking for Domestic Dwellings  
HDE9: Sustainable Drainage to Minimise Flooding  
HDE13: Green Corridors and Biodiversity  
HD15: Dark Skies Policy

Existing Dwellings in the Green Belt SPD 2008.

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 Practice Guidance (NPPG).

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**

3 Streamside is a detached dwelling located on the edge of Chew Magna. The property is set into the rising ground; the living area and bedroom are found on the upper level with a garage set below at the lower level. The property appears two storey from the front elevation and single storey from the rear. The property is a mix of stone and render. The site is within the Conservation Area and the Bath and Bristol Greenbelt.

In relation to the Green Belt the main issues to consider with this application are:

- Whether the proposal would constitute inappropriate development in the Green Belt
- The effect of the proposal on the openness of the Green Belt
- If the proposal is inappropriate development, whether there are any very special circumstances that outweigh the harm.

Green Belt:

The primary issue to consider is whether the proposal represents inappropriate development in the Green Belt.

Saved Policy GB.2 and HG.15, Core Strategy Policy CP.8 and emerging Placemaking Plan Policy GB.3 follow the general principles given in section 9 of the NPPF in terms of inappropriate development within the Green Belt. The Council's SPD on extensions to existing residential dwellings in the Green Belt states that: 'While each application will be considered on its own merit, and not all extensions may be acceptable, in many circumstances a well designed extension resulting in a volume increase of about a third of the original dwelling would be more likely to be acceptable.'

Volume calculations have been provided by the agent. The original volume of the dwelling is calculated at 595.31cu.m. A previous extension has been constructed above the garage, this has a volume of 111.94cu.m (this is a volume increase of 18.8%). The proposed additions result in a further volume increase of 187.76cu.m, this plus the previous extension is a total volume increase of 299.7cu.m which is equal to 50.3%. A fifty percent increase is clearer materially greater than a third and is therefore considered to constitute inappropriate development in the Green Belt. Although the SPD also refers to the factor of the character of the dwelling and its surroundings, the key factor concerning harm due to inappropriateness for the purposes of the NPPF is proportionality and size rather than visual impact.

Openness

The Government attaches great importance to maintaining the essential characteristics of the Green Belt, including its openness. The existing dwelling is detached with extensive garden land. There is a reasonable separation gap between each of the neighbours to the east, south and west, the plot has fields to the rear (north). It is considered that this contributes to the openness of the Green Belt. Despite the relatively small scale of the proposal in relation to the Green Belt, the increased bulk of the extensions combined would result in a reduction of the openness of the Green Belt.

Overall the proposal is considered to impact on the openness of the Green Belt contrary to the Saved Local Plan and emerging Placemaking Plan policies.

#### Very Special Circumstances:

Inappropriate development is only acceptable in the Green Belt if Very Special Circumstances exist which clearly outweigh the harm to the Green Belt and any other harm identified. No such very special circumstances have been put forward by the applicant and there are only limited private benefits of the proposal in terms of providing additional living accommodation. It is therefore considered that the very special circumstance do not exist to outweigh the harm and to justify the development.

#### Character and Appearance:

The proposal is not considered to impact on the character and appearance of the locality as it will be in keeping with the design and materials of the host dwelling and surrounding properties. Nor is the development considered to harm the character and appearance of the Conservation Area, particularly as the larger extension is to the rear of the property and not overly visible from the wider Conservation Area. The development is found to be in line with policy HDE2: Settlement Build Character of the Chew Valley Neighbourhood Plan regarding local design.

Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act it is the Council's duty to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. It is considered that full consideration has been given to these duties in reaching the decision to refuse the proposed works.

#### Residential Amenity:

Given the design, scale, massing and siting of the proposed development the proposal would not cause significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, noise, smell, traffic or other disturbance. The proposal accords with saved policy D.2 of the Bath and North East Somerset Local Plan (2007) and paragraph 17 and part 7 of the NPPF.

#### Highways and Parking:

Whilst the garage is proposed to be extended minimally out from the principle elevation there are no proposed changes to the access. Taking these factors into account, it is considered that the proposal would have an acceptable impact on the safe operation of the local highway network.

The proposal does not see the creation of additional bedrooms, although there are internal alterations it will remain a four bedroom property, therefore the proposal is not considered to conflict with Policy HDE8b: Parking -Domestic Dwellings of the Chew Valley Neighbourhood Plan.

#### Drainage and Flooding:

Chew Valley Neighbourhood Plan Policy HDE9a states that the neighbourhood plan will support development that has fully sustainable drainage systems for surface water disposal incorporated into the design. Had the recommendation been to grant planning permission for the proposed development a condition would have been recommended requiring submission and approval of drainage details.

#### Ecology:

The site falls within the Green Infrastructure Corridors designated in the Chew Valley Neighbourhood Plan as such consideration must be given to Policy HDE13: Green corridors and biodiversity, which states that the Neighbourhood Plan will support planning applications that protect the green corridors identified and biodiversity within them. As the application does not include the removal of any vegetation it is considered to comply with Policy HDE13. It is also considered that the addition of a domestic extension is of a scale that should not create adverse light spill that would impact on bats or other species in line with Policy HDE15 of the Chew Valley Neighbourhood Plan.

#### Conclusion:

In conclusion the proposal constitutes inappropriate development within the Green Belt. The proposal is therefore contrary to policies GB.2 and HG.15 of the Bath and North East Somerset Local Plan, Core Strategy Policy CP.8 and emerging Placemaking Plan Policy GB.3 and guidance in the National Planning Policy Framework. Therefore the application is recommended for refusal.

### **RECOMMENDATION**

REFUSE

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

1 The proposal constitutes inappropriate development within the Green Belt. The proposal is therefore contrary to saved policies GB.2 and HG.15 of the Bath and North East Somerset Local Plan, including minerals and waste policies, adopted October 2007, Core Strategy Policy CP.8, emerging Placemaking Plan Policies GB.1 and GB.3, and guidance in the National Planning Policy Framework.

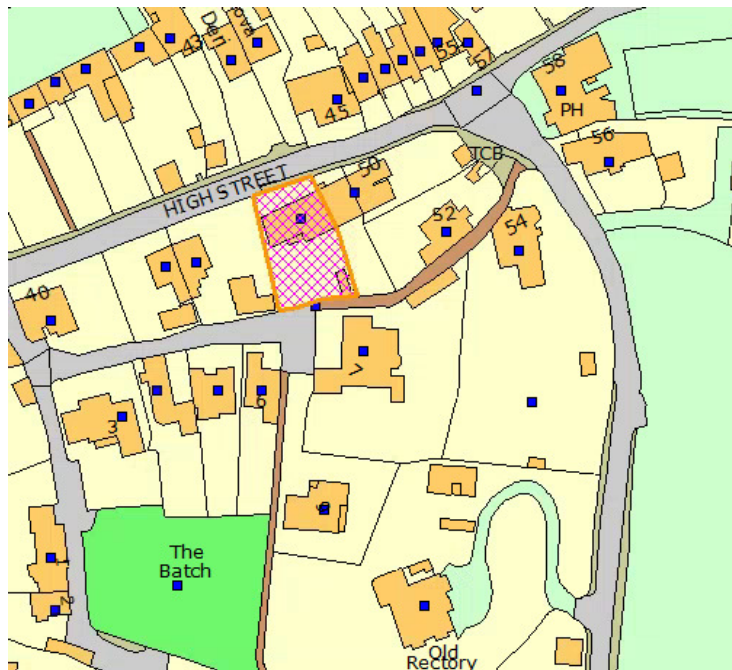
### **PLANS LIST:**

This decision relates to the following plans:

02 Dec 2016 Location Plan  
02 Dec 2016 Sca 1607 002 Rev0 Proposed Site Plan  
02 Dec 2016 Sca 1607 005 Rev0 Proposed Floor Plan

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

**Item No:** 07  
**Application No:** 16/06118/FUL  
**Site Location:** 46 High Street Saltford Bristol Bath And North East Somerset BS31 3EJ



**Ward:** Saltford      **Parish:** Saltford      **LB Grade:** N/A  
**Ward Members:** Councillor F Haeberling      Councillor Emma Dixon  
**Application Type:** Full Application  
**Proposal:** Addition of pitched roof and rear dormer to existing single storey side extension. Minor alterations to existing windows. Reinstatement of front boundary wall. Provision of deck to front. Improvements to off-street car parking.



|                      |   |
|----------------------|---|
| <b>Constraints:</b>  | Affordable Housing, Airport Safeguarding Zones, Agric Land Class 1,2,3a, British Waterways Major and EIA, Conservation Area, Forest of Avon, Housing Development Boundary, LLFA - Flood Risk Management, MOD Safeguarded Areas, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones, |
| <b>Applicant:</b>    | Mr Vaughan Thompson   |
| <b>Expiry Date:</b>  | 6th March 2017  |
| <b>Case Officer:</b> | Sasha Berezina  |

## REPORT

### REASON FOR REPORTING TO THE COMMITTEE

The applicant is a Bath and North East Somerset Council consultant within the Planning Services Section.

### DESCRIPTION OF SITE AND APPLICATION:

The proposal relates to a semi-detached cottage set in the Saltford Conservation Area and within the village's Housing Development Boundary. The property forms part of the originally thatched short terrace of cottages that are believed to date back to 1600s; the buildings however are not listed. The application site (No46) is the westernmost end of the terrace and there is a large flat roof extension to the side of it.

The cottages are set parallel to High Street behind short front gardens and the typical low stone boundary walls. Further to the west of the application site there is a pair of semi-detached early C20 villas (nos42 and 44). At the rear, the land rises steeply south where the garden of No46 follows the topography of the hill and terminates at the top with a small area of hardstanding accessed from The Batch.

The applicant seeks to carry out some external alterations to the existing single storey side extension. The works include provision of pitched roof that would be set some 400mm down from the main pitch, and a rear flat roof projection (4.7m by 2.7m) that would be connected to the rear garden via a small footbridge. Changes are also proposed to the front elevation where a window will be enlarged to form full height opening with timber-framed half glazed and half panelled doors. A clerestory window would be set above and behind the retained parapet and below roof eaves. The High Street boundary wall in front of the extension will be reinstated with a cock-and-hen blue lias rubble wall to match with the rest of the terrace. The proposal also includes extension and levelling of the parking space at the top of the rear garden and provision of timber decking to the front of the side extension.

### RELEVANT PLANNING HISTORY

N/A

### SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Highways - no objections, subject to conditions

Saltford Parish Council - support on the basis that the design, structure and materials used are sympathetic and in keeping with the nature of the Conservation Area.

Wales and West Utilities - informative regarding adjoining apparatus.

Third party Comments - 1 letter of objections received from the adjacent neighbour:

46 is a small 3 bedroom cottage dating back to the 1600's, one of the earlier properties in the conservation area. Extending this to full ridge height across the full width of plot to the boundary within the conservation area will over-develop the plot and change the character of the High St.

The Boundary hedge lies wholly within the plot registered to no.44. Proposals are much closer to the boundary than drawn on plan with the new gable falling within 1m. The position and height of the side opening window, whilst obscured will spill light into the neighbouring garden on what is currently an open vista toward the hills of Landsdown and Kelston.

The scale of the Dormer window, opening full width and height onto the rear garden and elevated above the existing building is of a scale and comprise materials that are not sympathetic to the existing cottage and are not typical of this type of historic property within Saltford. The application only states painted timber as cladding the dormer, which, again is alien to this type of property and not in keeping with the character of the existing.

Trees and hedges within 1m of the proposals will be impacted by the proposals.

Overshadowing - proposals place a large gable wall and dormer on the boundary of the property that will directly impact neighbours light.

In summary, whilst the principle of extension is acceptable, the side window on the new western gable, the scale of dormer and choice of materials are grounds for objection to this application.

## **POLICIES/LEGISLATION**

Development Plan for Bath and North East Somerset comprises:

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

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

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

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

## **LOCAL PLAN**

- BH.6: Conservation Area
- D.2: General Design and public realm considerations
- D.4: Townscape considerations

The Placemaking Plan is at an advanced stage (albeit still at Examination) and policies not subject to representations at Draft Plan stage (or only subject of supporting representations) are considered to be capable of being given substantial weight. Policies still subject to outstanding/unresolved representations can only be given limited weight at this stage until the Inspector's Final Report is received.

Policies within the Draft Placemaking Plan (December 2015) with substantial weight in the determination of planning applications:

D.1 - D.7 & D.10: General Urban design principles: Local Character & Distinctiveness; Urban Fabric; Streets and Spaces; Building Design; Amenity; Lighting; Public Realm

Placemaking Plan Policies with significant weight:

HE1: Safeguarding heritage assets

National guidance in the National Planning Policy Framework (NPPF) and National Planning Policy Guidance are also material considerations.

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

## **OFFICER ASSESSMENT**

### **CHARACTER AND APPEARANCE OF CONSERVATION AREA**

The exterior of the original part of No 46 is primarily experienced in westward views along High Street. The views approaching from the east are somewhat obscured by the high hedge and the fence, coupled with the higher garden levels of the adjacent No 44 High Street. The main building is well preserved and is redolent of the local vernacular tradition. Predominant features of the street scene are gables, pitched roofs and stone walls. These however are undermined by the flat roof side extension to the cottage and the picket fence in front of it. The extension itself is constructed of rubble stone that blends in well with the rest of the cottage, but due to its uncharacteristic roof form and poor fenestration detailing, it appears at odds with the general character of the locality. The rear of the cottages is set into the hill and due to the steep topography of the site is not readily experienced in views within the conservation area.

The scheme seeks to provide a more traditional pitched roof to the side extension, which is a welcome addition in terms of visual amenity and character of the conservation area. The scarring on the stonework of the gable end indicates that the property at some point featured a similar pitched roof. The historic maps indicate that some built form in this location existed since at least early C20 and it is possible that its remnants now form part of the current extension. As such, this addition would be indicative of the history of the site and would reintroduce a traditional form that would sit more comfortably within the street scene.

This change would be further improved by the proposed re-instatement of the cock-and-hen stone boundary wall, which would enclose and demarcate the front garden and continue the established boundaries along the pavement. The new wall would also limit the visibility of new doors and decking. A condition will be imposed to ensure appropriate quality of the new stone walling.

Despite its traditional roof form, the extension would feature some modern architectural elements, such as clerestory windows and full height French doors to the front, as well as a large flat roof dormer style extension at the rear. The overall design however minimises the prominence of these elements and provides a modern interpretation of traditional vernacular form in the location.

The dormer extension would not be readily visible from any public vantage points due to the dramatic topography of the site. The cottage is effectively cut into the hill slope and the eaves of the new roof, together with the timber clad extension would be on level with the garden. The extension would not be visible from High Street or from The Batch as it will be largely screened by the hedging, fences and variations in land levels. It is proposed to be clad in timber and stained grey. The use of timber is considered acceptable as this is a traditional material with recessive visual qualities that reflects the rural character of the property.

There are no protected or significant trees in proximity to the proposed development.

The neighbour raised the issue of the boundary red line on the proposed drawings, which originally included the hedge on the boundary. Whilst the ownership of the hedge is not a material planning consideration in this case, the applicant has clarified this issue and the drawings were amended to exclude the hedge from the red line demarcating the extent of the application site.

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. In this case by virtue of the design, scale, massing, position and the external materials of the proposed development it is considered that the overall development would enhance the character and appearance of this part of the Conservation Area and its setting.

## RESIDENTIAL AMENITY

The proposal will bring the gable end of the building closer to the boundary with the side garden of No44, and the objection comments from this neighbour are noted. The distance between the neighbours' house and the new extension however would be approx. 13m, which is considered sufficient to prevent the proposed roof extension from appearing overbearing or resulting in loss of light to the neighbouring dwelling. Both buildings are arranged in a line and No46 is set to the east and on lower ground in relation to the neighbouring garden, as such it is not considered that the amenity of this neighbour would be significantly affected by the roof extension. The loss of vista and obstruction of view towards Kelston and Lansdown from the side windows is not a material planning consideration in this case, and it is noted that No44 also has elevated front and rear windows that appear to serve the rooms at this level.

There would be a side window on the west elevation of the proposed roof extension, which would face towards the side garden of No46. This window however would replicate the position of an existing opening albeit it would be set closer to the boundary. Furthermore this window is indicated as obscure glazed and with restricted opening. It is therefore considered that there would be no loss of privacy. Condition will be imposed to require retention of this window obscurely glazed and not fully opening.

It is therefore concluded that given the existing characteristics of the site, the design, scale, massing and siting of the proposed development the proposal would not cause significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy or other disturbance.

## HIGHWAYS

There will be no increase in the number of bedrooms, thus the off-street parking demand will remain as existing. The application also includes minor works to improve the existing rear off-street car parking.

With regards to Highway related matters, there is an existing vehicular access to the rear of the site off The Batch, which is too steep for practical use according to the supporting Design and Access Statement. The application includes improvements to the single off-street space by creating a levelled space, perpendicular to the highway (The Batch). This will retain the existing front in - back out arrangement onto the cul-de-sac. It is noted that Highways officer requested conditions regarding retention of the space for parking, however given that the proposal relates to the existing parking space, it is not considered that this condition would be necessary to make the proposal acceptable. A condition will be imposed to ensure that the improved vehicular access is bounded to avoid dragging of loose surface materials onto the road.

Overall, this element of the proposal will be of benefit to the safety and operation of the adjacent highway as well as improving safety for users of the public right of way (BA27/67) which runs along the sites southern boundary. Furthermore, the proposal will not result in an increase in demand for off-street parking in accordance with policy T.26 of the BANES Local Plan.

## CONCLUSION

Given the above considerations and planning balance of issues, it is concluded that planning permission could be granted, subject to aforementioned conditions.

## 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 Gable Extension - Matching Stonework (Compliance)**

The external stone walling of the new gable shall match that of the main gable of the existing building in respect of type, size, colour, coursing, jointing, profile and texture.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policies BH.6, 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 Boundary Wall - Matching materials (Compliance)**

The reinstatement of the boundary wall shall be carried out to match the existing adjoining boundary wall in materials and coursing.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policies BH.6, 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 Restricted-opening Window(s) (Compliance)**

The proposed First Floor window on the west side elevation shall be obscurely glazed and have restricted opening as indicated on the drawing No 1603/PD.111 received 08/02/2017. Thereafter the window specification 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.

### **5 Bound/Compacted Vehicle Access (Compliance)**

The leveled vehicular access hereby approved shall be constructed with a bound and compacted surfacing material (not loose stone or gravel).

Reason: To prevent loose material spilling onto the highway in the interests of highways safety in accordance with Policy T.24 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:**

OS Extract 20 Dec 2016 1603/LP.001 LOCATION PLAN  
Drawing 20 Dec 2016 1603/BP.005 BLOCK PLAN

|         |             |             |                               |
|---------|-------------|-------------|-------------------------------|
| Drawing | 20 Dec 2016 | 1603/BP.105 | BLOCK PLAN - PROPOSED         |
| Drawing | 20 Dec 2016 | 1603/SE.003 | SURVEY ELEVATIONS AND SECTION |
| Drawing | 20 Dec 2016 | 1603/SP.002 | SURVEY PLANS                  |

|                 |             |               |                               |
|-----------------|-------------|---------------|-------------------------------|
| Revised Drawing | 15 Feb 2017 | 1603 / DE.103 | PROPOSED ELEVATIONS & SECTION |
|-----------------|-------------|---------------|-------------------------------|

|                 |             |               |                |
|-----------------|-------------|---------------|----------------|
| Revised Drawing | 15 Feb 2017 | 1603 / DP.102 | PROPOSED PLANS |
|-----------------|-------------|---------------|----------------|

|                 |             |             |                    |
|-----------------|-------------|-------------|--------------------|
| Revised Drawing | 08 Feb 2017 | 1603/PD.107 | CLERESTORY DETAILS |
|-----------------|-------------|-------------|--------------------|

|                 |             |             |                |
|-----------------|-------------|-------------|----------------|
| Revised Drawing | 08 Feb 2017 | 1603/PD.108 | DORMER DETAILS |
|-----------------|-------------|-------------|----------------|

|                 |             |             |                |
|-----------------|-------------|-------------|----------------|
| Revised Drawing | 08 Feb 2017 | 1603/PD.109 | DORMER DETAILS |
|-----------------|-------------|-------------|----------------|

|                 |             |             |                    |
|-----------------|-------------|-------------|--------------------|
| Revised Drawing | 08 Feb 2017 | 1603/PD.110 | FRONT GARDEN DOORS |
|-----------------|-------------|-------------|--------------------|

|                 |             |             |                                    |
|-----------------|-------------|-------------|------------------------------------|
| Revised Drawing | 08 Feb 2017 | 1603/PD.111 | LOW LEVEL WINDOW TO SIDE ELEVATION |
|-----------------|-------------|-------------|------------------------------------|

|         |             |             |                         |
|---------|-------------|-------------|-------------------------|
| Drawing | 09 Jan 2017 | 1603/PP.006 | PARKING AREA - EXISTING |
|---------|-------------|-------------|-------------------------|

|         |             |             |                         |
|---------|-------------|-------------|-------------------------|
| Drawing | 09 Jan 2017 | 1603/PP.106 | PARKING AREA - PROPOSED |
|---------|-------------|-------------|-------------------------|

### Condition Categories

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

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

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

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

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

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

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

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





| <b>Bath &amp; North East Somerset Council</b> |   |   |
|---|---|---|
| <b>MEETING:</b>                               | <b>Development Control Committee</b>  | <div>AGENDA<br/>ITEM<br/>NUMBER</div> <div></div> |
| <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:** 16/04246/CLPU  
**Location:** 14 Woodland Grove Claverton Down Bath BA2 7AT  
**Proposal:** Erection of a single storey rear extension (Certificate of lawfulness for a Proposed Development)  
**Decision:** REFUSE  
**Decision Date:** 2 November 2016  
**Decision Level:** Delegated  
**Appeal Lodged:** 26 January 2017

---

**App. Ref:** 16/05078/TPO  
**Location:** Widcombe Manor Church Street Widcombe Bath  
**Proposal:** T4, Western Red Cedar- reduce height by 7-8m.  
**Decision:** REFUSE  
**Decision Date:** 7 December 2016  
**Decision Level:** Non-Planning applications  
**Appeal Lodged:** 30 January 2017

---

**App. Ref:** 16/05390/FUL  
**Location:** Elm Park Court Chewton Road Chewton Keynsham Keynsham  
Bristol  
**Proposal:** Erection of two storey front entrance porch  
**Decision:** REFUSE  
**Decision Date:** 21 December 2016  
**Decision Level:** Chair Referral - Delegated  
**Appeal Lodged:** 3 February 2017

---

**App. Ref:** 16/04424/FUL  
**Location:** Parcel 5472 Cobblers Way Westfield Radstock  
**Proposal:** Erection of 3no three bedroom dwellings  
**Decision:** N/A  
**Decision Date:** N/A  
**Decision Level:** Delegated  
**Appeal Lodged:** 7 February 2017

---

**App. Ref:** 16/03821/FUL  
**Location:** 34 North Road Bathwick Bath BA2 6JE  
**Proposal:** Erection of single storey garage and removal of an existing garage.  
**Decision:** REFUSE  
**Decision Date:** 21 October 2016  
**Decision Level:** Delegated  
**Appeal Lodged:** 16 February 2017

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## APPEALS DECIDED

**App. Ref:** 15/00412/NONCOM  
**Location:** 23 Royal Crescent City Centre Bath BA1 2LT  
**Breach:** Without listed building consent, the unauthorised replacement of an existing flat roof with lead proof slated pitched roof to summer house/orangery with alterations to parapet.  
**Notice Date:** 3 May 2016  
**Appeal Lodged:** 14 July 2016

**Appeal Decision:** Allowed 20.01.2017

Click [here](#) to view the Appeal Decision.

---

**App. Ref:** 15/00412/NONCOM  
**Location:** 23 Royal Crescent City Centre Bath BA1 2LT  
**Breach:** Without planning permission, the unauthorised replacement of an existing flat roof with lead proof slated pitched roof to summer house/orangery with alterations to parapet.  
**Notice Date:** 3 May 2016  
**Appeal Lodged:** 14 July 2016

**Appeal Decision:** Allowed 20.01.2017

Click [here](#) to view the Appeal Decision.

---

**App. Ref:** 15/05518/FUL  
**Location:** 23 Royal Crescent City Centre Bath BA1 2LT  
**Proposal:** Replace existing flat roof with lead proof slated pitched roof to summer house with alterations to parapet (Revised partially retrospective proposal)  
**Decision:** REFUSE  
**Decision Date:** 10 March 2016  
**Decision Level:** Planning Committee  
**Appeal Lodged:** 14 July 2016

**Appeal Decision:** Allowed 20.01.2017

Click [here](#) to view the Appeal Decision.

---

**App. Ref:** 15/05519/LBA  
**Location:** 23 Royal Crescent City Centre Bath BA1 2LT  
**Proposal:** Replace existing flat roof with lead proof slated pitched roof to summer house with alterations to parapet (Revised partially retrospective proposal)  
**Decision:** REFUSE  
**Decision Date:** 10 March 2016  
**Decision Level:** Planning Committee  
**Appeal Lodged:** 14 July 2016

**Appeal Decision:** **Allowed 20.01.2017**

Click [here](#) to view the Appeal Decision.

---

**App. Ref:** 15/00412/NONCOM  
**Location:** 23 Royal Crescent City Centre Bath BA1 2LT  
**Breach:** Without listed building consent unauthorised conversion of vaults  
**Notice Date:** 23 June 2016  
**Appeal Lodged:** 14 July 2016

**Appeal Decision:** **Allowed 23.01.2017**

Decision available on request from [planning\\_appeals@bathnes.gov.uk](mailto:planning_appeals@bathnes.gov.uk)

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**App. Ref:** 15/04980/OUT  
**Location:** Parcel 4325 South Road Timsbury Bath  
**Proposal:** Erection of up to 45 dwellings, construction of new vehicular access and provision of associated highway and drainage infrastructure, open space and landscaping.(Outline application with access to be determined all other matters reserved).  
**Decision:** REFUSE  
**Decision Date:** 9 May 2016  
**Decision Level:** Delegated  
**Appeal Lodged:** 7 October 2016

**Appeal Decision:** **Dismissed 26.01.2017**

Click [here](#) to view the Appeal Decision.

---

**App. Ref:** 14/05793/FUL  
**Location:** Prop Car Park North West Of Campus University Of Bath Campus Claverton Down Bath  
**Proposal:** Construction of new surface level car park with associated access road and landscaping works. (Resubmission)  
**Decision:** REFUSE  
**Decision Date:** 29 May 2015  
**Decision Level:** Delegated  
**Appeal Lodged:** 11 March 2016

**Appeal Decision:** Dismissed 27.01.2017

Click [here](#) to view the Appeal Decision.

---

**App. Ref:** 15/05808/FUL  
**Location:** Land Between Spion Kop And Avon Lea Mead Lane Saltford  
**Proposal:** Erection of 1 no. dwelling with associated works  
**Decision:** REFUSE  
**Decision Date:** 7 April 2016  
**Decision Level:** Planning Committee  
**Appeal Lodged:** 17 October 2016

**Appeal Decision:** Dismissed 30.01.2017

Click [here](#) to view the Appeal Decision.

---

**App. Ref:** 15/00412/NONCOM  
**Location:** Parcel 1212, Leigh Lane, St. Catherine, Bath.  
**Breach:** Without planning permission, erection of timber hit and miss panel as screening.  
**Notice Date:** 01 June 2016  
**Appeal Lodged:** 14 July 2016

**Appeal Decision:** Dismissed 03.02.2017

Decision available on request from [planning\\_appeals@bathnes.gov.uk](mailto:planning_appeals@bathnes.gov.uk)

---

**App. Ref:** 16/00511/FUL  
**Location:** Detached Garden Belle Vue Welton Midsomer Norton  
**Proposal:** Erection of 1no detached dwelling house.  
**Decision:** REFUSE  
**Decision Date:** 31 March 2016  
**Decision Level:** Delegated  
**Appeal Lodged:** 19 October 2016

**Appeal Decision:** Dismissed 03.02.2017

Click [here](#) to view the Appeal Decision.

---

**App. Ref:** 16/03742/FUL  
**Location:** 12 Corfe Crescent Keynsham Bristol BS31 1AQ  
**Proposal:** Erection of a two storey dwelling in the garden of 12 Corfe crescent  
**Decision:** REFUSE  
**Decision Date:** 19 September 2016  
**Decision Level:** Delegated  
**Appeal Lodged:** 29 November 2016

**Appeal Decision:** Dismissed 06.02.2017

Click [here](#) to view the Appeal Decision.

---

**App. Ref:** 13/04822/EFUL  
**Location:** Broad Mead Broadmead Lane Keynsham  
**Proposal:** Development of land off Broadmead Lane, Keynsham, for a marina which comprises: 326 berths and designed to accommodate a variety of craft sizes; a marina facilities building with 24-hour access to toilets, showers and laundry, together with day time access to a reception and chandlery; car parking for a maximum of 144 cars will be designed as a series of satellite car parks screened by suitable vegetation; and a tearoom and office included within the facilities building.  
**Decision:** REFUSE  
**Decision Date:** 14 January 2016  
**Decision Level:** Planning Committee  
**Appeal Lodged:** 4 May 2016

**Appeal Decision:** Dismissed 07.02.2017

Click [here](#) to view the Appeal Decision.

---

**App. Ref:** 16/02246/FUL  
**Location:** Site Of Demolished Canal Cottages Tow Path Kennet And Avon Canal Bathwick Bath  
**Proposal:** Erection of 1 no, detached dwelling with associated works.  
(Resubmission of 14/05823/FUL)  
**Decision:** REFUSE  
**Decision Date:** 21 July 2016  
**Decision Level:** Chair Referral - Delegated  
**Appeal Lodged:** 23 November 2016

**Appeal Decision:** Dismissed 09.02.2017

Click [here](#) to view the Appeal Decision.

---

**App. Ref:** 16/02530/FUL  
**Location:** 23 Lymore Avenue Twerton Bath BA2 1BA  
**Proposal:** Demolition of existing single storey rear extension and erection of side and rear, single storey extension  
**Decision:** REFUSE  
**Decision Date:** 22 September 2016  
**Decision Level:** Planning Committee  
**Appeal Lodged:** 5 January 2017

**Appeal Decision:** Allowed 09.02.2017

Click [here](#) to view the Appeal Decision.

---

**App. Ref:** 16/03168/FUL  
**Location:** 1 Magdalen Avenue Lyncombe Bath BA2 4QB  
**Proposal:** Erection of first floor rear extension and rendering of the existing ground floor rear extension (Revised Proposal) (Amended Description)  
**Decision:** REFUSE  
**Decision Date:** 22 September 2016  
**Decision Level:** Planning Committee  
**Appeal Lodged:** 30 December 2016

**Appeal Decision:** **Dismissed 09.02.2017**

Click [here](#) to view the Appeal Decision.

---

**App. Ref:** 16/02909/FUL  
**Location:** 40 South Avenue Oldfield Park Bath BA2 3PZ  
**Proposal:** Erection of loft conversion with rear dormer  
**Decision:** REFUSE  
**Decision Date:** 12 August 2016  
**Decision Level:** Delegated  
**Appeal Lodged:** 20 December 2016

**Appeal Decision:** **Allowed 10.02.2017**

Click [here](#) to view the Appeal Decision.

---

**App. Ref:** 16/04285/FUL  
**Location:** 27 London Road West Lower Swainswick Bath BA1 7HZ  
**Proposal:** Erection of single storey side and two storey rear extension (Resubmission)  
**Decision:** REFUSE  
**Decision Date:** 19 October 2016  
**Decision Level:** Delegated  
**Appeal Lodged:** 20 December 2016

**Appeal Decision:** **Allowed 10.02.2017**

Click [here](#) to view the Appeal Decision.

---



**App. Ref:** 16/05182/FUL  
**Location:** 14 Lays Drive Keynsham Bristol BS31 2LA  
**Proposal:** Raise the ridge line of the property by approximately 200mm to accommodate loft conversion with flat roof dormer to rear.  
**Decision:** REFUSE  
**Decision Date:** 20 December 2016  
**Decision Level:** Delegated  
**Appeal Lodged:** 16 January 2017

**Appeal Decision:** Dismissed 10.02.2017

Click [here](#) to view the Appeal Decision.

---

**App. Ref:** 16/02471/FUL  
**Location:** 6 Mill Cottages The Shallows Saltford Bristol  
**Proposal:** Internal and external alterations to extend kitchen by 2m  
**Decision:** REFUSE  
**Decision Date:** 31 October 2016  
**Decision Level:** Delegated  
**Appeal Lodged:** 4 January 2017

**Appeal Decision:** Dismissed 13.02.2017

Click [here](#) to view the Appeal Decision.

---

**App. Ref:** 16/01813/FUL  
**Location:** Mandalay Cottage Timsbury Road Farmborough Bath  
**Proposal:** Conversion of outbuilding to single residential unit  
**Decision:** REFUSE  
**Decision Date:** 29 June 2016  
**Decision Level:** Delegated  
**Appeal Lodged:** 23 November 2016

**Appeal Decision:** Dismissed 17.02.2017

Click [here](#) to view the Appeal Decision.

---

**App. Ref:** 16/04820/FUL  
**Location:** Southlands Gibbet Lane Norton Malreward Bristol  
**Proposal:** Change of use from pool room to annex  
**Decision:** REFUSE  
**Decision Date:** 2 December 2016  
**Decision Level:** Delegated  
**Appeal Lodged:** 30 December 2016

**Appeal Decision:** Dismissed 17.02.2017

Click [here](#) to view the Appeal Decision.

---

**App. Ref:** 16/00752/OUT  
**Location:** Milford Head Stitchings Shord Lane Bishop Sutton Bristol  
**Proposal:** Erection of 2 no. single storey dwelling houses (Use Class C3) with associated garages and parking areas following demolition of the existing buildings. (Outline application with access and layout to be determined and all other matters reserved)  
**Decision:** Non-determination  
**Decision Date:** 10 October 2016  
**Decision Level:** Delegated  
**Appeal Lodged:** 10 October 2016

**Appeal Decision:** Dismissed 20.02.2017

Click [here](#) to view the Appeal Decision.

---

**App. Ref:** 16/02333/FUL  
**Location:** Greenbanks Breach Hill Lane Chew Stoke Bristol  
**Proposal:** Replacement of single storey porch and WC with two storey extension and replacement of garage and terrace with a double garage and bedroom  
**Decision:** REFUSE  
**Decision Date:** 8 September 2016  
**Decision Level:** Delegated  
**Appeal Lodged:** 6 January 2017

**Appeal Decision:** Dismissed 20.02.2017

Click [here](#) to view the Appeal Decision.

---

**App. Ref:** 16/03651/FUL  
**Location:** 29 Forester Road Bathwick Bath BA2 6QE  
**Proposal:** Erection of new single storey rear extension with associated hard and soft landscaping works and new pitched roof to existing garage in lieu of existing flat roof following part demolition of rear of garage and terrace.  
**Decision:** REFUSE  
**Decision Date:** 14 September 2016  
**Decision Level:** Delegated  
**Appeal Lodged:** 6 January 2017

**Appeal Decision:** Dismissed 20.02.2017

Click [here](#) to view the Appeal Decision.

---

**App. Ref:** 16/02684/FUL  
**Location:** Breach Farm Lower Bristol Road Clutton Bristol  
**Proposal:** Removal of two domestic used buildings in garden, retention of extension and replacement of the garage  
**Decision:** REFUSE  
**Decision Date:** 18 November 2016  
**Decision Level:** Delegated  
**Appeal Lodged:** 12 January 2017

**Appeal Decision:** Dismissed 21.02.2017

Click [here](#) to view the Appeal Decision.

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## **FORTHCOMING HEARINGS**

**App. Ref:** 15/03931/FUL  
**Location:** Middle Field, Charlton Road, Queen Charlton, Bristol.  
**Proposal:** Re-profiling land for the purposes of agricultural improvement  
(Resubmission of 14/01037/FUL)  
**Decision:** REFUSE  
**Decision Date:** 22 March 2016  
**Decision Level:** Delegated  
**Appeal Lodged:** 11 January 2017

**Hearing to be held on 22 March 2017 - venue tbc.**