

**Democratic Services**

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Date: 24 April 2017

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

**Councillors:-** Sally Davis (Chair), 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, 3rd May, 2017**

You are invited to attend a meeting of the **Development Management Committee**, to be held on **Wednesday, 3rd May, 2017** at **2.00 pm** in the **Brunswick Room - Guildhall, Bath**

The Chair's Briefing Meeting will be held at 10.00am on Tuesday 2<sup>nd</sup> May 2017 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, 3rd May, 2017**

**at 2.00 pm in the Brunswick Room - 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 - 76)

To confirm the minutes of the meeting held on 5 April 2017.

9. SITE VISIT LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (PAGES 77 - 98)

10. MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (PAGES 99 - 196)

11. ANNUAL PERFORMANCE REPORT 2017 (PAGES 197 - 204)

To note the Annual Performance Report for 2016/17.

12. QUARTERLY PERFORMANCE REPORT JANUARY - MARCH 2017 (PAGES 205 - 218)

To note the quarterly performance report.

13. NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES (PAGES 219 - 224)

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, 5th April, 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

#### **124 EMERGENCY EVACUATION PROCEDURE**

The Democratic Services Officer read out the emergency evacuation procedure.

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

A Vice Chairman was not required on this occasion.

#### **126 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

There were no apologies for absence or substitutions.

#### **127 DECLARATIONS OF INTEREST**

There were no declarations of interest.

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

There was no urgent business.

#### **129 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.

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

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

#### **131 MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 8 March 2017 were confirmed and signed as a correct record subject to the following amendment:

Minute No. 121 – Item No. 2 – Application No. 16/04499/FUL – paragraph 4, line 2, after the words “She stated that the conservation policy” add the words “statement for Midsomer Norton”.

132 **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) on item no 1 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. 16/06124/FUL**

**Site Location: 14 Audley Grove, Lower Weston, Bath, BA1 3BS – Erection of 1 dwelling, car parking and associated landscaping in rear garden of existing dwelling**

The Case Officer reported on the application and her recommendation to permit. She informed the Committee that some further objections had been received but that no new material planning issues had been raised.

The registered speakers spoke for and against the application.

Councillor Chris Pearce, local ward member, spoke against the application.

In response to a question the Case Officer explained that the Ecologist had not felt that an ecology report was required for this application.

Councillor Jackson noted that there had already been infill development in the area and felt that this was a good design. She then moved that planning permission be granted subject to conditions. This was seconded by Councillor Appleyard.

Councillor Kew supported the proposal and pointed out that the location was already a built up area.

Councillor Roberts felt that the house and design were acceptable but that the development would change the nature of the street. This could set a precedent and could lead to more houses being built in the area. Officers explained that each application had to be considered on its own merits.

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

Councillor Roberts then moved that the application be refused due to the detrimental

effect on the amenities of the neighbouring properties (overlooking and loss of light), increased activity representing a nuisance, overdevelopment of the site and inadequate vehicular access. This was seconded by Councillor Organ.

The Group Manager, Development Management, explained that it would be difficult to defend a precedent or density reason for refusal if the applicant went to appeal and that there was no objection from the highway authority to the development on grounds of highway safety.

The motion was then put to the vote and there were 3 votes in favour, 6 votes against and 1 abstention. The motion was therefore LOST.

The Senior Lawyer explained that it was open to Members to put forward further motions until a positive decision was reached on a motion as the 2 motions at this point had failed.

Councillor Appleyard then moved that, having reflected on the advice provided by officers, the Committee delegate to permit the application subject to conditions and the rear fence-line being moved back. This was seconded by Councillor Kew.

The motion was then put to the vote and it was RESOLVED by 6 votes in favour, 3 against and 1 abstention to DELEGATE TO PERMIT the application subject to the conditions set out in the report and the rear fence-line being moved.

## **Item No. 2**

### **Application No. 16/05888/FUL**

**Site Location: 3 Streamside, Chew Magna, BS40 8QZ – Erection of front and side extension to create house access from road level, rear single storey extension and associated works**

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

The registered speaker spoke in favour of the application.

Councillor Liz Richardson spoke in favour of the application.

In response to a question the Case Officer explained that the external steps had not been included in the volume calculation but that the internal stairs had been taken into account.

The Group Manager explained that the test was whether the development was disproportionate. Officers had no objection to the design or positioning but had concluded that the volume increase exceeded the guidelines for a greenbelt location. The development would not be in accordance with the B&NES Development Plan or national policy.

Councillor Organ moved that planning permission be refused for the reasons set out in the report. This was seconded by Councillor Kew who agreed that the proposal was against greenbelt policy. However, he felt that it would be appropriate now to review the Council's Supplementary Planning Documents and greenbelt policy.

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

133 **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.
- 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 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: 16/04818/EREREG03**

**Site Location: Bath Quays South Development Site, Riverside Business Park, Westmoreland, Bath – 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 – 5,017sqm 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, - 4,539sqm GIA, non-B1 uses not more than 10% of the total floor area).
- (2) Outline Application (Access, Layout and Scale to be approved) for the erection of building(s) to accommodate up to 5,027sqm of residential accommodation (up to 60 units, Use Class C3) and up to 193sqm GIA of retail space (Use Class A1, A2 or A3).

**Associated development comprising demolition of existing buildings, provision of new public realm, landscaping and infrastructure works.**

**Item No. 2**

**Application No: 16/04819/REG13**

**Site Location: Bath Quays South Development Site, Riverside Business Park, Westmoreland, Bath – Internal and external alterations to Newark Works (including West Machine Shop and Smithy) and demolition of Foundry and Boiler House**

The Case Officer reported on the applications and his recommendation to delegate to permit subject to amendments to the conditions. He explained that the applications had been amended by the applicants as a result of some of the objections received. The update report outlined the issues regarding the withdrawal

of BMT (prospective occupiers of the new office building) from the scheme.

The registered speakers spoke in favour and against the application.

Councillor Becker spoke as local member. He stated that while he had no objection to the development of the site he was not happy with the design. He felt that it contradicted the Placemaking Plan Policies and that the traditional nature of Bath should be celebrated. He felt that this development was not in the public interest and asked the Committee to reject this design and bring back an enhanced proposal.

In response to a query regarding the withdrawal of BMT the Case Officer stated that any potential harm to the development had been considered and the principle of the scheme remained acceptable.

Councillor Jackson asked why there was no affordable housing on this site. The Case Officer explained that the application had been supported by a financial appraisal which advised that affordable housing would not be viable for the development. A review mechanism would be proposed and the question of affordable housing would be considered for future developments on the site.

The Group Manager explained that the proposal was largely office space driven as the Council had a strategy to deliver more office space. The more lucrative use would have been residential development and this had affected viability for affordable housing. This had been confirmed by an independent appraisal.

Councillor Becker asked why the recommendations of the Council's Conservation Officer and Urban Design Officer were not being taken into account. The Case Officer explained that while Planning Officers had to consider these views, on balance it was felt that the proposals were acceptable. Any potential harm was outweighed by the public benefit of the scheme. Councillor Becker noted that a different design could still have the same benefits.

The Group Manager explained that the Committee has to consider the proposal put before it. The Reserved Matters would be brought back to the Committee for consideration and this would include the outstanding detailed design matters.

Councillor Crossley stated that the city required a balance of development as a World Heritage Site still required some modern architecture. Jobs were needed in Bath and employment property was being lost. Bath had a growing technology and creative sector and the development would fill up quickly. This would not affect the World Heritage status of the city. On balance, Councillor Crossley considered that the benefits of the proposal outweighed the harm.

Councillor Crossley then moved that the Committee delegate to permit the planning application and grant listed building consent. This was seconded by Councillor Kew who felt that this was a good contemporary design which would bring benefits to the city.

Councillor Jackson stated that good office space was required in Bath and this site was convenient and accessible. However, she felt that the architecture and design was disappointing.

The motion was then put to the vote and it was RESOLVED by 9 votes in favour and 1 against:

- (1) To DELEGATE TO PERMIT planning permission subject to conditions and a scheme viability review mechanism; and
- (2) To DELEGATE TO GRANT listed building consent subject to conditions.

**Item No. 3**

**Application No. 16/05772/FUL**

**Site Location: 40 Bloomfield Park, Bloomfield, Bath, BA2 2BX – Erection of 8 apartments with associated parking and landscaping following demolition of existing detached house and garage (Resubmission)**

The Case Officer reported on the application and his recommendation to permit. He informed the Committee that two further letters of objection had been received and that suggested Condition 3 had been amended to include sample panels of roofing materials.

The registered speakers spoke in favour and against the application.

Councillor Mark Shelford, local ward member, spoke against the application.

Councillor Kew stated that he liked the design of the building and noted that the plot was large. However, he noted the large numbers of objections received from local residents regarding the impact of the development. For this reason he moved that consideration of the application be deferred pending a site visit. This was seconded by Councillor Crossley.

The motion was then put to the vote and it was RESOLVED unanimously to DEFER consideration of the application pending a site visit.

**Item No. 4**

**Application No. 16/04249/FUL**

**Site Location: Pinkers Farm, Middle Street, East Harptree – Demolition of agricultural buildings and erection of 8 dwellings**

The Case Officer reported on the application and his recommendation to delegate to permit. He explained that one two-bedroomed dwelling had been offered as an affordable housing unit and that this could be secured by a S106 Agreement.

The registered speakers spoke for and against the application.

Councillor Tim Warren, local ward member, spoke against the application.

Councillor Jackson queried whether this was a sustainable development as she was not aware of a bus service to East Harptree. The Group Manager explained that there were 28 off-street parking spaces provided for the development. East Harptree had a level of facilities which meant that it was considered as sustainable in the Core Strategy.

Councillor Kew felt that this proposal complied with the relevant policies and was a

reasonable proposal. He moved that the Committee delegate to permit the application subject to conditions. This was seconded by Councillor Roberts.

The motion was then put to the vote and it was RESOLVED by 7 votes in favour and 3 against to DELEGATE TO PERMIT the application subject to conditions and a S106 Agreement to secure an affordable housing unit.

*(The Committee adjourned for a short break from 4.40pm to 5pm)*

**Item No. 5**

**Application No. 17/00067/FUL**

**Site Location: Courtney House, 14 Van Diemen's Lane, Lansdown, Bath BA1 5TW – Erection of detached dwelling with associated underground parking, drainage and hard and soft landscaping following demolition of existing dwelling**

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

The registered speaker spoke in favour of the application.

Councillor Appleyard noted that the main recommended reason for refusal was the depth of the building. He felt that this was a subjective matter and noted that as there were already a variety of house designs in the road that it was in keeping with the area. He moved that planning permission be granted subject to conditions. This was seconded by Councillor Kew.

Councillor Jackson noted that the proposal was contrary to policy D2, the NPPF and the Placemaking Plan and therefore felt that permission should be refused.

Councillor Kew did not feel that the development was excessive and did not believe that it would cause significant harm. He did not feel that it would be unacceptable to the visual impact and, on balance, felt that the proposal was reasonable.

The Group Manager explained that the deep plan form was the reason the application was being recommended for refusal. The footprint was considered too large for the site. The development would also affect the amenity of the neighbouring properties, in particular no. 13, as the wall would be very near to this property.

The motion was then put to the vote and it was RESOLVED by 7 votes in favour and 3 against to DELEGATE TO PERMIT the application subject to conditions.

**Item No. 6**

**Application No. 16/05632/FUL**

**Site Location: Cleveland Bath, Cleveland Row, Hampton Row, Bathwick, Bath – Restoration of historic open-air public swimming pool and associated facilities**

**Item No. 7**

**Application No. 16/05633/LBA**

**Site Location: Cleveland Bath, Cleveland Row, Hampton Row, Bathwick, Bath**

## **– Internal and external alterations for restoration of historic open–air public swimming pool and associated facilities**

The Case Officer reported on the application and his recommendation to grant planning permission and listed building consent. He explained that the pool had been unused for two decades and was the earliest surviving example of its kind in the country.

The registered speakers spoke for and against the application.

Councillor Fiona Darey spoke against the application stressing that further consultation was required with neighbours.

In response to a question the Case Officer explained that there was no car parking provision in the application. Sustainable travel such as walking and cycling would be promoted by the travel plan.

Councillor Jackson queried how realistic the figure of 36,000 users per annum was. She also asked whether there was sufficient access for emergency vehicles to the site. The Case Officer explained that there would be access from the street for emergency vehicles.

Councillor Kew stated that he would like to see the pool brought back into use but had some concerns about the access pointing out that not all people would walk to the pool.

Councillor Appleyard stated that on balance he supported the officer recommendation and noted that there was no issue from the Council's highway consultation response on the applications. He also noted that there appeared to have been a lack of consultation with the local residents. He hoped that the Cleveland Pools Trust and the local residents would now have a dialogue to resolve any issues of concern. He had faith in the Trust to drive the project forward and felt that the project would avoid the risk of losing a national asset. Councillor Appleyard then moved that planning permission and listed building consent be granted subject to conditions. This was seconded by Councillor Roberts.

Councillor Veale stated that he was not happy with the proposal or the lack of consultation with residents and felt that the applicants should be asked to reconsider.

The Group Manager clarified a number of planning points including the statutory consultation requirements.

The motion was put to the vote and it was RESOLVED:

- (1) by 6 votes in favour, 2 votes against and 2 abstentions to PERMIT the planning application subject to the conditions set out in the report; and
- (2) by 6 votes in favour and 4 abstentions to GRANT listed building consent subject to the conditions set out in the report.



**Item No. 8****Application No. 16/06062/FUL**

**Site Location: Closed Public Toilets, Claverton Street, Widcombe, Bath –  
Erection of 2 storey office building following demolition of existing former WC  
block**

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

The registered speakers spoke in favour and against the application.

Councillor Gilchrist, local ward member, spoke against the application.

Councillor Becker stated that he felt the toilet block should have been demolished some time ago and welcomed the site being brought back into practical use.

Councillor Jackson asked whether a bat survey had taken place. Officers confirmed that a survey had shown negligible bat presence on the site.

Councillor Kew felt that it was not feasible to simply grass over the site and that it had to be brought back into use. He moved that planning permission be granted subject to the conditions set out in the report. This was seconded by Councillor Becker.

The motion was put to the vote and it was RESOLVED by 8 votes in favour, 1 against and 1 abstention to PERMIT the application subject to the conditions set out in the report.

**Item No. 9****Application No. 16/01365/FUL**

**Site Location: Hillside Garage, 243 Englishcombe Lane, Southdown, Bath –  
Erection of 3 new dwellings following demolition of 11 lock-up garages**

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

The registered speakers spoke for and against the application.

Councillor Dine Romero, local ward member, spoke against the application.

Councillor Crossley stated that the area was very small and that the adjacent local Tesco store was very busy. There were no clear pavement lines to the pathway. He felt that the development would represent a loss of amenity to the local neighbourhood. Councillor Crossley then moved that planning permission be refused for the following reasons:

- Loss of amenity to neighbouring properties (due to the overbearing nature of the development)
- Highway safety reasons including conflict with pedestrian movements and the inability of large vehicles to access the site safely
- Overdevelopment of the site

The motion was seconded by Councillor Jackson.

The motion was then put to the vote and it was RESOLVED by 7 votes in favour, 1 vote against and 2 abstentions to REFUSE the application for the reasons set out above.

**Item No. 10**

**Application No. 16/06234/FUL**

**Site Location: Eastwick Farm, Wick Lane, Stanton Wick, Bristol, BS39 4BX – Replacement Barn Dwelling (Retrospective)**

The Case Officer reported on the application and her recommendation for refusal.

The registered speaker spoke for the application.

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

The Group Manager explained that prior approval was given for the conversion of the existing barn within the site under Class Q (then Class MB) of the General Permitted Development Order. However, the frame of the building had not been strong enough to sustain the conversion. If officers had been aware that the building was not strong enough to sustain the conversion then approval would not have been granted.

Councillor Appleyard felt that this was a grey area as it appeared to be a genuine misunderstanding and prior approval had been given for conversion.

Councillor Kew stated that the circumstances were unfortunate and, although the applicant should have spoken to officers when the barn collapsed the end result would still be the same.

Councillor Kew then moved that the Committee delegate to permit the application subject to conditions on the basis that there were very special circumstances to make a decision contrary to greenbelt policy for the following reasons:

- The unusual circumstances and planning history of the site.
- The applicant was a retired farmer who had lived on the site for many years and would be homeless if the development could not go ahead.

This was seconded by Councillor Appleyard.

Councillor Jackson pointed out that there was no agricultural connection to the use of the property. It therefore represented a new dwelling in the greenbelt which was against government policy.

The Group Manager explained that approval for development in the greenbelt required very special circumstances and without good reasons, there was a risk of challenge. If the Committee was minded to approve the application then this would need to be advertised as a departure from the development plans. Prior approval did not allow for reinforcement of buildings prior to an application being lodged.

The motion was put to the vote and it was RESOLVED by 7 votes in favour and 3 against to DELEGATE TO PERMIT the application subject to conditions for the

reasons set out above.

*(Note: At this point Councillors Appleyard, Crossley and Kew left the meeting)*

**Item No. 11**

**Application No. 16/05505/FUL**

**Site Location: 10 Entry Hill, Combe Down, Bath, BA2 5LZ – Erection of 1 dwelling (Revised proposal)**

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

The registered speakers spoke for and against the application.

Councillor Mark Shelford, local ward member, spoke against the application.

Councillor Roberts felt that the access to the site was substandard and moved that the application be refused as it would be detrimental to the amenities of the neighbouring properties and for highway safety reasons. This was seconded by Councillor Jackson who agreed that the access was inappropriate.

Councillor Becker noted that the revised proposal provided two parking spaces and that the total living space was the same as the previous proposal.

Councillor Veale pointed out that planning permission had been granted for the previous application even though it provided no parking spaces. Councillor Roberts explained that her concerns were linked to traffic movement in and out of the site.

The motion was put to the vote and there were 3 votes for and 4 votes against. The motion was therefore LOST.

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

The motion was put to the vote and it was RESOLVED by 4 votes in favour and 3 votes against to PERMIT the application subject to the conditions set out in the report.

*(Note: At this point Councillor Jackson left the meeting).*

**Item No. 12**

**Application No. 16/06196/FUL**

**Site Location: 100 North Road, Combe Down, Bath, BA2 5DJ – Erection of a single storey side extension to provide disabled facilities and access into the extension**

**Item No. 13**

**Application No. 16/06197/LBA**

**Site Location: 100 North Road, Combe Down, Bath, BA2 5DJ – Erection of a single storey side extension to provide disabled facilities and access into the extension**

The Case Officer reported on the applications and her recommendation for refusal.

The registered speakers spoke in favour of the applications.

Councillor Cherry Beath, local ward member, spoke in favour of the applications.

In response to a question the Case Officer confirmed that the objection to the application was concerning the access and door.

Councillor Veale stated that the flat roof would provide protection to the building and that the door simply permitted access from one part of the building to the other.

Councillor Matthew Davies moved that the Committee delegate to permit the application and to grant listed building consent subject to conditions on the grounds that the door was not harmful to the character of the listed building. This was seconded by Councillor Becker.

The motion was put to the vote and it was RESOLVED unanimously to DELEGATE TO PERMIT the planning application and to GRANT listed building consent subject to conditions on the grounds that the door is not harmful to the character of the building.

*(Note: At this point Councillor Jackson returned to the meeting).*

#### **Item No. 14**

##### **Application No. 17/00417/FUL**

**Site Location: Land and Buildings to rear of 1-7 High Street, Mill Hill, Wellow, Bath – Conversion of former farm buildings to form 1 dwelling with associated works. (Resubmission with revisions of 14/01866/FUL)**

#### **Item No. 15**

##### **Application No. 17/00413/LBA**

**Site Location: Land and Buildings to rear of 1-7 High Street, Mill Hill, Wellow, Bath – Internal and external alterations to facilitate conversion of former barn buildings to 1 dwelling (Resubmission with revisions of 14/01867/LBA)**

The Case Officer reported on the application and her recommendation to permit the application and to grant listed building consent. She explained that there had been amendments to the following conditions:

- Condition 4 - amended to read to “bespoke trigger”
- Condition 8 – amended to read “pre-occupancy” rather than “pre-compliance”
- Condition 13 (LBA) – amended to read “bespoke trigger”

She also explained that a bat survey had now been submitted and that an additional condition had been added regarding access.

The registered speakers spoke for and against the application.

Councillor Veale noted that this was a large site and proposed a site visit. This was not seconded.

Councillor Jackson moved that planning permission and listed building consent be granted with conditions. This was seconded by Councillor Matthew Davies.

The motion was put to the vote and it was RESOLVED unanimously:

- (1) To PERMIT planning permission and to GRANT listed building consent subject to conditions.

134 **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 8.05 pm

Chair .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**

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**BATH AND NORTH EAST SOMERSET COUNCIL**

**Development Management Committee**

**Date 5<sup>th</sup> April 2017**

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

**ITEM**

**ITEMS FOR PLANNING PERMISSION**

**Item No.001                      Application No. 16/06124/FUL  
Address: 14 Audley Grove, Lower Weston, Bath, BA1 38S**

Further representations have been received as detailed below:

Objections have been received from the owners/occupiers of 37, 43 and 45 Edward Street, 15 and 15B Audley Grove and 30 and 49 Audley Park Road, the content of which is summarised below:

- Dispute the ownership of the strip of land at the rear of Nos. 12, 13 and 14 Audley Grove and contend that this land is owned by the Highways Department;
- This land should be protected as a public amenity and in the interests of improved pedestrian visibility and public safety;
- There is a 11000 volt electrical cable on this land leading from a sub-station at the lower end of Edward Street up to Audley Park Road;
- Concerns regarding structural integrity of the highway on Edward Street from retaining structures;
- The Highways Department have a legal responsibility to improve visibility of highways land and remove incorrectly positioned fencing;
- Nos. 15, 15A and 16 Audley Grove were not notified of the planning application by the Planning Department ;
- Site notices were not displayed as required;
- Additional documents have been submitted to support the planning application which have not been consulted on. The application should be withdrawn;
- Dispute the status of the strip of land between the application site and Nos. 15 and 15a Audley Grove;
- Dispute the position of a public right of way between Audley Grove and Edward Street in relation to Nos. 14, 15 and 15a Audley Grove;
- Concerns regarding impact on 15 Audley Grove through loss of light, visual impact, loss of views and overlooking;
- Construction of the proposed dwelling would deter new tenants renting 15 Audley Grove with financial implications for the landlord;
- Concerns regarding increased demand for on-street parking;

- Concerns regarding highways impacts, Edward Street is not lightly trafficked as asserted in the application submission;
- The proposed development would set a precedent;
- Developing the garden would have an adverse environmental impact;
- The site is in a high radon area, what protective measures are included in the build design?
- Concerns regarding potential impact on water mains;
- Concerns regarding the gradient of the parking spaces and water run off to the highway;
- Concerns regarding proposed planting scheme and impact on land stability from new trees and removal of existing Sycamore;
- Disruption to the area during construction;
- Surprised and disappointed that the pond in the garden of 14 Audley Grove has been allowed to go dry. Toads, frogs, newts and slow worms are found in the area.

A Title Plan has been provided demonstrating that the strip of land at the rear of 14 Audley Grove which has been included within the red site boundary line is within the ownership of the applicant. It is noted that the land in question is shown on the Highways Department's records as being part of the public highway. However, this does not mean that the land is owned by the Highways Department or that the land is not in the ownership of the applicant.

The existing position of the rear fence line continues the fence line to the south. In planning terms, it is not considered that the existing and proposed position of the rear fence panels causes unacceptable harm to the character, appearance or amenity of the area. The issue regarding the rear strip of land is therefore a land ownership dispute, which is a civil matter and not a material planning matter.

As per the Highways Consultation response dated 30<sup>th</sup> December 2016, no highway safety issues are posed by the proposed development.

There is no record of a public right of way running within the application site. Public Right of Way CQ29 is marked as running from Edward Street to Audley Grove to the north of the application site between Nos. 15 and 15a Audley Grove and the application site boundary, although a note is attached to the record stating that this path is obstructed.

In regards to the presence of an electrical cable close to the site and potential presence of a water main, it is the developer's responsibility to ensure all necessary permissions are in place prior to works commencing in addition to obtaining planning permission.

One site notice was displayed on Audley Grove and one site notice was displayed on Edward Street on 6 January 2017 in accordance with the Council's statutory duties for development in a conservation area. Photographs were taken of the site notices as a visual record.



As set out in the main agenda, minor changes have been made to the proposals during the course of the application to retain a Sycamore tree and to slightly reposition the northern retaining wall to the parking area away from the root protection area of the tree. Whether or not to re-consult third parties it is at Officers' discretion. In this case it was not considered that the level of changes warranted additional notifications, nor that the amendments amounted to a new form of development that would necessitate a fresh application.

The potential impact of a proposal on a private individual's finances is not a material planning consideration.

Given the site characteristics and the incline of the proposed parking area, surface water run-off to the highway is not considered to pose a significant issue.

The site is not in an area of known land contamination for planning purposes. There are no planning policy requirements pertaining to radon levels. Any new building would need to meet all relevant building standards set out in Building Regulations legislation.

Potential structural impact on neighbouring land and property is a private property matter and not a material planning consideration.

The remaining points raised are considered to be addressed in the Officer's report in the main agenda.

The additional comments received do not affect the Officer's assessment and recommendation included in the main agenda.

**Item No. 1    Application No. 16/04818/EREG03 & 16/04818/REG13**  
**Address: Bath Quays South, Lower Bristol Road**

Following publication of the Committee report BMT (prospective occupiers of the new office building) have advised the Council that they do not intend to proceed with this investment.

In the light of this decision, the public benefits of the proposed development have been re-appraised and weighed against the harm to heritage assets. In considering the public benefits, some weight had been given BMT occupying the building, both as a key local employer being retained in the city (with the potential to expand) as well as the fact that they are in a key sector. However, the application was not predicated on BMT occupying the building and the development will continue to deliver Grade A office accommodation, of which there is very limited supply in the city. As is noted in the published committee report, the net addition to office accommodation and growth in employment in the city had BMT occupied the building would have been relatively low. The eventual occupier of the building is not known however if the occupier(s) were new to Bath, rather than being the relocation of an

existing business as was the case with BMT, this would make a net addition to employment in the city.

The change in circumstances has been considered as part of the balancing exercise as set out in NPPF para. 134 and it is concluded that the public benefits of the development outweigh the harm to heritage assets.

The financial appraisal submitted with the application made a number of assumptions about the rent and yield that could be achieved on the office building and about residential sales values. This was reviewed and tested by Cushman Wakefield who concluded that the development could not support affordable housing at this point in time. Given the inability of the scheme to support affordable housing, the published committee report recommended consideration of a review mechanism to reassess scheme viability at a future date. In the light of the change in circumstances it is considered appropriate that this is undertaken for the scheme as a whole. The timing of this would need to be agreed and could be on submission of reserved matters for the residential building or at some other future date when actual costs and values have been established.

#### **Recommendation**

In the light of the above it is recommended that the Development Committee resolves to Delegate to Permit subject to Officers finalising a financial review mechanism to be secured through condition or memorandum of understanding.

#### **Further Representations**

3 further letters of objection have been received (from SAVE Britain's Heritage, Bath Heritage Watchdog and a local resident). These reiterate objections made previously regarding the proposed development and that the amendments do not address these objections; object to the scale and outline nature of the proposals for the residential buildings and that the Design Guide does not address concerns regarding the scale and detailed design of these buildings; raise concerns regarding the cumulative effect of new proposals on the World Heritage Site; object to the fact that the applications for the new bridge were determined ahead of rather than with the applications for Bath Quays South as they are linked proposals.

1 further letter of general support has been received.

#### **Updated Comments from the Ecological Officer**

The bat roost within the Newark building is confirmed as a transitory roost for a single lesser horseshoe bat. This roost will be lost as part of the development and a replacement roost is proposed. A European Protected Species (EPS) licence will be therefore required and the Local Planning Authority must be satisfied prior to issuing permission that the 'three tests' of the Habitats Regulations are likely to be met.

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 site is identified in the Placemaking Plan as a key redevelopment site within the city and will result in the provision of office space and housing, both of which will provide benefits of a significant social and economic nature.

There can therefore be said to be imperative reasons of overriding public interest and as such Test 1 can be considered to be passed.

Test 2 There is no satisfactory alternative.

The removal of the roosts is necessary to allow refurbishment and re-use of a listed building, and for the full development of the site in accordance with the Placemaking Plan vision for this site. In this context it is considered that there is not any satisfactory alternative and it is considered that the requirement of Test 2 is met.

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

The application provides details of the proposed new roost, supporting habitat and lighting controls around the roost. This provides sufficient information for the Local Planning Authority to be confident that the proposal would be likely to meet the third tests of the Habitats Regulations, ie that there will be no harm to the favourable conservation status of the affected species (lesser horseshoe bats) and that the proposal would be likely to obtain an EPS licence.

Final details of the bat mitigation and compensation scheme can be secured by condition.

The river and adjacent habitat are recognised as providing supporting habitat for the Bath and Bradford on Avon Special Area of Conservation (SAC). As such, development must demonstrate no likely significant effect upon the SAC. The additional measures now proposed to reduce light spill from the office, which include use of 1m high fully opaque spandrel rails for the first floor office windows and 40 % light transmittance glazing for the office riverside, have secured significant reductions in light spill to the riverside such that no significant effect upon the SAC either alone or in combination with other projects are considered likely. In addition light spill avoidance measures have been modelled for the residential blocks involving use of 50% light transmittance glazing. These show that acceptable light levels can be achieved (as modelled for Vertical D within the Illumination Impact Profile 16-02433-09317-CC-Bath Quays South Ilp-01-P3 March 2017 Final issue), and that no significant effect upon the SAC either alone or in combination with other projects are considered likely. Therefore, subject to full implementation of the light spill mitigation measures now proposed for the office building, and delivery of the light spill performance for the residential development, the scheme would not raise concerns under the Habitats Regulations.

### **Amended Conditions**

#### **6 Construction Management Plan**

Prior to any works on site including demolition details of a Construction Management Plan for all works of construction shall be submitted to and approved in writing by the Local Planning Authority. The Management Plan

shall include details of the location of the site compound and details of deliveries (including storage arrangements and timings), contractor parking, traffic management for vehicles associated with the construction and demolition works (including details of mitigation from vehicle emissions). The Management Plan shall also comply with the guidance contained in the Council's Code of Construction Site Noise practice note and 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 ensure the safe operation of the highway and protect the amenities of the occupants of nearby properties in accordance with Policies T.24 and D.2 of the Bath and North East Somerset Local Plan.

#### 12 Archaeology WSI

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 the submitted Written Scheme of Investigation (Cotswold Archaeology CA Project: 6087, Revision B March 2017). The programme of archaeological work shall be carried out by a competent person and completed in accordance with the Written Scheme of Investigation.

Reason: The site is within an area of significant archaeological interest and the Council wish to protect and record any archaeological remains disturbed by the development.

#### 13 – deleted as field evaluation complete

14 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.

#### 27 Wildlife Protection and Enhancement (Pre-commencement)

No development shall take place until full details of an Ecological Enhancement Scheme and Management Plan have been submitted to and approved in writing by the local planning authority. These details shall include:

- (i) A timetable of delivery to show implementation of the recommendations and mitigation measures set out in the Combined Ecology Report: Bath Quays South (Nicholas Pearson Associates, December 2016 Update: 8 Feb 2017) including:
  - an ecological method statement for site works

- replacement otter holt and habitat enhancements prior to demolition of the existing resting site, proposed conservation management objectives for the otter holt site, and;
  - new bat roost structure and tile and ridge access points to achieve a net enhancement in bat roosting opportunities on the site
  - bankside habitat replacement and enhancements
- (ii) Prescriptions and timescale for their on-going monitoring, maintenance and management

All works within the scheme shall be carried out in accordance with the approved details.

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.

#### 28 Lighting (Office)

The office building shall not be occupied until the mitigation measures for that building set out in Illumination Impact Profile -Bath Quays South (Office and Residential Developments) 16-02433-090317-CC-Bath Quays South IIP-01 - P3 MARCH 2017 Final Issue have been implemented in full and shall remain for the duration of the development.

Reason: To avoid unacceptable light spill from the development and to avoid harm to wildlife and bats which are protected species.

#### 29 Lighting (Residential Buildings)

Reserved Matters for the residential buildings shall be accompanied by full details of proposed light spill avoidance measures, lighting design and specification. The scheme shall:

- (i) Provide an updated lighting assessment to include details of predicted light spill levels onto the river Avon and adjacent bankside habitats arising from proposed external and internal lighting of the buildings. Predicted light spill levels will need to achieve as a maximum the light lux levels shown in the River Avon Vertical cross section 'D' in Illumination Impact Profile -Bath Quays South (Office and Residential Developments) 16-02433-090317-CC Bath Quays South IIP-01 -P3 MARCH 2017 to demonstrate sufficient darkness to avoid harm to bat activity and to the ecology of the River Avon SNCI.
- (ii) Provide details and plans showing inherent and embedded design solutions for internal light spill mitigation; and numbers, specifications, positions, and heights of luminaires for external light spill mitigation; designed to minimise impacts on bats and other wildlife and achieve the necessary levels of darkness over the water and bankside.

The approved details shall be implemented in full and shall remain for the duration of the development.

Reason: To avoid unacceptable light spill from the development and to avoid harm to wildlife and bats which are protected species.

### 30 Lighting Monitoring Scheme

Prior to occupation of the office or residential buildings on the site a programme for monitoring of operational light spill levels, including the collection of lux level data for two years from the date of first occupation of each building, at times when peak bat activity and light usage coincide, shall be submitted to and approved by the Local Planning Authority.

The Light Spill Monitoring Programme shall provide data showing operational post-occupancy light levels above and adjacent to the River Avon at heights and positions coincident with the light spill levels predicted in the approved Illumination Impact Profile -Bath Quays South (Office and Residential developments) - 16-02433- 090317-cc-Bath Quay South IIP-01-P3 March 2017, and in respect of the residential buildings the details approved under Condition 29. The Light Spill Monitoring Programmes shall include proposed reporting dates to the Local Planning Authority and specify timescales and frequency of monitoring.

In the event that operational light spill levels exceed the predicted light spill levels a scheme of further mitigation and remedial action shall be submitted to the Local Planning Authority in accordance with the agreed programme. Any necessary remedial action or further mitigation required shall be implemented in accordance with specifications and timescales to be agreed in writing with the Local Planning Authority and a further light spill monitoring report shall be produced and approved in writing by the Local Planning Authority to demonstrate the effectiveness of any necessary further mitigation. The Programme for Monitoring of Operational Lighting Spill Levels shall thereafter be implemented in accordance with the approved details.

Reason: To avoid unacceptable light spill from the development and to avoid harm to wildlife and bats which are protected species.

16/04818/REG13

### Revised Conditions

4 Prior to occupation of any part of the Newark Works buildings (East Machine Shop, Offices, Smithy, West Machine Shop) a Signage Design Code for those buildings shall be submitted to and approved in writing by the Local Planning Authority and any signage applied for thereafter shall be carried out in accordance with the Code.

Reason: To safeguard the character and appearance of the listed building

### 5 External lighting and signage (Bespoke Trigger)

No external lighting or signage shall be installed on the Newark Works buildings until full details of external lighting or signage have been submitted to and approved in writing by the Local Planning Authority. The works shall

thereafter be carried out in accordance with the approved details and any other consent required.

Reason: To safeguard the character and appearance of the listed building.

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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 5 APRIL 2017

A. SITE VISIT LIST			
ITEM NO.	SITE NAME	SPEAKER	FOR/AGAINST
1	14 Audley Grove, Lower Weston, Bath, BA1 3BS	Peter Harrell	Against (To share 3 minutes)
		Steven James	
		Andrea Marshall (Applicant)	For (To share 3 minutes)
		Chris Beaver (Agent)	
		Cllr Chris Pearce	Against
2	3 Streamside, Chew Magna, BS40 8QZ	Simon Corbett (Agent)	For
		Cllr Liz Richardson	For

B. MAIN PLANS LIST			
ITEM NO.	SITE NAME	SPEAKER	FOR/AGAINST
1 & 2	Bath Quays South Development Site, Riverside Business Park, Bath	Judy Enticknap (JME Conservation Ltd)	Against (To share 6 minutes)
		Caroline Kay (Bath Preservation Trust)	
		Ian Bell (Bath Chamber of Commerce and Initiative in B&NES)	For (To share 6 minutes)
		Greg Pemoyre (Architect)	
3	40 Bloomfield Park, Bath, BA2 2BX	George Howard	Against
		Kit Stokes (Applicant)	For
		Cllr Mark Shelford	Against

4	Agricultural Haulage Building and Yard, Pinkers Farm, Middle Street, East Harptree	Sally Calverley	Against (To share 3 minutes)
		Mick Underhill	
		Representative from BBA Architects (Agent)	For
		Cllr Tim Warren	Against
5	Courtney House, 14 Van Diemen's Lane, Lansdown, Bath, BA1 5TW	Tom Rocke (Agent)	For
6 & 7	Cleveland Bath, Cleveland Row, Hampton Row, Bath	Charles Draper (Chair of local Residents' Association)	Against (To share 6 minutes)
		Chris Curran (on behalf of Neighbours of Cleveland Pool)	
		Dennis Toogood (President of Bath Dolphins Swimming Club)	For (To share 6 minutes)
		Christopher Heath	
		David Barnes (Agent)	
		Councillor Fiona Darey	Against
8	Closed Public Toilets, Claverton Street, Widcombe, Bath	Yvonne Whiteman	Against (To share 3 minutes)
		Rachel and Mark Hambury (Applicants)	For (To share 3 minutes)
		Cllr Ian Gilchrist	Against
9	Hillside Garage, 243 Englishcombe Lane, Bath	Kevin Simmonds	Against
		Simon Chambers (Agent)	For
		Cllr Dine Romero	Against
10	Eastwick Farm, Wick Lane, Stanton Wick	Lee Wright (Agent)	For
		Cllr Karen Warrington	For

11	10 Entry Hill, Combe, Combe Down, Bath, BA2 5LZ	Russell Walker	Against
		Richard Harlow (Agent)	For
		Cllr Mark Shelford	Against
12 & 13	100 North Road, Combe Down, Bath	Jan Symons (Applicant)	For
		Cllr Cherry Beath	For
14 & 15	Land and Buildings to rear of 1-7 High Street, Mill Hill, Wellow	Councillor Debbie Clarkson (Wellow Parish Council)	N/A
		Chris Watt (Applicant)	For

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

**5th April 2017**

**SITE VISIT DECISIONS**

Item No:	001		
Application No:	16/06124/FUL		
Site Location:	14 Audley Grove, Lower Weston, Bath, Bath And North East Somerset		
Ward: Kingsmead	Parish: N/A	LB Grade: N/A	
Application Type:	Full Application		
Proposal:	Erection of 1 no. dwelling, car parking and associated landscaping in rear garden of existing dwelling.		
Constraints:	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,		
Applicant:	Mrs A Chippendale		
Expiry Date:	10th March 2017		
Case Officer:	Emma Hardy		

**DECISION** Delegate to permit subject to amended plan being received moving the rear fence line to the west.

<b>Item No:</b>	002		
<b>Application No:</b>	16/05888/FUL		
<b>Site Location:</b>	3 Streamside, Chew Magna, Bristol, Bath And North East Somerset		
<b>Ward:</b> Chew Valley North	<b>Parish:</b> Chew Magna	<b>LB Grade:</b> N/A	
<b>Application Type:</b>	Full Application		
<b>Proposal:</b>	Erection of front and side extension to create house access from road level, rear single storey extension and associated works		
<b>Constraints:</b>	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,		
<b>Applicant:</b>	Mr Geoff Jones		
<b>Expiry Date:</b>	7th April 2017		
<b>Case Officer:</b>	Samantha Mason		

**DECISION** REFUSE

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  
16 Mar 2017 200 REV 1 Revised Site Layout  
02 Dec 2016 Sca 1607 005 Rev0 Proposed Floor Plan  
02 Dec 2016 Sca 1607 006 Rev0 Proposed Roof Plan  
02 Dec 2016 Sca 1607 007 Rev0 Proposed Elevations

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.

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

**5th April 2017**

**DECISIONS**

<b>Item No:</b>	01	
<b>Application No:</b>	16/04818/ERE03	
<b>Site Location:</b>	Bath Quays South Development Site, Riverside Business Park, Westmoreland, Bath	
<b>Ward:</b> Widcombe	<b>Parish:</b> N/A	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Reg03 app with EIA attached	
<b>Proposal:</b>	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 - 5,017sqm 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, - 4,539sqm GIA, non-B1 uses not more than 10% of the total floor area).		
(2) Outline Application (Access, Layout and Scale to be approved) for the erection of building(s) to accommodate up to 5,027sqm of residential accommodation (up to 60 no of units, Use Class C3), and up to 193sqm GIA of retail space (Use Class A1, A2 or A3).		
Associated development comprising demolition of existing buildings, provision of new public realm, landscaping and infrastructure works.		
<b>Constraints:</b>	Affordable Housing, Agric Land Class 3b,4,5, Air Quality Management Area, Article 4, Article 4, Article 4, Bath Core Office Area, Bath Enterprise Area, British Waterways Major and EIA, British Waterways Minor and Householders, Conservation Area, Contaminated Land, Flood Zone 2, Flood Zone 3, Forest of Avon, Sites with Planning Permission, Hotspring Protection, Listed Building, LLFA - Flood Risk Management, MOD Safeguarded Areas, River Avon and Kennet & Avon Canal, Site Of Special Scientific Interest (SI), SSSI - Impact Risk Zones, World Heritage Site,	
<b>Applicant:</b>	Bath And North East Somerset Council	
<b>Expiry Date:</b>	30th January 2017	
<b>Case Officer:</b>	Gwilym Jones	

**DECISION** Delegate to permit subject to a scheme viability review mechanism and amendments to conditions.

<b>Item No:</b>	02		
<b>Application No:</b>	16/04819/REG13		
<b>Site Location:</b>	Bath Quays South Development Site, Riverside Business Park, Westmoreland, Bath		
<b>Ward:</b> Widcombe	<b>Parish:</b> N/A	<b>LB Grade:</b> N/A	
<b>Application Type:</b>	Regulation 13 Application		
<b>Proposal:</b>	Internal and external alterations to Newark Works (including West Machine Shop and Smithy) and demolition of Foundry and Boiler House.		
<b>Constraints:</b>	Affordable Housing, Agric Land Class 3b,4,5, Air Quality Management Area, Article 4, Article 4, Article 4, Bath Core Office Area, Bath Enterprise Area, British Waterways Major and EIA, British Waterways Minor and Householders, Conservation Area, Contaminated Land, Flood Zone 2, Flood Zone 3, Forest of Avon, Sites with Planning Permission, 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 And North East Somerset Council		
<b>Expiry Date:</b>	30th January 2017		
<b>Case Officer:</b>	Gwilym Jones		

**DECISION** Delegate to permit subject to conditions

<b>Item No:</b>	03	
<b>Application No:</b>	16/05772/FUL	
<b>Site Location:</b>	40 Bloomfield Park, Bloomfield, Bath, Bath And North East Somerset	
<b>Ward:</b> Lyncombe	<b>Parish:</b> N/A	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Erection of eight apartments with associated parking and landscaping following demolition of existing detached house and garage (Resubmission)	
<b>Constraints:</b>	Affordable Housing, Agric Land Class 1,2,3a, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,	
<b>Applicant:</b>	Juniper Homes (South West) Limited	
<b>Expiry Date:</b>	20th January 2017	
<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>	04	
<b>Application No:</b>	16/04249/FUL	
<b>Site Location:</b>	Agricultural Haulage Building And Yard, Pinkers Farm, Middle Street, East Harptree	
<b>Ward:</b> Mendip	<b>Parish:</b> East Harptree	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Demolition of Agricultural buildings and erection of 8no dwellings	
<b>Constraints:</b>	Affordable Housing, Airport Safeguarding Zones, Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Conservation Area, Housing Development Boundary, SSSI - Impact Risk Zones, Water Source Areas,	
<b>Applicant:</b>	The Johnson Group	
<b>Expiry Date:</b>	21st April 2017	
<b>Case Officer:</b>	Chris Griggs-Trevarthen	

**DECISION** Delegate to PERMIT subject to applicant entering into S106 agreement.

<b>Item No:</b>	05	
<b>Application No:</b>	17/00067/FUL	
<b>Site Location:</b>	Courtney House , 14 Van Diemen's Lane, 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 detached dwelling with associated underground parking, drainage and hard and soft landscaping following demolition of existing dwelling	
<b>Constraints:</b>	Affordable Housing, Agric Land Class 1,2,3a, Article 4, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,	
<b>Applicant:</b>	Mr Nick Sandy	
<b>Expiry Date:</b>	3rd March 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 (Bespoke Trigger)**

The development hereby approved shall be constructed in the materials annotated on the approved plans.

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 - 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.

### **5 Bound/Compacted Turning Space (Pre-occupation)**

No occupation of the development shall commence until the vehicular access, parking and turning areas have been constructed with a bound and compacted surface material (not loose stone or gravel).

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

### **PLANS LIST:**

This decision is based on the following drawings and information:

D100-01 Existing Location and Block Plan, D100002B Existing Site Plan, D10003 Existing Floor Plans, D10004 Existing Loft and Roof Plan, D10005A Existing Sections AA & BB, D10006A Existing Elevations, D100007B Existing Site Sections, D10012G Proposed Site Plan, D10013M Proposed Ground Floor Plan, D10014L Proposed First Floor Plan, D10015D Proposed Roof Plan, D10016D General Section, D10017G Proposed Site Sections, D10018F Proposed North and South Elevations, D10019F Proposed East Elevation, D10020F Proposed West Elevation, 1007 P101 3D View From Front Terrace Area (South East Elevation), 1007 P102 3D View From Van Diemen's Lane (South East), 3D View From Rear Garden (North + East Elevation), Design and Access Statement and Planning Statement received 6/1/2017, WS73/01 Front Garden Layout Plan and WS73/01 Rear Garden Layout Plan received 10/3/2017 and un-numbered Landscape Perspective Drawing received 15/3/2017.

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)

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>	06
<b>Application No:</b>	16/05632/FUL
<b>Site Location:</b>	Cleveland Bath Cleveland Row, Hampton Row, Bathwick, Bath
<b>Ward:</b> Walcot	<b>Parish:</b> N/A <b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application
<b>Proposal:</b>	Restoration of historic open-air public swimming pool and associated facilities.
<b>Constraints:</b>	Affordable Housing, Agric Land Class 3b,4,5, Article 4, Article 4, Article 4, British Waterways Major and EIA, British Waterways Minor and Householders, Conservation Area, 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, SSSI - Impact Risk Zones, World Heritage Site,
<b>Applicant:</b>	Cleveland Pools Trust
<b>Expiry Date:</b>	20th January 2017
<b>Case Officer:</b>	Adrian Neilson

## **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 External Lighting (Bespoke Trigger)**

Lighting for the development hereby permitted shall be installed and operated thereafter so that lux levels fall within the predicted light spill levels shown on the external lighting isoline drawing number CP-HYD-XX-GF-DR-E-2001 Revision PO1 by Hydrock dated 22nd February 2017. Prior to installation of new lighting, full details of proposed lighting

design must be first submitted to and approved in writing by the LPA. These details shall include:

1. Full specifications of proposed lighting including spectral composition and colour temperature of lamps and plans showing numbers, types, positions and heights of lamps
2. A lux contour plan showing predicted light spill levels arising from the proposed lighting scheme, which shall not exceed the predicted lux levels as shown on the approved plan CP-HYD-XXGF- DR-E-2001 Revision PO1 dated 22nd February 2017
3. details of all measures that shall be incorporated into the scheme to minimise light spill onto vegetation and avoid light spill onto adjacent land, thus minimising impacts on bats and other wildlife; for example, through use of: "warm white" LED; directional lighting, baffles and screening; time switches and remote sensors; adherence to specified times of use and use of dimming regimes.

Upon approval in writing, the details shall be implemented and thereafter the development shall be operated in accordance with the approved details.

Reason: to avoid harm to protected species including bats and reptiles and to avoid harm to existing and retained habitats

#### **4 Wildlife Protection Scheme (Bespoke Trigger)**

No development shall take place until full details of a Wildlife Protection Scheme have been submitted to and approved in writing by the local planning authority. These details shall include:

- (i) Findings of all necessary repeat or update surveys and pre-commencement checks for protected species, and/or proposed methods and scope of pre-commencement survey and proposed means of notification of the outcome of these to the LPA, prior to commencement of works.
- (ii) A method statement providing details of all proposed precautionary working methods, protection measures and construction materials necessary for the avoidance of harm to bats and their habitats.
- (iii) Details of a scheme designed to avoid harm to slow-worms and other reptiles, to include details and a mapped site boundary of proposed reptile translocation receptor site/s or provision of suitable retained reptile habitat within the site, as applicable.
- (iv) Proposed monitoring of the translocated rigid hornwort and proposed reporting of monitoring findings.
- (v) Details of all other necessary measures to avoid harm to wildlife and retained habitats and avoidance of harm to adjacent habitats including the River Avon.

All works within the scheme shall be carried out in accordance with the approved details, unless otherwise approved in writing by the local planning authority.

Reason: to avoid harm to protected species including bats and reptiles and to avoid harm to existing and retained habitats.

#### **5 Demonstration of Compliance (Bespoke Trigger)**

The development hereby permitted shall be carried out only in accordance with the approved Wildlife Protection Scheme. A report by a suitably experienced ecologist

confirming and demonstrating, through written confirmation and use of photographs, implementation of the each of the measures required by the Scheme shall be submitted to the local planning authority and approved in writing prior to use of the development.

Reason: to demonstrate satisfactory implementation of all necessary measures to avoid harm to ecology and protected species.

#### **6 Flood Emergency Plan (Bespoke Trigger)**

No occupation of the development shall commence until a Flood Emergency 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 Emergency 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.

#### **7 Noise Assessment (Bespoke Trigger)**

The applicant shall submit a noise assessment to determine the impact arising from the construction and operational phases of the development. The assessment shall make reference to appropriate national guidance and standards and shall propose appropriate methods of noise mitigation. The proposed mitigation measures shall be fully implemented and maintained.

Reason: To protect neighbouring residents from noise arising from the construction and operation of the development.

#### **8 Arboricultural Method Statement with Tree Protection Plan (Bespoke Trigger)**

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.

#### **9 Arboricultural Certificate of Compliance (Bespoke Trigger)**

No occupation of the development shall commence until a signed certificate of compliance with the Arboricultural Method Statement and tree protection plan 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.

#### **10 Hard and Soft Landscape Scheme (Bespoke Trigger)**

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; finished ground levels; a planting specification to include numbers, density, 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.

#### **11 Hard and Soft Landscape Scheme (Bespoke Trigger)**

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; finished ground levels; a planting specification to include numbers, density, 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.

#### **12 Landscape Management Plan (Bespoke Trigger)**

No development shall take place until a landscape management plan, including long- term design objectives, management responsibilities and maintenance schedules for all landscaped areas, shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority in consultation with the Environment Agency.

The scheme shall include the following elements:

- o detail extent and type of new planting
- o details of maintenance regimes
- o details of any new habitat created on site
- o details of treatment of site boundaries and/or buffers around water bodies
- o details of management responsibilities

Reason: This condition is necessary to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with national planning policy.

### **13 Flood Risk Assessment (Bespoke Trigger)**

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation measures detailed within the FRA:

- 1) Inclusion of all resistance/resilience measures detailed within section 6.3 of the FRA.
- 2) Toilet and storage block in the north east corner must be of a floodable design and not adversely affect flood flows.

The mitigation measures shall be fully implemented prior to occupation and maintained for the lifetime of development unless otherwise agreed in writing, by the local planning authority in consultation with the Environment Agency.

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

### **14 Flood Safety and Occupation of Cottage (Compliance)**

The onsite accommodation cottage shall only be used as accommodation ancillary to the use of the pools. The ancillary accommodation shall not be occupied until such time as the high level walkway has been installed providing access/egress to higher ground.

Reason: Self-contained residential accommodation is inappropriate in this area and to allow for safe access/egress to occupants during times of flood.

### **15 Floodplain Compensation Storage (Bespoke Trigger)**

No development shall take place until a scheme for the provision of floodplain compensation storage has been submitted, and approved in writing by the Local Planning Authority in consultation with the Environment Agency. The operation of the scheme shall thereafter be carried out in accordance with the approved details.

Reason: To prevent any increase in flood risk elsewhere as a result of this development.

### **16 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.

## **PLANS LIST:**

CPT 1000A, CPT 1001A, CPT 1002A, CPT 1003A, CPT 1200A, CPT 1201A, CPT 1202A, CPT 1203, CPT 2001A, CPT 2002A, CPT 2003B, CPT 2004A, CPT 2005A, CPT 2006A, CPT 2200, CPT 2201A, CPT 2202, CPT 2203, CPT 2501, CPT 3200, CPT 3201, CPT 3202, CPT 3203, CPT 3204, CPT 3205, CPT 3206, CPT 3207, CPT 3208, CPT 3209, CPT 3210, CPT 3220, CPT 3800, CPT 3900, CPT 3901, CPT 3902, CPT 4000(1), AQUATIC VEGETATION SURVEY, BAT DETECTOR SURVEY, BAT SEARCH SURVEY, PHASE ONE HABITAT SURVEY, REPTILE SURVEY, RIGID HONWORT TRANSLOCATION, CONSERVATION MANAGEMENT PLAN, DESIGN AND ACCESS STATEMENT, HERITAGE STATEMENT, PLANNING STATEMENT, TRAVEL PLAN, PROJECT DEVELOPMENT AND COMMUNITY ENGAGEMENT and CONSERVATION MANAGEMENT PLAN GAZETTEER date stamped 17 November 2016.

C151598 5001 B, C151598 5002 B, CPT 2000B, CPT 2500A, CPT 3221A, CPT 3222A, 181/4050/2, DIA.174\_REV.4, CONSTRUCTION OPTIONS and OPERATING STATEMENT date stamped 20 February 2017.

CP-HYD-XX-GF-DR-E-2001 Rev P01 date stamped 22 February 2017.

CP-HYD-XX-ZZ-DR-M-4000 and CP-HYD-XX-ZZ-DR-ME-9000, CONSTRUCTION ACCESS OPTIONS PLAN, EMERY CONSTRUCTION MANAGEMENT PLAN, ACCESS OPTIONS, CPT 3223A and email correspondence date stamped 16 March 2017.

## **DECISION TAKING STATEMENT**

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

### **Condition Categories**

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

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

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

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



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

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

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

#### Environment Agency Informative

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 the River Avon, 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>.

Under the terms of the Water Resources Act 1991, an Abstraction Licence may be required from the Environment Agency for the abstraction of water from any inland water or underground strata. This is dependent on water resource availability and may not be granted.

<b>Item No:</b>	07
<b>Application No:</b>	16/05633/LBA
<b>Site Location:</b>	Cleveland Bath Cleveland Row, Hampton Row, Bathwick, Bath
<b>Ward:</b> Walcot	<b>Parish:</b> N/A <b>LB Grade:</b> N/A
<b>Application Type:</b>	Listed Building Consent (Alts/exts)
<b>Proposal:</b>	Internal and external alterations for restoration of historic open-air public swimming pool and associated facilities
<b>Constraints:</b>	Affordable Housing, Agric Land Class 3b,4,5, Article 4, Article 4, Article 4, British Waterways Major and EIA, British Waterways Minor and Householders, Conservation Area, 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, SSSI - Impact Risk Zones, World Heritage Site,
<b>Applicant:</b>	Cleveland Pools Trust
<b>Expiry Date:</b>	18th January 2017
<b>Case Officer:</b>	Adrian Neilson

## **DECISION    CONSENT**

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

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

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

### **2 Plans List (Compliance)**

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

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

### **3 External Lighting (Bespoke Trigger)**

Lighting for the development hereby permitted shall be installed and operated thereafter so that lux levels fall within the predicted light spill levels shown on the external lighting isoline drawing number CP-HYD-XX-GF-DR-E-2001 Revision PO1 by Hydrock dated 22nd February 2017. Prior to installation of new lighting, full details of proposed lighting design must be first submitted to and approved in writing by the LPA. These details shall include:

1. Full specifications of proposed lighting including spectral composition and colour temperature of lamps and plans showing numbers, types, positions and heights of lamps
2. A lux contour plan showing predicted light spill levels arising from the proposed lighting scheme, which shall not exceed the predicted lux levels as shown on the approved plan CP-HYD-XXGF- DR-E-2001 Revision PO1 dated 22nd February 2017
3. details of all measures that shall be incorporated into the scheme to minimise light spill onto vegetation and avoid light spill onto adjacent land, thus minimising impacts on bats and other wildlife; for example, through use of: "warm white" LED; directional lighting, baffles and screening; time switches and remote sensors; adherence to specified times of use and use of dimming regimes.

Upon approval in writing, the details shall be implemented and thereafter the development shall be operated in accordance with the approved details.

Reason: to provide a sensitive lighting scheme that avoids harm to bat activity and other wildlife.

### **4 Wildlife Protection Scheme (Bespoke Trigger)**

No development shall take place until full details of a Wildlife Protection Scheme have been submitted to and approved in writing by the local planning authority. These details shall include:

- (i) Findings of all necessary repeat or update surveys and pre-commencement checks for protected species, and/or proposed methods and scope of pre-commencement survey

and proposed means of notification of the outcome of these to the LPA, prior to commencement of works.

(ii) A method statement providing details of all proposed precautionary working methods, protection measures and construction materials necessary for the avoidance of harm to bats and their habitats.

(iii) Details of a scheme designed to avoid harm to slow-worms and other reptiles, to include details and a mapped site boundary of proposed reptile translocation receptor site/s or provision of suitable retained reptile habitat within the site, as applicable.

(iv) Proposed monitoring of the translocated rigid hornwort and proposed reporting of monitoring findings.

(v) Details of all other necessary measures to avoid harm to wildlife and retained habitats and avoidance of harm to adjacent habitats including the River Avon.

All works within the scheme shall be carried out in accordance with the approved details, unless otherwise approved in writing by the local planning authority.

Reason: to avoid harm to protected species including bats and reptiles and to avoid harm to existing and retained habitats.

#### **5 Demonstration of Compliance (Bespoke Trigger)**

The development hereby permitted shall be carried out only in accordance with the approved Wildlife Protection Scheme. A report by a suitably experienced ecologist confirming and demonstrating, through written confirmation and use of photographs, implementation of the each of the measures required by the Scheme shall be submitted to the local planning authority and approved in writing prior to use of the development.

Reason: to demonstrate satisfactory implementation of all necessary measures to avoid harm to ecology and protected species.

#### **6 Archaeology - Historic Building Recording: Recording of Upper Pool (Bespoke Trigger)**

No development or demolition shall commence of the upper pool site, 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.

#### **7 Stone Cleaning Sample (Pre-commencement)**

No work shall commence on the stone cleaning 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.

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

Prior to the installation and application of internal and external materials and finishes a detailed schedule and samples of the materials and finishes to be used including roofing, rainwater goods, walling including mortar, metalwork, floor surfaces including natural stone and limecrete and paint finishes 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.

### **PLANS LIST:**

CPT 1000A, CPT 1001A, CPT 1002A, CPT 1003A, CPT 1200A, CPT 1201A, CPT 1202A, CPT 1203, CPT 2001A, CPT 2002A, CPT 2003B, CPT 2004A, CPT 2005A, CPT 2006A, CPT 2200, CPT 2201A, CPT 2202, CPT 2203, CPT 2501, CPT 3200, CPT 3201, CPT 3202, CPT 3203, CPT 3204, CPT 3205, CPT 3206, CPT 3207, CPT 3208, CPT 3209, CPT 3210, CPT 3220, CPT 3800, CPT 3900, CPT 3901, CPT 3902, CPT 4000(1), AQUATIC VEGETATION SURVEY, BAT DETECTOR SURVEY, BAT SEARCH SURVEY, PHASE ONE HABITAT SURVEY, REPTILE SURVEY, RIGID HONWORT TRANSLOCATION, TRAVEL PLAN, CONSERVATION MANAGEMENT PLAN, DESIGN AND ACCESS STATEMENT, HERITAGE STATEMENT, PLANNING STATEMENT and CONSERVATION MANAGEMENT PLAN GAZETTEER date stamped 17 November 2016.

OPERATING STATEMENT date stamped 2 February 2017.

181/4050/2, C151598 5001 B, C151598 5002 B, CPT 2000B, CPT 2500A, CPT 3221A, CPT 3222A, CPT 3223A and DIA.174\_REV.4, 181/4050/2, CONSTRUCTION OPTIONS, date stamped 20 February 2017.

K & A CANAL NEW BENCHES AND CYCLE PARKING LOCATIONS (TC8762/031) date stamped 2 March 2017.

CP-HYD-XX-GF-DR-E-2001 Rev P01 date stamped 2 March 2017.

CP-HYD-XX-ZZ-DR-M-4000 and CP-HYD-XX-ZZ-DR-ME-9000 date stamped 15 March 2017.

## DECISION TAKING STATEMENT

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

### **Condition Categories**

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

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

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

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

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

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

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

<b>Item No:</b>	08	
<b>Application No:</b>	16/06062/FUL	
<b>Site Location:</b>	Closed Public Toilets, Claverton Street, Widcombe, 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>	Erection of 2 storey office building following demolition of existing former WC Block.	
<b>Constraints:</b>	Affordable Housing, Agric Land Class 3b,4,5, Air Quality Management Area, Article 4, Article 4, Article 4, British Waterways Major and EIA, British Waterways Minor and Householders, Conservation Area, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, SSSI - Impact Risk Zones, Water Source Areas, World Heritage Site,	
<b>Applicant:</b>	HamburyHird Design Ltd	
<b>Expiry Date:</b>	14th February 2017	
<b>Case Officer:</b>	Tessa Hampden	

## 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 (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 statement should include all trees within the site and on the boundary of the site within neighbouring properties whose canopies and/or Root Protection Areas lie within or encroach upon the site or any access routes to it; 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; the burning of materials on site; the location of site office; service run locations including soakaway locations; and the 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 2007 and Policy NE6 of the Bath and North East Somerset draft Placemaking Plan 2015. 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 Tree replacement - off site contribution (Pre occupation)**

Prior to the occupation of the development hereby approved the replacement planting of two trees off site shall be secured in line with the details contained in the Bath and North East Somerset Council revised Planning Obligations Supplementary Planning Document, adopted on 6th April 2015 Section 3.5. The level of contributions required shall be set at £735.28 per tree £1,470.56.

Reason - to ensure that the adverse impact of the development proposals on existing off site trees on public land is mitigated through the planting and establishment of replacement tree planting.

### **4 Nesting Bird Protection (Bespoke Trigger)**

No removal of trees hedges or shrubs shall take place between 1st March and 31st August unless a Survey to assess the nesting bird activity on the site during this period and a Scheme to protect the nesting birds has been submitted to and approved in writing by the Local Planning Authority. No tree hedge or shrub shall be removed between 1st March and 31st August other than in accordance with the approved bird nesting protection scheme.

Reason: To protect nesting birds and prevent ecological harm in accordance with NE.11 of the Bath and North East Somerset Local Plan

### **5 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.

### **6 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.

## 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:

14 Dec 2016	188.001	EXISTING LAYOUT & SITE PLAN
14 Dec 2016	188.002	EXISTING ELEV AA, BB, CC
14 Dec 2016	188.050	PROPOSED DEMOLITIONS
14 Dec 2016	188.100	PROPOSED GROUND FLOOR LAYOUT
14 Dec 2016	188.102	PROPOSED ROOF PLAN
14 Dec 2016	188.200	PROPOSED SITE ELEVATION
14 Dec 2016	188.201	PROPOSED FRONT ELEVATION A
14 Dec 2016	188.203	PROPOSED SIDE ELEVATION C
14 Dec 2016	188.204	PROPOSED REAR ELEVATION D
06 Feb 2017	188.101 (A)	PROPOSED FIRST FLOOR PLAN
06 Feb 2017	188.202 (A)	PROPOSED SIDE ELEVATION B

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)

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

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.

### Condition Categories

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

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

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

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

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



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

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

<b>Item No:</b>	09		
<b>Application No:</b>	16/01365/FUL		
<b>Site Location:</b>	Hillside Garage , 243 Englishcombe Lane, Southdown, Bath		
<b>Ward:</b> Southdown	<b>Parish:</b> N/A	<b>LB Grade:</b> N/A	
<b>Application Type:</b>	Full Application		
<b>Proposal:</b>	Erection of 3No. new dwellings following demolition of 11No. lock-up garages.		
<b>Constraints:</b>	Affordable Housing, Agric Land Class 3b,4,5, Article 4, Forest of Avon, Hotspring Protection, LLFA - Flood Risk Management, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,		
<b>Applicant:</b>	BHR Properties Limited		
<b>Expiry Date:</b>	7th April 2017		
<b>Case Officer:</b>	Alice Barnes		

## **DECISION REFUSE**

1 The proposed dwellings by reason of their siting, height and design will result in a dominant and overbearing impact to the neighbouring properties within Marsden Road. The development is therefore considered to result in a loss of amenity of the neighbouring occupiers. The proposed development is therefore contrary to policy D.2 of the Bath and North East Somerset Local plan and policy D.6 of the emerging placemaking plan

2 The proposed development by reason of its height, scale and mass is considered to result in overdevelopment of a backland plot resulting in a development which is harmful to the character and appearance of the area. The proposed development is therefore contrary to policy D.2 and D.4 of the Bath and North East Somerset Local plan and policies D.2, D.5 and D.7 of the emerging placemaking plan

3 The proposed development, due to the narrow access road, cannot accommodate large vehicles accessing the site. There is no pavement within the access to the site which will also lead to conflict between pedestrians and vehicles. The development will fail to provide an adequate collection area for waste and recycling. The proposed development

is considered to result in severe harm to highway safety. The development is therefore contrary to policy T.24 of the Bath and North East Somerset Local plan and ST.7 of the emerging placemaking plan.

## PLANS LIST:

Site and location plans LA-001  
 Existing block plan LA-002  
 Existing elevations 1 LA-002  
 Existing elevations 2 LA-004  
 Proposed site plan LA-005 rev D  
 Units 1-3 Ground floor plan LA-006 rev C  
 Units 1-3 First floor plan LA-007 rev C  
 Units 1-3 Second floor plan LA-008 rev C  
 Units 1-3 Front north west elevation LA-009 rev C  
 Units 1-3 Rear south west elevation LA-010 rev C  
 Units 1-3 Side (north east) elevation LA-011 rev C  
 Units 1-3 Side (south west) elevation LA-012 rev C  
 Section AA LA - 013 rev C  
 Section BB - LA -014 rev C  
 Bike storage LA-019  
 Proposed site plan LA-020

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Policy Framework. The 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 by the members of the development management committee for the reasons given and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.

<b>Item No:</b>	10	
<b>Application No:</b>	16/06234/FUL	
<b>Site Location:</b>	Eastwick Farm , Wick Lane, Stanton Wick, 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>	Replacement Barn Dwelling (Retrospective)	
<b>Constraints:</b>	Affordable Housing, 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 Winstone	
<b>Expiry Date:</b>	16th March 2017	
<b>Case Officer:</b>	Alice Barnes	

**DECISION** Delegate to permit subject to advertisement as a departure.

<b>Item No:</b>	11	
<b>Application No:</b>	16/05505/FUL	
<b>Site Location:</b>	10 Entry Hill, Combe Down, Bath, Bath And North East Somerset	
<b>Ward:</b> Lyncombe	<b>Parish:</b> N/A	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Erection of 1no.dwelling (Revised proposal)	
<b>Constraints:</b>	Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, Sites of Nature Conservation Interest, SSSI - Impact Risk Zones, World Heritage Site,	
<b>Applicant:</b>	Walters Developments	
<b>Expiry Date:</b>	5th April 2017	
<b>Case Officer:</b>	Samantha Mason	

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

Notwithstanding the information shown on the submitted plans, the external stone walling shall be natural limestone.

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.

### **3 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.

#### **4 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.

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

No development or ground preparation shall take place until a Detailed Arboricultural Method Statement with Tree Protection Plan has been submitted to and approved in writing by the Local Planning Authority. The final 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. The statement should also include the control of potentially harmful operations such as the storage, handling and mixing of materials on site, burning, above and below ground service run locations and movement of people and machinery.

Reason: To ensure that the protected 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 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.

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

No development or other operations shall take place except in complete accordance with the approved Detailed Arboricultural Method Statement. A signed certificate of compliance shall be provided by the appointed arboriculturalist to the local planning authority on completion and prior to the first occupation of the dwelling.

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

#### **7 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; finished ground levels; a planting specification to include numbers, density, size, species and positions of all new trees and shrubs; 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.

#### **8 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

#### **9 Wildlife Protection and Enhancement Scheme (Compliance)**

The development hereby permitted shall be carried out only in accordance with the approved Wildlife Protection & Enhancement Scheme by Oecologic dated January 2017. A suitably experienced ecologist shall carry out a precommencement check of the site immediately prior to the commencement of works; confirmation of this shall be provided by the applicant's ecologist via email to the LPA Ecologist once completed.

Reason: to avoid harm to wildlife including protected species and badger and to provide

#### **10 Implementation of Wildlife Scheme (Pre-occupation)**

No occupation of the development hereby approved shall commence until a report produced by a suitably experienced ecologist confirming and demonstrating, using photographs where appropriate, implementation of the approved Wildlife Protection and Enhancement Scheme by Oecologic dated January 2017, in accordance with the specifications and ecological requirements described, has been submitted to and approved in writing by the Local Planning Authority. The measures shall be retained thereafter unless otherwise agreed in writing with the local planning authority.

Reason: To ensure that the implementation and success of the Wildlife Protection and Enhancement Scheme to prevent ecological harm and to provide biodiversity gain in accordance with policies NE.10 and NE.11 of the Bath and North East Somerset Local Plan.

#### **11 Surface Water Drainage System (Compliance)**

The surface water drainage system shall be built in accordance with the plans submitted with this application (Drawing AH2016/85 and the Surface Water Drainage Strategy (24 January 2017)).

Reason: In the interests of flood risk management

#### **12 Surface Water Drainage System (Compliance)**

The homeowner or landowner should be made aware of the surface water drainage system and the required maintenance regime. They should also be advised of the estimated lifespan of the crate attenuation system.

Reason: The surface water drainage system is entirely private and therefore regular maintenance by the private owner is required to ensure the system works as designed.

### **13 Balcony (Pre-occupation)**

The balcony privacy screen on the ground floor of the dwelling hereby approved shall be completed prior to the occupation of the dwelling.

Reason: To prevent overlooking into adjoining properties and in the interest of residential amenities.

### **14 Plans List (Compliance)**

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

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

### **PLANS LIST:**

This decision relates to the following plans:

03 Feb 2017 Sheet 1 of 4 Existing and Proposed Block Plan and Site Location Plan  
03 Feb 2017 Sheet 2 of 4 Proposed Floor Plans and Elevations  
03 Feb 2017 Sheet 3 of 4 Existing and Proposed Landscaping Plan  
03 Feb 2017 Sheet 4 of 4 Surface Water Flood Plan And Proposed Section

### **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.

### **Informative**

Any connection to the culverted watercourse must not affect the cross sectional area of the culvert. If works are likely to affect this cross-sectional area (including any temporary works) then the applicant may need to apply for Land Drainage Consent. Details here: <http://www.bathnes.gov.uk/services/environment/lead-local-flood-authority/land-drainageconsent-ordinary-watercourses>

To note that Land Drainage Consent is a separate issue to planning consent.

Drawing AH2016/85 suggests a 'saddle connection' to the culvert. We would much prefer to see a manhole connection to aid maintenance. We believe this would be in the homeowner/ landowner's interest as they are/ will be Riparian Owners for the culverted watercourse running through their land.

Furthermore we recommend that the homeowner/ landowner is made aware of their Riparian responsibilities in terms of the culverted watercourse. We recommend that a copy of 'Living on the Edge' is supplied as part of any welcome pack or similar and that the landowners familiarise themselves with the location and condition of the culverted watercourse through their land. Living on the Edge: <https://www.gov.uk/government/publications/riversideownership-rights-and-responsibilities>

The landowner should be aware that any land raising or modifications to land between the new building and the east boundary could affect the predicted surface water flood flow path and could potentially put the new building or neighbouring buildings at risk. This is also the case for any structures in the area such as fencing or outbuildings such as garden sheds.

<b>Item No:</b>	12	
<b>Application No:</b>	16/06196/FUL	
<b>Site Location:</b>	100 North Road, Combe Down, Bath, Bath And North East Somerset	
<b>Ward:</b> Combe Down	<b>Parish:</b> N/A	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Erection of a single storey side extension to provide disabled facilities and access into the extension.	

<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, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones, World Heritage Site,
<b>Applicant:</b>	Ms Jan Symons
<b>Expiry Date:</b>	7th April 2017
<b>Case Officer:</b>	Chloe Buckingham

## **DECISION PERMIT**

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

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

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

### **2 Plans List (Compliance)**

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

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

## **PLANS LIST:**

This decision relates to;

The Site Location Plan (no ref) received 3rd January 2017.

The Proposed Plans and Elevations (NRD14-C), Joinery Details (NRD15) received 21st December 2016.

The Existing Plans and Elevations (NR10 Rev A) received 14th February 2017.

## **DECISION TAKING STATEMENT:**

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. The application was considered to be acceptable by the Development Management Committee.

## **Condition Categories**

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

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



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

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

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

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

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

<b>Item No:</b>	13	
<b>Application No:</b>	16/06197/LBA	
<b>Site Location:</b>	100 North Road, Combe Down, Bath, Bath And North East Somerset	
<b>Ward:</b> Combe Down	<b>Parish:</b> N/A	<b>LB Grade:</b> N/A
<b>Application Type:</b>	Listed Building Consent (Alts/exts)	
<b>Proposal:</b>	Erection of a single storey side extension to provide disabled facilities and access into the extension.	
<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, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones, World Heritage Site,	
<b>Applicant:</b>	Ms Jan Symons	
<b>Expiry Date:</b>	7th April 2017	
<b>Case Officer:</b>	Chloe Buckingham	

## **DECISION    CONSENT**

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

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

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

## **2 Materials - 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 walls 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 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.

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

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.

## **PLANS LIST:**

This decision relates to;

The Site Location Plan (no ref) received 3rd January 2017.

The Proposed Plans and Elevations (NRD14-C), Joinery Details (NRD15) received 21st December 2016.

The Existing Plans and Elevations (NR10 Rev A) received 14th February 2017.

## **DECISION TAKING STATEMENT:**

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. The application was considered to be acceptable by the Development Management Committee.

## **Condition Categories**

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

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

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

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

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

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

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

<b>Item No:</b>	14	
<b>Application No:</b>	17/00417/FUL	
<b>Site Location:</b>	Land And Buildings To Rear Of 1-7 High Street, Mill Hill, Wellow, Bath	
<b>Ward:</b> Bathavon South	<b>Parish:</b> Wellow	<b>LB Grade:</b> II
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Conversion of former farm buildings to form 1 no. dwelling with associated works. (Resubmission with revisions of 14/01866/FUL).	
<b>Constraints:</b>	Affordable Housing, Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Conservation Area, Greenbelt, Housing Development Boundary, Listed Building, LLFA - Flood Risk Management, SSSI - Impact Risk Zones,	
<b>Applicant:</b>	Mr Christopher Watt	
<b>Expiry Date:</b>	12th April 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 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; finished ground levels; a planting specification to include numbers, density, 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.

### **3 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.

### **4 Implementation of Wildlife Scheme (Bespoke Trigger)**

The development hereby approved shall be implemented only in accordance with the approved Bat Mitigation Scheme version 2 by CTM Wildlife dated 15th December 2016. Within 12 months of occupation of the development hereby approved a report produced by a suitably experienced ecologist (licensed bat worker) confirming and demonstrating, using photographs where appropriate, full implementation of the measures and recommendations of the Wildlife Protection and Enhancement Scheme shall be submitted to and approved in writing by the Local Planning Authority. This shall include information to demonstrate that the operational lighting does not exceed the lux levels within the orange and yellow shaded zones shown on the approved Bat Mitigation Scheme Version 2 dated 15th December 2016.

Reason: To ensure that the implementation and success of the Wildlife Protection and Enhancement Scheme to prevent ecological harm and to provide biodiversity gain in accordance with policies NE.10 and NE.11 of the Bath and North East Somerset Local Plan.

### **5 Removal of Permitted Development Rights - No Windows (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 windows, roof lights or openings, other than those shown on the plans hereby approved, shall be formed in any elevation at any time unless a further planning permission has been granted.

Reason: To safeguard the 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.

### **6 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 to safeguard the amenities of the surrounding area in accordance with Policy D.2 of the Bath and North East Somerset Local Plan.

### **7 Removal of Permitted Development Rights - No outbuildings (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 garages or other free standing buildings shall be erected within the curtilage of the dwelling(s) hereby approved, other than those expressly authorised by this permission, unless a further planning permission has been granted by the Local Planning Authority.

Reason: The introduction of further curtilage buildings requires detailed consideration by the Local Planning Authority to safeguard the appearance of the development and the amenities of the surrounding area in accordance with Policies D.2 and D.4 of the Bath and North East Somerset Local Plan.

### **8 Disposal of surface water (Pre-occupation)**

The development shall not be occupied until details for the disposal of surface water including the means of outfall has been submitted to, and approved in writing by the Local Planning Authority.

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.

### **9 Parking (Compliance)**

The area allocated for parking and turning on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking 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.

#### **10 Garage (Compliance)**

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

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

#### **11 Mill Hill access (Compliance)**

The access off Mill Hill shown on drawing no. 101 Rev C, received 16 March 2017 shall be used for pedestrian access only.

Reason: In the interests of highway safety in accordance with Policy T.24 of the Bath and North East Somerset Local Plan.

#### **12 Plans List (Compliance)**

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

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

#### **PLANS LIST:**

This decision relates to the Bat Mitigation Scheme version 2 by CTM Wildlife dated 15th December 2016; associated bat tube and ridge tile access details received 29 January 2017; drawing nos. 2544-17; W-503-A; W-505-A; W-901-B; W-903; and W904 received on 29 January 2017; and W-101 C; W-502-B; and W-900-C received on 17 March 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.

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>	15		
<b>Application No:</b>	17/00413/LBA		
<b>Site Location:</b>	Land And Buildings To Rear Of 1-7 High Street, Mill Hill, Wellow, Bath		
<b>Ward:</b> Bathavon South	<b>Parish:</b> Wellow	<b>LB Grade:</b> II	
<b>Application Type:</b>	Listed Building Consent (Alts/exts)		
<b>Proposal:</b>	Internal and external alterations to facilitate conversion of former farm buildings to 1 no. dwelling. (Resubmission with revisions of 14/01867/LBA).		
<b>Constraints:</b>	Affordable Housing, Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Conservation Area, Greenbelt, Housing Development Boundary, Listed Building, LLFA - Flood Risk Management, SSSI - Impact Risk Zones,		
<b>Applicant:</b>	Mr Christopher Watt		
<b>Expiry Date:</b>	12th April 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 - repointing (Compliance)**

The re-pointing of existing walls hereby approved shall be undertaken in accordance with the approved sample pointing panel previously agreed on site and discharged under application 14/04282/COND issued 22 October 2015.

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.

### **3 Materials - new walls (Compliance)**

Erection of new walls hereby approved shall be undertaken in accordance with the approved sample panel previously agreed on site and discharged under application 14/04282/COND issued 22 October 2015.

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.

### **4 Structural report (Compliance)**

The extension works hereby approved shall be carried out in accordance with the structural report details submitted and approved under application 14/04282/COND issued 22 October 2015.

Reason: To avoid damage to the structural integrity of the listed building in accordance with Policy BH.2 of the Bath and North East Somerset Local Plan.

### **5 Materials - roof (Compliance)**

Re-cladding of the roofs of the listed building shall be undertaken in accordance with the approved clay double roman roof tile sample previously agreed on site and discharged under application 14/04282/COND issued 22 October 2015.

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 External fittings (Bespoke Trigger)**

Prior to the fitting of any external vents, gas or electricity meter inspection boxes details of their appearance and location on the buildings shall be submitted to and agreed in writing by the local planning authority.

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

### **7 Materials - Paint finish (Compliance)**

External joinery shall be painted and finished in accordance with the letter dated 05/09/2014 and discharged under application 14/04282/COND issued 22 October 2015.

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.

### **8 Materials - Floors and interior walls (Compliance)**

Works on the existing floors and interior walls of the listed building shall be undertaken in accordance with the specification of works included in the letter dated 05/09/2014 and discharged under application 14/04282/COND issued 22 October 2015.



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.

#### **9 Repair works - first floor and roof structure (Compliance)**

Repair works to the first floor and roof structure in the stables and the roofs of the barn and forge shall be carried out in accordance with the structural engineer's report submitted and approved under application 14/04282/COND issued 22 October 2015.

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.

#### **10 Rear timber barn door and glazed screen (Bespoke Trigger)**

Prior to the installation of the proposed new rear timber barn door and glazed screen details comprising 1:20 elevations and half sized vertical and horizontal sections and fixing details relating to the glazed screen shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved detail.

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.

#### **11 Details - gate and railings (Bespoke Trigger)**

No installation of the metal gate and railings on the Mill Hill elevation shall commence until appropriately scaled section (1:1 or 1:2) and elevation drawings (1:10) including details of the proposed finish 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 and to safeguard the character and appearance of the Conservation Area in accordance with Policy BH.6 of the Bath and North East Somerset Local Plan.

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

No construction of the external walls and surfaces surrounding the development hereby approved shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces 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: To safeguard the character and appearance of the building in accordance with Policy BH.2 of the Bath and North East Somerset Local Plan.

#### **13 Implementation of Wildlife Scheme (Bespoke Trigger)**

The development hereby approved shall be implemented only in accordance with the approved Bat Mitigation Scheme version 2 by CTM Wildlife dated 15th December 2016. Within 12 months of occupation of the development hereby approved a report produced by a suitably experienced ecologist (licenced bat worker) confirming and demonstrating, using photographs where appropriate, full implementation of the measures and recommendations of the Wildlife Protection and Enhancement Scheme shall be submitted

to and approved in writing by the Local Planning Authority. This shall include information to demonstrate that the operational lighting does not exceed the lux levels within the orange and yellow shaded zones shown on the approved Bat Mitigation Scheme Version 2 dated 15th December 2016.

Reason: To ensure that the implementation and success of the Wildlife Protection and Enhancement Scheme to prevent ecological harm and to provide biodiversity gain in accordance with policies NE.10 and NE.11 of the Bath and North East Somerset Local Plan.

#### **14 Plans List (Compliance)**

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

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

#### **PLANS LIST:**

This decision relates to the Bat Mitigation Scheme version 2 by CTM Wildlife dated 15th December 2016; associated bat tube and ridge tile access details received 29 January 2017; drawings nos. 2544-17; W-102-A; W-503-B; W-504-A; W-505-B; W-506-A; W-901-C; and W-903 received on 29 January 2017; and W-101 D; W-502 C; W-900 D received on 17 March 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. 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.

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Bath & North East Somerset Council		
MEETING:	Development Management Committee	AGENDA ITEM NUMBER
MEETING DATE:	3rd May 2017	
RESPONSIBLE OFFICER:	Mark Reynolds – Group Manager (Development Management) (Telephone: 01225 477079)	
TITLE: APPLICATIONS FOR PLANNING PERMISSION		
WARDS:	ALL	
BACKGROUND PAPERS:		
AN OPEN PUBLIC ITEM		

## BACKGROUND PAPERS

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

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

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

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

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

## INDEX

ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
001	16/05772/FUL 20 January 2017	Juniper Homes (South West) Limited 40 Bloomfield Park, Bloomfield, Bath, Bath And North East Somerset, BA2 2BX Erection of eight apartments with associated parking and landscaping following demolition of existing detached house and garage (Resubmission)	Lyncombe	Chris Griggs- Trevarthen	PERMIT

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

**Item No:** 001  
**Application No:** 16/05772/FUL  
**Site Location:** 40 Bloomfield Park Bloomfield Bath Bath And North East Somerset  
 BA2 2BX



<b>Ward:</b> Lyncombe	<b>Parish:</b> N/A	<b>LB Grade:</b> N/A
<b>Ward Members:</b>	Councillor Michael Norton Councillor Mark Shelford	
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Erection of eight apartments with associated parking and landscaping following demolition of existing detached house and garage (Resubmission)	
<b>Constraints:</b>	Affordable Housing, Agric Land Class 1,2,3a, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,	
<b>Applicant:</b>	Juniper Homes (South West) Limited	
<b>Expiry Date:</b>	20th January 2017	
<b>Case Officer:</b>	Chris Griggs-Trevarthen	

## REPORT

### REASON FOR REPORTING TO COMMITTEE

Cllr. Mark Shelford has requested that the application be determined by committee if the officer is minded to approve. Cllr. Shelford's comments are summarised in the representations and consultations section below.

In accordance with the scheme of delegation, the application has been referred to the chair of the Development Management Committee who has decided that the application should be determined by committee.

The application was presented at the 5th April 2017 Development Management Committee where members decided to defer the application to undertake a site visit. The committee site visit was undertaken on the 24th April.

### DESCRIPTION

The application site lies in a mainly residential area and comprises a detached two storey house with stone elevations. The site frontage is relatively large and there is a belt of mature trees between the house and the road of Bloomfield Park from where access is obtained to a single detached garage. There are other mature trees around the site which lies in the Bath Conservation Area and World Heritage Site. The trees on site are not covered by a Tree Preservation Order but are protected by their location in the Conservation Area. The land slopes gradually away from the road down to the north.

The proposal is to demolish the existing house and erect a new building with four levels of accommodation containing 8 apartments and a 'lower ground floor' area of parking which would be partly located within the base of the building and partly under a raised terrace. The application is a resubmission of the previously refused application 15/04347/FUL.

The proposed development falls within schedule 2 of the EIA regulations and is identified as being within a sensitive area (World Heritage Site). The application has therefore been screened in accordance with the EIA regulations. It has been determined that the proposed development is not EIA development and that an Environment Statement is not required to accompany the application.

## **RELEVANT PLANNING HISTORY**

*Planning reference: 15/04347/FUL*

Erection of eight apartments with associated parking and landscaping following demolition of existing detached house and garage.

Application status - Refused - 25th May 2016

Appeal status - Dismissed - 22nd December 2016

Inspector's comments: *The siting and scale of the proposed building would have a direct affect and also be likely to have a subsequent indirect effect, on the retention of the existing trees on the site. These trees contribute to the attractive character and appearance of the Bloomfield Park part of the Conservation Area and their loss or substantial change would materially harm and would not preserve or enhance the character and appearance of this sensitive area. The statutory test is therefore not met and the proposal would not accord with saved policies BH6 or NE4.*

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

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

ARBORICULTURE: No objection, subject to conditions.

The building footprint has been moved to the north and beyond the root protection area for T8 which has been shown as a uniform circle with a radius of 12.12m on the submitted Tree Protection Plan.

The proposed Tree Protection Plan indicates that ground protection would be necessary within a small area of the root protection area of T8 and that no dig construction methods would be necessary during construction of a footpath. These issues can be incorporated within a detailed arboricultural method statement which can be conditioned.

CONTAMINATED LAND: No objection, subject to condition

ECOLOGY: No objection, subject to conditions

DRAINAGE AND FLOOD RISK: No objection, subject to condition

ARCHAEOLOGY: No objection.

HIGHWAYS OFFICER: No objection, subject to conditions

COUNCILLOR MARK SHELFORD: Continues to object to this application on the grounds of:

Overdevelopment in the area;

Adversely affecting the nearby properties;

Environmental-trees; and,

Overpopulation of cars potentially an extra 16



THIRD PARTIES/NEIGHBOURS: 60 letters of objection have been received. The main issues raised were:

Inadequate/inaccurate information

Adverse amenity impacts for future occupiers of the flats

Inadequate daylight provided for the proposed flats

Entrance gateway is 6m in width and is incongruous and will have an adverse visual affect

Inadequate provision for the storage and disposal of rubbish

Highways safety issues / poor vehicle tracking

Site is situated on a blind corner and a narrow road

Overbearing impact upon no. 39 and no. 41

Loss of daylight to no. 39 and no. 41

Overlooking into the garden no. 41 from the raised terrace

The level of the terrace is unclear and may be more harmful than appears

Overdevelopment

Design is not in keeping with the area

Does not respond to context of siting, spacing or the plot

It is higher than the surrounding buildings

Tree damage is a significant concern

There will still be pressure to remove trees in the future

Moving it 3m rearwards worsens the impact, particularly on the neighbours

There is a legal duty to have regard to the Conservation Area

Does not follow the existing building line

Noise generated by ramp to car park

Adverse effect on wildlife in the garden (badgers, squirrels, deer and foxes)

Loss of the Walnut tree

Adverse effect on peace and tranquillity

Noise from mechanical ventilation

Heavily parked road / congestion

Solar panels are ineffective due to the trees overshadowing

Design does not preserve or enhance the area

Inadequate provision of parking spaces

Manoeuvrability in car park is limited

Impact upon wildlife

Impact of security lighting of the proposed flats

Concern about flooding

Contravene the Humans Rights Act

Concerns about lack of adequate refuse storage

Position of refuse storage is inaccessible

Concern about pedestrian safety

Density of development is excessive

No demand for flats

Concern about surface water flooding impact upon basement parking

Insufficient parking

Does not meet building regulations

Proposed Solar panels would be in shade

Building is too high at the rear

Increased traffic generation

Loss of garden space

Concern about the ability to deliver the development

## **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
- B4 World Heritage Site
- CP2 Sustainable Construction
- CP6 Environmental Quality
- SD1 Presumption in favour of Sustainable Development

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
- BH.6 Development within or affecting Conservation Areas
- BH.7 Demolition in a Conservation Area
- BH.12 Important archaeological remains
- BH.22 External lighting
- NE.4 Trees and Woodland
- NE.9 Locally important wildlife sites
- NE.11 Nationally important species and habitats
- NE.12 Locally important species and habitats
- ES.5 Foul and surface water drainage
- ES.9 Pollution and nuisance
- ES.12 Noise and vibration
- ES.15 Contaminated Land
- T.24 General development control and access policy
- T.26 On-site parking and servicing provision

## **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
- SCR5 Water Efficiency
- D1 Urban Design Principles
- D2 Local Character & Distinctiveness

D3 Urban Fabric  
D4 Streets and spaces  
D5 Building Design  
D6 Amenity  
NE4 Ecosystem services  
NE5 Ecological networks  
NE6 Trees and woodland conservation  
PCS1 Pollution and nuisance  
PSC5 Contamination  
PCS7A Foul sewage infrastructure  
H7 Housing accessibility  
LCR7 Broadband  
ST1 Promoting sustainable travel

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

HE1 Historic Environment  
D8 Lighting  
PCS2 Noise and vibration  
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 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. Background
2. Principle of development
3. Character and appearance
4. Residential amenity
5. Trees and woodland
6. Ecology
7. Highways safety and parking
8. Archaeology
9. Drainage and flood risk
10. Community Infrastructure Levy and New Homes Bonus
11. Other matters
12. Conclusions

### **1. BACKGROUND**

This application is a revised resubmission of application 15/04347/FUL which was refused in May 2016 and then dismissed at appeal in December 2016. The Inspector's decision letter (ref: 3153519) is a material consideration which has a significant bearing on the consideration of this current application.

The previous application was refused because the proposed building would adversely affect the health and longevity of the mature tree belt to the front of the property and, as a result, would be detrimental to the character and appearance of the Conservation Area.

The Inspector upheld this reason for refusal in dismissing the appeal.

The revised proposal positions the proposed building 3 metre further towards the rear of the site, outside of the root protection zone of the Beech Tree (T8), in an effort to address this reason for refusal. The effect of this change will be discussed in the sections below.

The Inspector's decision letter also provides commentary on a range of other relevant issues relating to the proposal which will be examined out in the sections below.

## 2. PRINCIPLE OF DEVELOPMENT

The site lies within the built up area of Bath where the principle of new residential development is acceptable in accordance with policy B1 of the Core Strategy.

The proposal involves the demolition of the existing dwelling on the site. Policy BH.7 of the Local Plan states that the demolition of buildings which make a positive contribution towards the special character and appearance of the Conservation area will only be permitted subject to a number of criteria.

The existing building, although not unattractive, is constructed from reconstituted bath stone and its form and design is not in keeping with the predominant character of Victoria/Georgian villas in the area. The building is not prominent in the street scene and is largely screened by the mature trees along the front boundary of the site. It is therefore considered to only make neutral contribution towards the special character of the Conservation Area.

The previous appeal Inspector drew a similar conclusion:

*In my view despite the stone elevations of the existing house it is clearly of a more contemporary design than the original properties along Broomfield Park and the building does not contribute to the character of the Conservation Area in a positive way. Rather, it has a neutral effect and therefore there is not an objection in principle to its demolition provided that the details of any scheme for replacement development meet the statutory test set out in section 72 of the Act. (Paragraph 14)*

The demolition of the existing building, provided its replacement is of sufficient quality, is therefore acceptable in accordance with policy BH.7 of the Local Plan.

## 2. CHARACTER AND APPEARANCE

The existing site is occupied by a detached two storey 20th century house, set within a relatively large garden. There is a significant belt of mature trees and hedge to the front of the plot. These substantially screen the front of the house and make a positive

contribution to the character of the street. Mature trees also contribute to the character of the rear garden.

The surrounding neighbourhood has a residential character of larger two/three storey villas set within larger plots with large rear gardens and garden space to the sides. There are also later inter-war semidetached houses and some garden infill bungalows. The west (lower) side of the road is more informal in built form and building lines.

The application site is significantly wider than many of the other plots within the street and is one of the largest single plots within the street. Even after taking into account the revised position of the current proposal, the proposed building is considered to be located centrally within the plot and covers a significant footprint. Despite being pushed further back into the site, the building retains a good degree of spacing around it and sits comfortably within the plot.

The scale of the building is 4 storeys, with undercroft parking at the rear. This comprises 3 normal storeys with roof accommodation. The ground floor is set into the sloping site so that the overall ridge height of the proposed building is broadly similar to the adjacent property, 41 Bloomfield Park. The proposed building also includes a two storey side extension and a three storey element to the rear, comprising two normal storeys with roof accommodation. These additional elements add greater bulk to the proposed building, but do so in a manner which ensures that the overall massing is broken up and that there is sufficient articulation. It is therefore considered that the proposed development, although large and at the limits of what the site can accommodate, is not overdeveloped and will not appear cramped when viewed within the street scene.

The previous appeal Inspector also considered this aspect of the design and made the following conclusions:

*In terms of the height of the building proposed, even with four levels of accommodation, the overall height of the building would be proportional to the adjacent original neighbouring buildings, as shown on the submitted street scene elevation, notwithstanding the more recent single storey 'infill' at No.39. I do not consider that the mass of building proposed would be over-bearing for the site, which appears wider than most others in the neighbourhood, nor would it appear 'squat' in the street scene as alleged by the Association. (Paragraph 15)*

Concerns have been raised about the density of development. The proposal to replace a single dwelling with a block of 8 apartments will undoubtedly increase the density of development. However, the density of development is not so significantly greater than the surrounding area than to warrant an objection to the proposal on design grounds. Matters in relation to the highways, parking and other impacts of the proposed density are considered later in this report.

The previous appeal Inspector agreed with these conclusions stating that:

*the development density proposed need not result in a form of inappropriate development when compared to the rest of the Conservation Area. (Paragraph 14)*

The proposed replacement building attempts to adopt a character similar to the Victorian villas which dominate this part of Bloomfield Park. The front elevation incorporates a narrow, projecting gable and full height bay windows. The proposal incorporates a mixture of natural bath rubble stone and natural bath stone ashlar and timber windows which are considered appropriate and can achieve a high quality finish. The roof materials are specified as double roman tiles which are not considered to be appropriate for this area. It is considered that slate would be a more appropriate roof covering for the proposed building and this has been agreed by the applicant. It is considered that appropriate materials and samples could be secured by condition.

The proposed building contains a large element of flat roof which is not a particularly strong characteristic of the immediately surrounding buildings in the area. However, it can be seen from aerial photography that there are a number of large detached buildings within the wider area, including some along Bloomfield Park and a number along Bloomfield Road, which do contain areas of flat roof. The height of the building is such that the flat roof area will not be particularly visible in the street scene and in longer views from the south will not appear out of place with other flat roof elements in the area.

The proposed building lacks a main entrance on the front elevation and this does detract from the legibility of the overall design. However, due to the screening provided by the mature vegetation and trees along the front boundary of the site, this omission from the design will not be prominent within the street scene and will not detract from the overall design.

Comments have raised concern about the appearance of the east side elevation which does not contain any windows and therefore has a high solid-to-void ratio. However, although a large elevation, it is articulated into several parts and incorporates a number of blind windows to add interest to the elevation. This elevation will be visible in views approaching from the east, but will not be viewed front on and will be viewed in the context of the front elevation which contains a greater degree of interest. It is therefore considered that the east elevation does not detract from the overall design.

The proposal also includes an access ramp to the underground parking which runs along the eastern boundary of the site. The previous appeal Inspector expressed some concerns about the proposed access and entranceway stating the following:

*I do have some concerns about the width and scale of the access and entranceway and its appearance in the street scene and a loss of enclosure...(Paragraph 16)*

However, the Inspector went on to state:

*I am satisfied that this element of the design is not fundamental and the impact of the work could reasonably be overcome by amendments and a different arrangement of materials and enclosure, and this change could be required by conditions. (Paragraph 16)*

Following negotiations, the applicant has agreed to make a number of changes to the site access and entranceway. These include reducing the width of the access to 5m (as per the recommendation of the Highways Officer), specifying pavements as the surfacing material for initial part of the access and introducing stone piers to match the character and appearance of similar stone piers in Bloomfield Park.

These changes are considered to have addressed the Inspector's comments about the width and scale of the proposed access and have helped give it a softer, more suburban feel, in keeping with the surrounding area.

During the previous application, it was considered that the proposed building would preserve the character and appearance of the conservation area. The previous appeal Inspector went further than this and considered that:

*Having regard to the design, height and massing of the proposed building, I am satisfied that the proposal would enhance the character and appearance of the area and would not be 'out of keeping' (Paragraph 14)*

Given that the currently proposed design the same as that previously proposed, with the exception of the additional 3m set back from the street, it is considered that the Inspector's conclusion in respect of the design remain relevant and that the proposed building will enhance the character and appearance of the area.

#### 4. RESIDENTIAL AMENITY

The application site has two immediately adjoining neighbours. To the east is 41 Bloomfield Park, which is a split level 4 storey dwelling. Immediately to the west of the site is 39 Bloomfield Park, which is a linear bungalow situated alongside the boundary behind the established building line.

This latest application has shifted the bulk of the building approximately 3m further rearward in the site, such that the main bulk of the building projects beyond the rear elevation of 41 Bloomfield Park by approximately 6.5m. However, at its closest point the main 4 storey element of the building (which includes the accommodation within the roof) is just less than 6m from the side boundary with 41 Bloomfield Park. The 3 storey rear element of the building is, at its closest point, approximately 6.5m from the side boundary with 41 Bloomfield Park. Although the proposed building is higher and has a greater mass than the existing dwelling, it is considered that this degree of separation prevents the proposed building from having any significant overbearing impact or any significant loss of light.

Concern has been raised about the impact upon the outlook from the rear garden of 41 Bloomfield Park. Although the proposed building will be visible, particularly the 3 storey rear element which projects further beyond the rear building line, the separation between proposed building and the boundary means that the effect upon the outlook from this garden will not significantly harm residential amenity.

The side element of the proposed building (which comprises a two storey and single storey element) is situated, at its closest point, approximately 5m from the boundary with 39 Bloomfield Park. 39 Bloomfield Park is unusual due to its linear form and position directly on the boundary of the application site. Windows in its west elevation look out over its own driveway and parking area. Windows in the east elevation generally look out directly onto the heavily vegetated boundary of the application site thereby limiting its outlook on this side.

However, there is a single kitchen window which currently looks out directly over the garden of the application site. Whilst the current submission projects approximately 3m further into the garden than the previously dismissed scheme, the main bulk of the proposed building is approximately 12m away from this window at its closest point.

The proposals also include a raised terrace at the rear of the proposed building. Due to the sloping nature of the site, the overall height of the terrace will increase as it moves further towards the rear of the site. The height of the terrace therefore varies between approximately 0.3m to 1.1m. The edge of this terrace will be approximately 3m from the window of 39 Bloomfield Park, but is relatively low compared to the height of the window, so will not appear overbearing.

Access to the northern, eastern and western edges of the proposed terrace is proposed to be restricted to prevent direct or harmful overlooking from the terrace into the adjoining window of 39 Bloomfield Park or the garden of 41 Bloomfield Park. This can be secured through the approval of the hard and soft landscaping works condition.

The nearest useable part of the terrace is 7.5m from the boundary with 41 Bloomfield Park, but at this point the terrace is relatively narrow and not particularly suited to sitting out or lingering. Views from the terrace will primarily be drawn towards the rear of the site and the longer views out to the north. Furthermore, the retained trees and replacement planting proposed along the eastern boundary will help to screen views of the neighbouring garden. The nearest useable part of the terrace from the side window of 39 Bloomfield Park is approximately 8m. Again, views from this area will primarily be towards the north and contribution of existing and replacement planting will provide a degree of screening for this window.

Concern has been raised about the potential noise impacts arising from vehicles using the access ramp to the underground parking. The narrow width of the access ramp will necessitate low speed manoeuvring by vehicles thereby lessen the noise impacts. Furthermore, ignition and start-up of vehicles will take place within the underground car park where noise impacts are more likely to be contained. The widened part of the access where cars can pass and may have to wait is on a more level part of the site and therefore won't necessitate significant revving in low gears.

Noise concerns about potential mechanical ventilation of the underground car park have also been raised. No details of the mechanical ventilation of the car park have been submitted. However, it is considered that this is a matter which could be reserved by condition to ensure that the specification of any mechanical ventilation is such that it does not affect the amenities of adjoining occupiers.

This is also a matter which the previous appeal Inspector considered and stated:

*I am also satisfied that the lower level car park would not appear as an alien feature or that it has been shown that its use would give rise to material problems of noise. (Paragraph 15)*

In light of the above, it is considered that the proposed dwelling will not significantly affect the amenities of any of the adjoining occupiers.



## 5. TREES AND WOODLAND

The previous application was refused and then dismissed at appeal due to the potential impact upon the tree belt at the front of the site.

The main change from the previous application is that the building footprint has been moved to the north and beyond the root protection area for T8 which has been shown as a uniform circle with a radius of 12.12m on the submitted Tree Protection Plan.

The proposed Tree Protection Plan indicates that ground protection would be necessary within a small area of the root protection area of T8 and that no dig construction methods would be necessary during construction of a footpath.

Furthermore, the proposals have resulted in a number of improvements in respect of the retained trees:

1. No excavations to construct the building are proposed within the root protection area as a result of moving the building;
2. The use of specific foundation construction methods to avoid excavation is no longer critical to the proposal;
3. The relocation of the building has increased the protected area around the frontage trees, securing a larger area of the shared rooting environment of the retained trees.
4. The increase in distance between the frontage trees and building will reduce pressure for tree pruning and tree removal which was an additional arboricultural concern in relation to the previous application.

The arboricultural officer has advised that the proposed changes overcome the previous arboricultural objection, subject to securing a detailed arboricultural method statement and tree protection plan as a planning condition.

In respect of the other trees on the site, the proposed development will necessitate the removal of 11 No. trees. 10 No. of these trees are classified a 'C' Category, 1 No. is classified as 'B' Category. Of the 'C' Category trees T15, T16 and T17 are visible from Bloomfield Park, but are generally poor specimens and their removal will not impact on the wider visual amenity of the street scene.

Trees T19, T20, G21 are specimens of elderly apple trees of little merit and cannot be seen from the street. Similarly, T22 (Silver Birch) and T23 (Beech), whilst contributing to the internal amenity of the site are not easily seen from the street.

T18 is a mature Walnut which currently makes a limited contribution to the wider visual amenity of the street, but has considerable merit within the rear garden of the property and can be seen easily from neighbouring properties. Its proximity, however, to the existing dwelling is less than 6m so diminishes justification for making a Tree Preservation Order.

The retention of this tree cannot be achieved with the current proposed access to the under-croft parking.

The Council's Arboriculturalist has raised no objection to the loss of this tree provided that an extra heavy standard replacement specimen Walnut tree is incorporated into any proposed landscaping scheme. There is sufficient space on the site to achieve this and it is considered that replacement trees can be secured by a landscaping scheme condition.

In light of the above, it is considered that there is no arboricultural objection to the proposed development which complies with policy NE.4 of the Local Plan and policy NE6 of the emerging Placemaking Plan.

## 6. ECOLOGY

An ecological and protected species survey and assessment has been submitted and reviewed by the Council's Ecologist. No significant constraints are found, but recommendations are made covering a range of issues, which the Council's Ecologist recommends should be implemented. These can be secured by condition. Subject to the above, it is considered that the proposals will not harm biodiversity or ecology.

## 7. HIGHWAYS AND PARKING

The application proposal has been reviewed by the Highways Officer. The application is broadly similar to the previous application to which there was no highways objection. However, the proposed Lower Ground Floor containing the parking is smaller than previously proposed.

The Highways officer has visited the site and observed the local traffic conditions and considers that the proposed visibility splays are sufficient to provide safe access and egress from the site.

There are 8 parking spaces provided for the 8 proposed apartments equating to one parking space per 2 bedroom dwelling. This does not exceed the maximum parking standards set out in policy T.26 of the Local Plan and is considered appropriate by the Highways Officer.

The emerging Placemaking Plan policy ST7 suggest a minimum parking standard of 2 parking spaces per 2 bedroom dwelling and 0.2 of a parking space per dwelling for visitor spaces. This results in a total requirement of 17 parking spaces for the proposed development. Whilst the emerging policy ST7 has significant weight, it is not yet part of the adopted development plan, with which the development does comply, and, furthermore, the site has relatively good access to local bus routes and adequate cycle storage has been provided which further reduces the need for additional on-site parking.

The Highways officer has no objection to the proposals, subject to conditions, and it is considered that the proposals will not have a "severe" impact under the terms of paragraph 32 of the NPPF.

## 8. ARCHAEOLOGY

There are no known archaeological sites or monuments in the immediate vicinity that are likely to be affected by the proposed development. The Council's Archaeologist is therefore content that no further archaeological investigation or conditions are required.

## 9. FLOOD RISK AND SURFACE WATER DRAINAGE

The site falls within flood zone 1 which is considered to be at the lowest risk of flooding. The application indicates that the surface water will be dealt with through soakaways, although the detail of this has not yet been provided. This can be secured by condition. The Drainage and Flood Risk team have reviewed the application and raised no objection to the proposals.

## 10. COMMUNITY INFRASTRUCTURE LEVY AND NEW HOMES BONUS

The proposed residential development will be charged at a CIL rate of £100 per square metre. This equates to a CIL liability of £82,300 based upon a net floor area of 823 square metres.

The proposed dwellings would be subject of the New Homes Bonus which would generate additional council tax receipts for the Local Authority.

## 11. OTHER MATTERS

A number of comments have been received about the failure of the proposed design to meet appropriate Building Regulations. However, these matters are controlled and considered under separate legislation (i.e. Building Regulations legislation).

A number of concerns have been raised about the accuracy of some of the drawings submitted. There are no obvious errors within the drawings submitted and the proposed drawings relate back to the topographical survey which has been submitted. The responsibility to construct the development in accordance with the approved drawings rests with the developer. Any deviation from the approved drawings would require a further consent or variation application which can be subject to the same levels of scrutiny as the current proposal.

A number of comments have raised the issue of human rights and the effect that the proposal will have upon the peaceful enjoyment of the adjoining properties. However, as discuss above, it is considered that the proposal will not have any significant impacts upon the amenities of adjoining occupiers and therefore will not have any detrimental impact upon the human rights of neighbours.

Policy SCR5 of the emerging Placemaking Plan requires that all dwellings meet the national optional Building Regulations requirement for water efficiency of 110 litres per

person per day. The applicant has agreed to meet these standards and this can be secured by condition.

Policy SCR5 also requires all residential development to include a scheme for rainwater harvesting or other method of capturing rainwater for use by residents (e.g. water butts). The applicant has also agreed to incorporate these measures into the proposed scheme although no details have yet been provided. These matters can be secured by a relevant planning condition.

Policy H7 of the emerging Placemaking Plan requires that new developments meet certain accessibility standards for new homes. For market housing, this means dwellings should have enhanced accessibility standards and should meet the optional technical standard 4(2) in the Building Regulations Approved Document M. This policy will be given increasing weight and will be fully implemented once the Placemaking Plan has been formally adopted, but in this case, where the scheme has been within the planning system and developed over a long period of time, it is not considered reasonable to require total compliance with policy H7.

## 12. CONCLUSION

The proposed development has overcome the previous reasons for refusal outlined by the appeal Inspector. The changes to the proposed scheme will not have any significant impact upon the design of the proposed building or the residential amenities of adjoining occupiers.

The proposals accord with the rest of 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 development shall take place until a Detailed Arboricultural Method Statement consistent with the approved Tree Protection Plan (drawing 161122-40BP-TTP-LI dated November 2016) and following the recommendations contained within BS 5837:2012 has been submitted to and approved in writing by the Local Planning Authority and details within the approved document implemented as appropriate. The final 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 also include the control of potentially harmful operations such as 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, CP7 of the Core Strategy and NE6 of the Placemaking 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 Materials - Submission of Schedule and Sample Panel (Bespoke Trigger)**

No construction of the external walls or roof of the development shall commence until a schedule of materials and finishes has been submitted to and approved in writing by the Local Planning Authority, and a sample panel of all external walling and roofing materials to be used has been erected on site, approved in writing by the Local Planning Authority, and kept on site for reference until the development is completed. The development shall 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, D.4 and BH.6 of the Bath and North East Somerset Local Plan, Policy CP6 of the Bath and North East Somerset Core Strategy and policies HE1, D2 and D5 of the Placemaking Plan.

### **4 Mechanical Ventilation (Bespoke Condition)**

No mechanical ventilation of the lower ground floor car park shall be installed unless details of the mechanical ventilation to be used, including an acoustic assessment undertaken by a competent person to establish the effect of any noise generated upon the amenities of adjoining occupiers and recommendations for any required noise mitigation or attenuation, have been submitted to and approved in writing by the Local Planning Authority. The mechanical ventilation, and any noise mitigation or attenuation required, shall thereafter be installed in accordance with the approved details.

Reason: To prevent excessive noise and protect the residential amenity of adjoining occupiers in accordance with policy ES.12 of the Bath and North East Somerset Local Plan and policy PCS2 of the Placemaking Plan.

### **5 Refuse and bin storage (Pre-occupation)**

Notwithstanding the submitted drawings, no occupation of the approved dwellings shall commence until details of the proposed refuse and bin storage have been submitted to and approved in writing by the Local Planning Authority. The approved refuse and bin storage shall be provided in accordance with the approved details prior to the occupation of the approved dwellings.

Reason: To ensure the provision of adequate and safe refuse/bin storage which does not prejudice highways safety and preserves the character and appearance of the

Conservation Area in accordance with policies BH.6 and T.24 of the Bath and North East Somerset Local Plan and policy HE1 and ST7 of the Placemaking Plan.

#### **6 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.

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

No occupation of the approved dwellings 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, Policy CP6 of the Bath and North East Somerset Core Strategy and policies HDE1 and HDE2 of the Chew Valley Neighbourhood Plan.

#### **8 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 (e.g. 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.

#### **9 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, ,

Policy CP6 of the Bath and North East Somerset Core Strategy and policies HDE1 and HDE2 of the Chew Valley Neighbourhood Plan.

#### **10 Ecological recommendations (Compliance)**

The development hereby permitted shall be carried out only in accordance with the recommendations as detailed in Section 4 of the approved report entitled "Ecological Appraisal and Bat Survey" by Crossman Associates dated December 2015 together with additional recommendations as applicable following any necessary future updates to this report.

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 Placemaking Plan.

#### **11 Parking and Turning areas (Compliance)**

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 Water Efficiency (Compliance)**

The approved dwellings shall be constructed to meet the national optional Building Regulations requirement for water efficiency of 110 litres per person per day.

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

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

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

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

#### **14 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:**

1 020 Existing Site Location Plan  
021 Existing SE and SW Elevation Sheet 1  
022 Existing NE and NW Elevations Sheet 2  
023 Existing Streetscene  
030A Proposed Site Plan  
031A Proposed Floor Plans  
032 Proposed SE and SW Elevations  
033A Proposed NE and NW Sheet 2  
034A Proposed Streetscene

## **DECISION MAKING STATEMENT**

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

### **2 Condition Categories**

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

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

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

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

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

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

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



3 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)

#### 4 INFORMATIVES

1. The applicant should be advised to contact the Highway Maintenance Team on 01225 94337 with regard to securing a licence under Section 184 of the Highways Act 1980 for the construction of a vehicular crossing. The access shall not be brought into use until the details of the access have been approved and constructed in accordance with the current Specification.

2. Where development is proposed, the developer is responsible for ensuring that the development is safe and suitable for use for the purpose for which it is intended. The developer is therefore responsible for determining whether land is suitable for a particular development.

3. It is advised that 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. It is also advised that Building Control are consulted regarding the development.

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Bath & North East Somerset Council		
MEETING:	Development Management Committee	AGENDA ITEM NUMBER
MEETING DATE:	3rd May 2017	
RESPONSIBLE OFFICER:	Mark Reynolds – Group Manager (Development Management) (Telephone: 01225 477079)	
TITLE:	APPLICATIONS FOR PLANNING PERMISSION	
WARDS:	ALL	
BACKGROUND PAPERS:		
AN OPEN PUBLIC ITEM		

## BACKGROUND PAPERS

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

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

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

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

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

## INDEX

ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	16/05504/OUT 5 May 2017	Eagle One Estates Limited 34 - 35 Lower Bristol Road, Westmoreland, Bath, Bath And North East Somerset, BA2 3AZ Erection of two buildings to provide residential accommodation for students (up to 204 bedrooms) with ancillary accommodation and facilities and external courtyards, alterations to existing pedestrian and vehicular access, and associated infrastructure following demolition of existing building	Widcombe	Chris Gomm	Delegate to PERMIT
02	17/00299/OUT 7 April 2017	Mrs Brenda Sandy-Miles Land Between Homelands And 10, Camerton Hill, Camerton, Bath, Outline Planning Application for the erection of 1no. single storey dwelling (Resubmission).	Bathavon West	Victoria Griffin	APPROVE
03	17/00265/FUL 4 May 2017	Mr Craig Haskins Techniglaze Ltd, Units 1-2, Fourth Avenue, Westfield, BA3 4XE Change of use from B1c to a Children's soft play area (D2) and cafe	Westfield	Tessa Hampden	REFUSE
04	17/00652/LBA 5 May 2017	14 Union St Ltd & 15 Union St Ltd 14 Union Street, City Centre, Bath, Bath And North East Somerset, BA1 1RR Conversion of existing ancillary retail upper floors to form 4 No. flats; erection of a roof extension to form 1 No. flat; associated internal and external works including a new shop front to No.14; replacement upper storey windows; and new external door and railings to the Union Passage elevation (re- submission)	Abbey	Victoria Griffin	REFUSE

05	17/00651/FUL 5 May 2017	14 Union St Ltd & 15 Union St Ltd 14 Union Street, City Centre, Bath, Bath And North East Somerset, BA1 1RR Conversion of existing ancillary retail upper floors to form 4 No. flats; erection of a roof extension to form 1 No. flat; associated internal and external works including a new shop front to No.14; replacement upper storey windows; and new external door and railings to the Union Passage elevation (re- submission)	Abbey	Victoria Griffin	REFUSE
06	17/00568/FUL 5 May 2017	Mrs R Breach Hartley Farm Cottage , Hartley Lane, Swainswick, Bath, BA1 8AF Erection of side and rear extensions (Revised proposal)	Bathavon North	Emma Hardy	REFUSE
07	17/00944/FUL 26 April 2017	Lansdown Golf Club Lansdown Golf Club, Lansdown Road, Charlcombe, Bath, Bath And North East Somerset Erection of tarmac hardstanding and timber post & rail fencing with native hedge and tree planting to perimeter for parking and storage of golf buggies (Regularisation).	Bathavon North	Emma Hardy	PERMIT
08	17/01029/LBA 28 April 2017	Mr Borel Setten Ground Floor , 30 Grosvenor Place, Lambridge, Bath, Bath And North East Somerset Internal alterations to remove part of the modern timber partition walling between the kitchen and living room.	Walcot	Caroline Power	CONSENT
09	17/00163/FUL 7 April 2017	Mr Christopher Bramwell-Pearson Stonedge Cottage, Stoneage Lane, Tunley, Bath, Bath And North East Somerset Alterations to raise the wall to the same level as the neighbour's wall, including the existing panel fence (Resubmission)	Bathavon West	Chloe Buckingham	REFUSE
10	17/01459/FUL 22 May 2017	Mr Mark Shelford 53 Milton Avenue, Bear Flat, Bath, Bath And North East Somerset, BA2 4RA Loft conversion with rear dormer, single storey rear and side extension, and conversion of existing garage (Revision)	Lyncombe	Samantha Mason	PERMIT

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

<b>Item No:</b>	01
<b>Application No:</b>	16/05504/OUT
<b>Site Location:</b>	34 - 35 Lower Bristol Road Westmoreland Bath Bath And North East Somerset BA2 3AZ



## REPORT

## Background

The proposal involves the provision of 204 student bedrooms the majority of which will be within cluster flats of various sizes. The proposal includes 3 townhouses with frontage to Lower Bristol Road as well as communal spaces and other ancillary facilities including a laundry, gym and study rooms.

The existing building on site is of a substantial size and provides covered storage facilities (Use Class B8) operated by the storage/removal company 'Pickfords'; it is understood that the building was constructed in the mid-1980s.

The application site is located within the Bath Core Office Area, it is also within the Bath Central Area as identified in the emerging Placemaking Plan. The site is identified by the Council as a Site of Potential Concern in respect of land contamination. The site is located within the World Heritage Site and Hot Springs Protection Area. The site is outside of the Bath Enterprise Area and the conservation area.

This application has been screened in order to ascertain whether the proposal constitutes EIA development (Environmental Impact Assessment) and it has been concluded that it is not; the submission of an Environmental Statement is therefore unnecessary. The proposal's impact on the environment is unlikely to be significant in EIA terms.

There is no relevant recent planning history.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

### **Consultation Responses**

Ward Member Councillor Ian Gilchrist: Objection

"My request for a DMC hearing is based on the need, as I see it, to protect the WHS status of the city which includes the views across the valley to the northern side of the city including the Royal Crescent. This is a view particularly enjoyed from the Wells Rd, and which I think would be damaged by the construction of the building as currently proposed. This I think is something which members of the DMC should be given an opportunity to consider from the two angles of:

1. Is that view something which is worth trying to preserve?

2. Would the proposed development damage that view to an unacceptable extent?

You'll notice that I am not basing my objection on the principle of PBSA per se, nor on the loss of employment space, nor indeed on the general appearance of the proposed development, which is arguably an improvement on the current building".

Councillor Karen Walker: Objection

"Pickfords have served as a removal and storage company for many years. My residents living in Peasedown St John also use this for storage and find Pickfords to be easy and convenient for their requirements".

B&NES Landscape: Objection

- o The Design and Access Statement fails to recognise the typology and historic significance of the site;
- o The proposed developments materials should take account of the nearby listed building and the predominance of Bath stone and slate within the World Heritage site;
- o The existing trees on site are of sufficient quality to warrant their consideration as a design constraint;
- o The historically open nature of the site and the current 'rhythm' of the Lower Bristol is ignored;
- o U block forms should have been considered as these would afford greater opportunities for creating an appropriate landscape setting and improve the public realm.
- o The build form and the materials of the proposed development are not acceptable in their current form as they would not preserve or enhance the landscape and visual character of the lower Bristol Road, the setting of the Grade II listed Newark Works or the World heritage site.

B&NES Archaeologist: Comments - A Roman villa has been discovered 45m to the south. A pre-determination evaluation will be difficult however due to the depth of the overburden, archaeological conditions are therefore suggested.

B&NES Conservation Officer: No objection

- o The existing modern industrial buildings possess no architectural merit and detract from the setting of the Bath Conservation Area and WHS. Therefore the principle of re-development is supported;
- o Overall the design approach and use of materials is regarded as appropriate and responds to the industrial character of this part of the city;
- o The area surrounding the site is characterised by a variation of material use including natural stones (pennant and limestone), brick and concrete. Therefore the use of brick is regarded as entirely acceptable in this instance;
- o The use of a traditional brick bonding pattern that is an appropriate traditional detail that will assist in assimilating the development with the surrounding historic buildings; The use of metal cladding on a number of side elevations and also the roof is likewise regarded as appropriately industrial in character;
- o The fenestration is suitably modest and understated with a generous reveal that is another traditional detail that assists in assimilating with the development with existing historic buildings;
- o Concerns regarding the height of the 5-storey south range, which is excessive and of a scale not redolent of the historic industrial building to the south of the site some of which are listed, namely Newark Works and may have a negative impact on their setting;
- o This part of the development is also discordant with the more domestic scale of the buildings adjacent to the site and also clearly influences, impacts and impedes views particularly from the south;
- o It is understood that the planning balance that has to be considered in assessing development proposals such as these which requires the weighing of negative elements against the positive aspects of the proposed development.

B&NES Planning Policy: Objection:

Regarding the application of Policy ED2B, the Placemaking Plan para 494 states that 'Un-named estates, smaller industrial clusters and standalone premises are subject to Policy



ED2B. They are still subject to protection to guard against the wholesale and unsustainable redevelopment of industrial land supply to other higher value uses, but to a lesser degree.' The overall economic contribution made by Bath Universities is understood however, the economic contribution of the provision of additional purpose built student accommodation is not demonstrated or quantified. With regards to its current use and as evidenced in the Industrial Market Review (Lambert Smith Hampton, December 2015), within the Bath area there is a strong demand for smaller units and more modern premises along with a lack of such premises. The application site is well located and capable of responding to such demand in Bath as it is currently occupied by Pickfords. The intention of Pickfords is not clear from the evidence provided alongside the application.

Policy B1 facilitates a managed reduction of industrial floorspace. This is not a 'first-come, first served' policy, applications will be assessed on their own merits. In this case, the industrial land which Pickfords currently occupies is part of very important and limited industrial land supply within the city. There are strong economic reasons why this change of use is inappropriate. If the applicant provides evidence of unsuccessful marketing as required by Policy ED2B, then this will be taken as evidence that there is not a strong economic reason for refusal.

Wessex Water: Comments - general technical comments provided and conditions suggested in respect of a surface water drainage and foundation method statement (due to an existing trunk sewer running beneath the site)

B&NES Highways Team: No objection subject to off-site works and conditions

- o No objection in principle, the site is well located to the centre of Bath;
- o There is a need to ensure that a comprehensive Travel Plan is formally agreed before first occupation of any units;
- o Travel Plan work should investigate whether addition cycle parking is required;
- o An electric bike station should form part of the Travel Plan;
- o Pedestrian connections are of a good quality and the footway is of a sufficient width;
- o Students must be able to safely cross the Lower Bristol Road to reach the bus stop;
- o A pedestrian crossing facility (of Lower Bristol Road) must therefore be provided;
- o The proposed Bath Quays Bridge will significantly improve cycle connections;
- o There is concern that the proposed 50 cycle parking spaces is insufficient;
- o The bus stops are substandard and should be upgraded to provide raised kerbs and live bus time information;
- o No car parking is proposed and there should not be significant issues relating to students parking elsewhere due to existing controls on the road network;
- o There is no objection to the servicing arrangements;
- o A comprehensive Student Management Plan (dealing with the start and end of each term) should be submitted for approval;
- o there is a significant reduction in the number of parking spaces provided, and there will be a much reduced peak hour impact;
- o Regular movements by heavy goods vehicles will also be removed.

Wales & West Utilities: Comment that they have apparatus in vicinity which may be affected. The developer is advised to contact them prior to works commencing on site.

## B&NES Economic Development: Objection

Current projections losses of industrial floorspace in Bath, including Bath Press, Herman Miller, Roseberry Place and Polamco amount to over 34,000sqm. The current application would add a further 4,700sqm to this total and together with further losses in relation to the redevelopment of brownfield sites in the Enterprise Area, suggest that the figure in Core Strategy policy B1(2)(e) could be substantially exceeded.

The Place making Plan makes no provision for new industrial sites in Bath and the Industrial Market Review study carried out in 2015 confirmed that there is little or no industrial land or floor space available in the city where vacancy rates are less than 1%.

Given this economic and policy context and to show the lack of any "strong economic reason" under PMP Policy ED2B for objecting to the loss, the applicant was asked at pre-application stage to provide evidence of how the loss of current facility can be managed within the scope of Core Strategy policy B1(2)(e) and what efforts have been made to relocate the Pickfords facility and associated employment locally. No such evidence has been provided.

## B&NES Urban Design: Unacceptable in its current form:

The variety in rooflines and approach to reducing the massing of the large block to the south is welcome. Further reduction of height is however necessary.

The height of the central block is too high from southern view-points in particular. Drawings and visualisations demonstrate that the massing and building line of the slender block of 'townhouses' is at odds with the morphology of the surroundings and presents a blank frontage to the main Lower Bristol Road elevation. The contribution to the public realm is poor in this regard.

## Historic England: No objection

- o The proposed development would clearly have varying degrees of visual impact upon various attributes of the Outstanding Universal Value (OUV) of the World Heritage Site (WHS), including the Georgian architecture, town planning and green setting, this does not necessarily equate to harm;
- o The proposed development will be partially visible within the context of The Royal Crescent and the ring of green hills behind. However, within such a limited contextual view, this is not considered to be harmful to the OUV of the WHS;
- o The impact upon views from North Quay and the northern side of the River Avon would be limited, and not sufficiently pronounced as to cause unnecessary harm;
- o The proposed development will have its greatest visual impact upon the setting of the Conservation Area and WHS from the north side of Wells Road;
- o Highest central block sitting just below the horizon of hills extending westwards from the principal Avon valley;
- o The building will be higher and bulkier than the existing warehouse but its impact upon the legibility of the 'green bowl' or other attributes of OUV of the WHS, will not be unacceptably harmful or cause Historic England to object;

- o The height of the shallow block that fronts Lower Bristol Road has been reduced by approximately 800mm. This will marginally reduce the immediate impact of this block on the street scene and setting of the conservation area and Newark Foundry, but will not affect any reduction of impact upon the wider WHS;
- o Some considerable thought has been given to the concept of the brick construction; most notably the proposed use of varied bonds, bespoke wider brick units, and the effect of modifying the brick colour from building plinth to eaves level;
- o If thoughtfully executed, this could result in an innovative and positive addition to the site, taking a legible steer from the industrial character of the area in a contemporary idiom;
- o The application meets the requirements of the NPPF, in particular paragraph numbers 128, 132 and 137 of the NPPF.

Natural England: No objection subject to:

- o The two mature Hornbeam trees on the Lower Bristol Road boundary should be retained;
- o Landscape planting should use native species;
- o External lighting should be kept to a minimum, particularly to the rear of the buildings;
- o The car park to the rear should be kept as dark as possible and if possible, there should be mature native planting along the boundary with the railway.

Environment Agency: No objection subject to conditions securing implementation and compliance with the approved Flood Risk Assessment and remediation of the site should contamination be found. Application of the Sequential, and if necessary the Exception Test are a matter for the local planning authority.

B&NES Environmental Monitoring: No objection on air quality grounds but this is subject to two conditions requiring mechanical ventilation and a Construction Dust Environmental Management Plan.

B&NES Drainage and Flooding Team: Not acceptable in its current form.

- o The submitted Flood Risk Assessment states that surface water will discharge to the public surface water sewer but the submitted drawing shows a connection to the public foul sewer;
- o Surface water attenuation is shown as being located above the public foul sewer; this will need to be altered if this does not meet with the approval of Wessex Water. Confirmation of their approval is required or alternatively amendments to this arrangement;
- o Calculations in relation to the volume of the proposed attenuation tank are required.

Network Rail: No objection; general comments provided in relation to construction activities, layout and health & safety matters.

B&NES Parks Department: No objection

- o The proposal is entirely reliant on off-site green space provision to serve the increased demand generated by new residents. There are deficits of greenspace facilities

in the Widcombe ward and limited existing provision of Parks & Recreation Grounds accessible within 600m from the development;

- o It is Green Park that has the potential to serve the demand for green space generated from this development. The role of Green Park within this section of the enterprise area will change, becoming increasingly important as the density of surrounding residential dwellings increases;
- o There is a need to upgrade Green Park from its current typology as an amenity open space to a fully functional Neighbourhood Park & Recreation Ground to accommodate the impact from this development and others in the vicinity. This will be funded through Community Infrastructure Levy contributions.

B&NES Arboriculture: Not acceptable in its current form

- o The Tree Survey fails to identify and categorise trees within but on the boundary of the neighbouring properties to the sites east and west that could potentially be adversely affected by the development proposals;
- o The indicative trees shown on the site plan are inadequate;
- o There are two mature Hornbeam trees within the site boundary. These trees could be graded as 'A2' rather than 'B1'; and are therefore worthy of consideration as a design constraint.

B&NES Waste Services: Comment:

The submitted assumptions are considered to be incorrect so further discussions will be needed, in order to ensure that waste and recycling provision is adequate. Additionally the current level of detail is insufficient to be able to confirm a collection point.

B&NES Contaminated Land: No objection subject to conditions requiring site investigation and if necessary subsequent remediation.

B&NES Environmental Health: No objection subject to a condition ensuring the development is constructed in accordance with the submitted noise assessment.

Representations

104 members of the public have commented on the application of which 93 are objections; 9 are comments and; 2 support. In addition 4 local interest groups (Bath Preservation Trust, Bath Heritage Watchdog, Widcombe Association and The Federation of Bath Residents Associations) have objected to the proposals.

Bath Preservation Trust: Objection to student accommodation use but support the design:

- o This is a prime location for residential accommodation;
- o The need for student accommodation on key city centre site is questioned;
- o This type of accommodation is expensive and therefore does not address the HMO issue;
- o The units should be constructed such that future residential use is possible;
- o The overall architectural design is supported;
- o The design is grounded, strong and connected to its location;
- o The semi-industrial aesthetic is clearly felt in the design and roof forms;

- o The Lower Bristol Road frontage should be more enlivened and active;
- o The schedule of materials is commended.

#### Bath Heritage Watchdog: Objection

- o This is likely to have an adverse impact upon the Outstanding Universal Values of the World Heritage Site;
- o The setting of the conservation area and listed buildings will be damaged;
- o Gross overdevelopment; the scale, height, mass and form are inappropriate;
- o Loss of much needed and valued facility with resultant loss of jobs;
- o If housing is to be built here it should be affordable or social housing;
- o The existing building adds open character to the location and does not draw attention to itself;
- o There is nothing to indicate where, if anywhere, Pickfords will relocate;
- o Just about every available brownfield site is being utilised for purpose-built student accommodation;
- o The development will create residential and amenity issues;
- o The use does not off-set the harm caused;
- o There is concern that this is overspill for the South Quays development;
- o The residential is a mask for more student accommodation;
- o Achieving a specific number of rooms only equates to excessive height, scale, mass and built-line;
- o In combination with South Quays, the development will dwarf and enclose the Newark Works site
- o The building is too close to the road;
- o The design does not respect local character or distinctiveness;
- o The taller block is set on a higher level and will impact on the character and wider setting when viewed from such locations as Wells Road, views from the train will be destroyed;
- o The key driver appears to be accommodating an arbitrary number of rooms rather than providing a quality development;
- o The north block is strangely narrow, it is overbearing and dominant with poor elevational treatment;
- o The H block behind is almost prison-like; its height and scale are too great for its location, its elevational treatment is also poor;
- o Residential amenity will be poor in terms of landscaping and limited natural light;
- o The multi-patterned brick bonding are confusing and haphazard; it does not gel;
- o Natural stone with a slate roof should be utilised;
- o The use of copper/metal roofing is opposed.

#### Widcombe Association: Objection

- o There is concern that the development is not accurately depicted;
- o There are discrepancies in the drawings in relation to relative heights of existing and proposed buildings;
- o Proliferation of student accommodation where there is a severe shortage of affordable housing;
- o The site should be retained as an employment site or safeguarded for mixed-use

#### The Federation of Bath Residents' Associations: Objection

- o Questionable bulk, height, unappealing architectural aesthetics and loss of a most useful amenity;
- o Bath is becoming like Dodge City;
- o Hungry developers fight for every site that becomes available for the more financially rewarding development of PBSA;
- o Development Management sit back and impotently observe;
- o The sack of Bath by the universities continues;
- o The Council should encourage the universities to build accommodation on their campuses;
- o Is the Council not able to cap the number of students;
- o Is the Council not able to encourage more development of mixed-use accommodation

Objections to the scheme (from members of the public) are summarised as follows:

- o There should be no more student accommodation;
- o The amount of student accommodation is out of control;
- o There needs to be a limit on the number of students;
- o Student flats should be constructed at the university;
- o Students have led to increased rubbish and smashed glass;
- o The city needs affordable housing
- o Existing employees within Bath must travel from outside of the city;
- o The social mix/dynamic of the city is changing detrimentally;
- o Students are transient and do not support the city in the same way;
- o There will be a reduction in the quality of life due to noise and anti-social behaviour;
- o More office space is needed;
- o Office development is being crowded out;
- o Serious disruption will be caused when students are dropped off/collected;
- o The city is already gridlocked;
- o The building is huge; the use of red brick is questioned;
- o The building's height is questioned;
- o Concern re. the impact on local amenities (e.g. retail, healthcare, bars/restaurants);
- o The development will not lead to a reduction in HMOs;
- o The Council should satisfy itself that there is a proportionate decrease in HMOs;
- o Pickfords is a much used local facility and is in a good, accessible location;
- o There will be a loss of employment;
- o There should not be more student accommodation close to the river;
- o CIL charge must be increased on student housing;
- o The submitted street scenes have missed key viewpoints;
- o The Council should be doing more to prevent the universities growth;
- o The car-free nature of this development will not be delivered;
- o Over development;
- o This use is incompatible with the Bath Quays South development;
- o There should be affordable rents for the average student;
- o They are trying to turn Bath into London;
- o Bath is becoming a giant university campus;

Support for the scheme (from members of the public) is summarised as follows:

- o The universities bring so much to Bath, it would be a much poorer place without them;
- o Bath is always in need of more student accommodation;
- o Student accommodation has less impact than even the most anti-car development

Comments (from members of the public) are summarised as follows:

- o The height of the proposed building is unclear;
- o Photomontages have differing degrees of zoom;
- o Has the impact on local amenities been assessed;
- o Has the impact on HMOs been monitored;
- o The Council should be doing more to control PBSA;
- o 'No car' promises are a fantasy;
- o There should be a bus capacity study;
- o Bus stops should be taken off the road;
- o Social housing should be constructed first;
- o Council have a duty to protect their student population from blatant exploitation;
- o Rent must be affordable;
- o Everything is based around students in this city;
- o Affordable starter homes are needed;
- o Parking must be provided;
- o When is this continuing expansion going to end?
- o What will the impact be upon local services?

## **POLICIES/LEGISLATION**

Policies/Legislation:

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

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

The following Core Strategy policies are relevant:

Policy DW1: District Wide Spatial Strategy  
 Policy B1: Bath Spatial Strategy  
 Policy B2: Central Area Strategic Policy  
 Policy B4: The World Heritage Site and its Setting  
 Policy B5: Strategic Policy for Bath's Universities  
 Policy SD1: Presumption in favour of Sustainable Development  
 Policy CP2: Sustainable Construction  
 Policy CP5: Flood Risk Management  
 Policy CP6: Environmental Quality  
 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: Development involving gas and electricity services  
Policy ES4: Adequacy of water supply  
Policy ES5: Foul and surface water drainage  
Policy ES9: Pollution and nuisance  
Policy ES10: Air quality  
Policy ES12: Noise and vibration  
Policy ES13: Safety hazards  
Policy ES15: Contaminated land  
Policy WM.4: Waste recovery and recycling in new development  
Policy NE.13A: Bath Hot Springs  
Policy BH.2: Listed buildings and their settings  
Policy BH.6: Development within/ affecting Conservation Areas  
Policy BH.12: Important archaeological remains  
Policy BH.13: Significant archaeological remains in Bath  
Policy BH.22: External lighting  
Policy T.1: Overarching access policy  
Policy T.3: Promotion of walking and use of public transport  
Policy T.5: Cycling Strategy Improved facilities  
Policy T.6: Cycling Strategy: cycle parking  
Policy T.9: Railways: safeguarding of existing network and use of former railway land  
Policy T.20: Loss and provision of off-street parking and servicing  
Policy T.24: General development control and access policy  
Policy T.25: Transport assessments and travel plans  
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 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 LCR1: Safeguarding local community facilities  
Policy LCR7B: Broadband  
Policy ED2B: Non-strategic industrial premises  
Policy B4: The World Heritage Site  
Policy BD1: Bath Design Policy

The following policies 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 B5: Strategic policies for universities and private colleges

City of Bath World Heritage Site Setting SPD (August 2013)  
Bath City-Wide Character Appraisal SPD (August 2005)  
Planning Obligations SPD (April 2015)  
Bath Building Heights Strategy (September 2010)

## **OFFICER ASSESSMENT**

### **Principle**

The Bath spatial strategy (Policy B1 of the adopted Core Strategy) is clear that, in order to facilitate the growth of the city's two universities, both on and off campus purpose-built student accommodation in Bath is supported in principle subject to compliance with CS Policy B5. CS Policy B5 restricts off-campus student accommodation within the Central Area, the Enterprise Area and on MOD land where this would "adversely affect the realisation of other aspects of the vision and spatial strategy for the city in relation to housing and economic development". The application site is very close to both the Enterprise Area and the Central Area but crucially it is not within either of those designations nor is it former MOD land; the restrictions imposed by Policy B5 are therefore not applicable.

CS Policy B1 acknowledges that there will be a contraction in the demand for industrial space in Bath from around 167,000m<sup>2</sup> in 2011 to around 127,000m<sup>2</sup> in 2029 (i.e. 40,000m<sup>2</sup>). The policy seeks to plan for this contraction whilst sustaining a mixed economy to support Bath's multi-skilled workforce and multi-faceted economic base; it states that it seeks to do this by retaining a presumption in favour of industrial land in the Newbridge riverside area.

The application site is situated outside of a Core Business Area as designated in the saved Local Plan; Core Business Areas are known as Strategic Industrial Estates in the emerging Placemaking Plan (and have been reduced in number). Emerging Placemaking Plan Policy ED2B sets out the Council's policy in respect of industrial premises which are located outside of Strategic Industrial Estates; this policy has substantial weight as no objection was raised to it during the Placemaking Plan examination. The policy is clear that non-strategic sites, such as the Pickford's site, are not afforded the same degree of protection as strategic sites and that there is a presumption in favour of residential redevelopment unless there is a strong economic reason why this would be inappropriate.

Saved Policy ET3 of the Local Plan sets out, amongst other things, the criteria against which proposals involving the loss of industrial space outside of Core Business Areas (i.e. the application site) are judged. This policy requires such proposals to be judged against the level of progress being made in achieving a reduction in industrial floor space as well as whether the site is capable for continued business use (or similar); whether the continued business use of the site would perpetuate an unacceptable environmental or highway problem; or whether the community benefits of an alternative use/mix would outweigh the economic advantages of the existing/similar use.

The National Planning Policy Statement (NPPF) states at Paragraph 51 that, "they [local planning authorities] should normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate".

The Council's Economic Development Team has raised an objection to the application and considers there to be a strong economic reason for refusal. The Economic Development Team recognise that the aforementioned Core Strategy Policy B1 states that allowance should be made for a managed reduction of approximately 40,000sqm of industrial space in Bath during the plan period but have stated that current evidence suggests that this figure could be substantially exceeded. This position is supported by the Council's Planning Policy Team.

Monitoring data shows that in the five years between 2011 and 2016 15,300sqm of industrial floor space has been lost in Bath and further projected losses which include Bath Press, Herman Miller and Roseberry Place will amount to over 25,000sqm; there is also expected to be further losses in respect of additional brownfield sites within the Enterprise Area. The ED team therefore have significant concerns that the figure of 40,000sqm could be substantially exceeded. Further concerns expressed by the ED team include the fact that the Placemaking Plan makes no provision for new industrial sites in Bath and the Industrial Market Review study carried out in 2015 confirmed that there is little or no industrial land or floor space available in the city where vacancy rates are less than 1%. It has been highlighted that the existing building accommodates a total of 4,700sqm of B8 use and that the site provides 9 jobs at present. It has been calculated by the ED team that the current use provides an estimated GVA input of £502,167 per annum; furthermore the site has the potential to deliver a range of different industrial uses and types of employment and potentially could provide approximately £10.5 m in GVA.

The ED Team conclude that in redeveloping this site the potential to intensify its present use class (B8) is lost together with the estimated £3.6m of GVA to the local economy, as is the potential to significantly increase its potential GVA input with alternative industrial uses. The ED team have also highlighted that the site has not been marketed to assess the market interest in the site. Feedback from local agents has suggested that this site is well suited to 'B' class employment uses and is in very high demand.

The agent argues that there is nothing of particular economic merit or value in the Use Class B8 floor space that will be lost. It is highlighted that the storage use has an extremely low employment density (less than 10 employees) and that the footprint of the building is limited in area (1460sqm). It is argued that the 4,700sqm total floor space is due to the insertion of mezzanine floors which provide storage volume without generating additional jobs; it is stated that the ceiling heights of these mezzanines are too low for these floors to be used for non-storage purposes and therefore in a practical sense the useable floor space of the building is just 1460sqm.

The agent has further highlighted that the objective set out in the Core Strategy - which is to plan for a decline in industrial floor space has not been superseded. It is argued that if the Council now takes a different view in the light of new evidence, then that is a matter for the forthcoming Core Strategy review.

#### Officer's Assessment of this Issue

The starting point is that Policy B1 of the adopted Core Strategy states that the strategy for Bath is, amongst other things, to plan for a contraction in the demand for industrial floor space by 40,000m<sup>2</sup> between 2011 and 2029 whilst sustaining a mixed economy by retaining a presumption in favour of industrial land in the Newbridge Riverside area. This protection is carried forward to the emerging Placemaking Plan in the form of Policy ED2A. It is considered that given the diminishing weight of the saved Local Plan and the ever-increasing weight of the emerging Placemaking Plan, the emerging Placemaking Plan carries greater weight.

The application site is not within the Newbridge Riverside area nor is it within any other area singled-out by Policy ED2A for special protection; accordingly Policy ED2B is instead applicable. This policy states that the redevelopment of non-strategic sites (such as Pickford's) for residential purposes should normally be approved unless there is a strong economic reason why this would be inappropriate. There is therefore a clear presumption in favour of the residential redevelopment of such sites unless the local planning authority can clearly demonstrate that significant/strong economic harm will result justifying an exception to the presumption in favour to be made. Student accommodation is considered to fall within the definition of 'residential' for the purposes of Policy ED2B/NPPF; the broad term 'residential' is used as opposed to the more specific dwelling houses or Use Class C3 (dwellings). Given the clear presumption in favour of residential redevelopment the onus is on the LPA to demonstrate the strong economic reason for refusal; there is no onus on the applicant to demonstrate the absence of one.

It is evident that the planned contraction of industrial floor space (40,000m<sup>2</sup>) in Bath must take place on the sites not protected by Policy ED2A i.e. those sites to which Policy ED2B applies such as Pickfords. It is therefore inevitable that a number of the non-strategic

industrial sites within Bath, such as Pickfords, will have to be lost to facilitate that contraction.

The ED team's concern that a number of industrial sites have already been lost in Bath and that the 40,000m<sup>2</sup> figure could therefore be exceeded are noted but this can only be afforded limited weight. Planning applications must be assessed and determined in respect of the current situation rather than on the basis of speculation (albeit potentially accurate speculation) in respect of what may or may not happen in the future. At present the 40,000m<sup>2</sup> figure has not been exceeded and based upon the current rate of losses it will be several years before that figure is reached. The application is contributing positively towards the planned contraction of industrial floor space in Bath and as such in that respect is compliant with Policy B1 of the Core Strategy.

The ED team's comments in respect of the value that the existing use contributes to the local economy, and the potential value of the site's contribution should it be repurposed and/or redeveloped for industrial uses are noted but all industrial sites in Bath will have an economic value to the city (both the existing use and potential future uses). It is unclear what is so exceptional about the value of the Pickford's site's contribution such that a decision contrary to the presumption in favour of redevelopment is justified. Ultimately this non-strategic site currently accommodates a warehouse use employing less than 10 individuals. The case that there are 'strong economic reasons' justifying a decision contrary to the normal presumption in favour of residential redevelopment is considered to be weak and likely to be very difficult to defend, and substantiate, at appeal.

#### Loss of Storage Facility

The Bath Pickfords storage facility is a widely used local service and a number of objections to the application are from customers who use the service and find it very useful.

Paragraph 70 of the NPPF states that planning decisions should, amongst other things, "guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs". It is considered that the Pickfords facility, whilst a privately operated business, does fall within the definition of a 'valued facility/service' and therefore the scope of Paragraph 70.

Emerging Policy LCR1 of the Placemaking Plan (which carries substantial weight) also seeks to safeguard local community facilities and qualifies the protection offered by NPPF Paragraph 70. This policy states that the loss of valued community facilities will only be permitted if there are (or will be) adequate alternative facilities of equivalent community value, or if the loss is an integral part of wider improvements by a public service provider.

The existing Pickfords facility provides a valuable local service but it is not the only storage facility within the city; alternative providers include Walcot Self-Storage and Safe Store in Twerton for example. There are also additional storage providers outside of the city. It is evident that the loss of the Pickfords facility, whilst inconvenient to its customers, will not have a significant adverse community impact; its on-going protection is therefore unnecessary.

For the reasons set out above there is no objection to the loss of the Pickfords facility and its redevelopment for purpose-built student accommodation. The application is considered to accord with Policy B1 and B5 of the adopted Core Strategy as well as emerging Policy ED2B and LCR1 of the Placemaking Plan.

### Design and Impact on Heritage Assets

The development takes the form of two buildings of student accommodation; a narrow row of 4-storey 'town houses' situated along the site's frontage with Lower Bristol Road and a much larger part 4-storey/part 5-storey building to the rear.

The proposed 'town houses' involve three large units comprising 10 bedrooms each with shared/communal facilities. A bicycle store (50 spaces) and gym will be provided on the lower ground floor of this building serving the whole development. The main building to the rear is 'H' in plan and includes common areas within the building's central core at ground floor level. Elsewhere cluster flats are provided and these typically involve 4 to 8 bedrooms within each unit clustered around a shared kitchen/living area; there are 174 bedrooms in the main building in total.

The proposed buildings are contemporary in style and are to be faced in brickwork to reflect the site's industrial history and the wider industrial context of Lower Bristol Road. A variety of brick bonding patterns are proposed including linear brickwork, Flemish bond and textured brick, the fine details of which can be controlled by condition. It is proposed that the roof will be faced in a metal material and the end elevations of the town houses will be clad in a matching metal material.

The application site is outside of the Conservation Area but is situated in close proximity to it, to both the north and south. The site is within the World Heritage Site (WHS). The former factory buildings of the former Newark Works, situated immediately to the north of the site beyond the Lower Bristol Road, are Grade II listed. Close by to the east are a number of Regency-era terraced houses which are also Grade II listed.

Historic England have opined that the proposed development would have varying degrees of visual impact upon various attributes of the Outstanding Universal Value of the WHS but that this does not necessarily equate to harm. Historic England are satisfied that whilst views from the south will be affected, this is not considered to be harmful to the OUV of the WHS; they have also stated that the impact upon views from the north would be limited, and not sufficiently pronounced as to cause unnecessary harm. Historic England has recognised that the greatest visual impact (upon the setting of the conservation area and upon the WHS) will be from the north side of Wells Road. They have concluded that from this vantage point the proposal would be experienced with its highest central block sitting just below the horizon of hills. The proposed building is higher and bulkier than the existing Pickfords building but Historic England do not consider that the impact of the proposal upon the legibility of the 'green bowl' or other attributes of OUV of the WHS, would be unacceptably harmful or cause them to object to the application. Ultimately Historic England considers the development to be NPPF compliant. The views expressed by Historic England carry significant weight as they are the government's key heritage advisor and a statutory consultee on such matters.

The Council's Senior Conservation Officer has praised the overall design approach as well as the use of materials which is considered to respond well to the industrial character of the area. The modest, understated nature of the fenestration has been supported by the Senior Conservation Officer as is the generous reveal which is considered to be another traditional detail that assists in assimilating with the development with existing historic buildings.

Bath Preservation Trust is also supportive of the scheme's design. They are content that the development will be grounded, strong and connected, both in form and materiality, to its location. Furthermore they are of the view that the proposed development will sit comfortably within the street scene; they have questioned some elements of the scheme but overall are supportive.

The scheme is not without its critics. Bath Heritage Watchdog (BHW) strongly object to the application and has expressed concerns that the proposal is gross over-development of the site. There is concern that the scale, height, mass and form of the proposed buildings are completely inappropriate for this location and that the choice of materials is poor. BHW are concerned that the proposed building in combination with the recently approved Bath Quays South redevelopment, will dwarf, enclose and hem in the Grade II listed Newark Works site and obscure views across the city to the north. There is concern that the proposed development will harm both the World Heritage Site and adjacent conservation area. In respect of the design itself, the industrial approach is understood but considered to fail badly in its execution by BHW.

The Council's Urban Design Team have stated that the scheme is unacceptable in its current form but have stopped short of going one step further and formally objecting to the application. The Urban Design Team's concerns relate to the height of the main building, the impact of that height on views from the south and the elevational treatment of the building at ground level along the Lower Bristol Road (which is essentially blank). A significant number of members of the public have also criticised the design and appearance of the proposed development, in particular its proposed height (see below). These concerns have been repeated by the residents associations.

#### Officer Assessment of this Issue

Paragraph 132 of the NPPF states that, "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 site, as stated, is within the WHS which is considered to be a very important designated heritage asset, very significant weight must therefore be given to its conservation. Significant weight must also be given to the conservation of the Conservation Area as whilst the site is outside of it, the development has the potential to impact upon its setting.

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

development on the setting of the Grade II listed Newark Works as well as other listed buildings in the vicinity must therefore be given significant and statutory weight.

It is evident that the representations and consultation responses received in relation to this application are mixed and in some cases conflicting. What is clear however is that neither Historic England nor the Council's own Conservation Team object to the application; indeed they are both supportive of the design approach.

The industrial design approach is supported; the saw-tooth style roof is a nod to the site's industrial past as well as its existing semi-industrial location; this will create an interesting contemporary feature within the street scene. The proposed materials palette is welcomed; it is considered that brickwork is an appropriate material along this part of Lower Bristol Road where a number of existing brick-built buildings, both modern and historic, are in place. The Urban Design team's comments in respect of the development's blank frontage to Lower Bristol Road (at street level only) are noted but as stated elsewhere in this report this part of the development is at a high risk of flooding and as such only less vulnerable uses are appropriate at ground floor level - such as the bicycle store. This has implications for the external appearance of the building at this level but given the similar nature of the street scene in the vicinity and given that this building does not occupy the entire site frontage it is not considered that the blank nature of this part of the building will be harmful.

The issue of the building's height has been raised by the Urban Design Team and this has also been referenced by the Conservation Team (although neither has objected on these grounds). Whilst there is a preference for the building to be lower than currently proposed, this is not considered to be a necessity as no unacceptable adverse impacts will result from the proposed building's height. The impact of the building's height is to a large extent mitigated by the local topography (which rises steeply to the rear) as well as the height of the adjacent railway viaduct and the height of a number of neighbouring buildings some of which are comparable. It is considered that the site can satisfactorily accommodate a building of this height and scale without unacceptable adverse impacts resulting. As stated above Historic England have opined that whilst views from the South (along Wells Road etc.) will be affected by the building's height, this impact will not be unacceptably harmful on the so-called green bowl of Bath nor the other attributes of the World Heritage Site's Outstanding Universal Values.

The Grade II Newark Works building(s) is situated opposite the application site. Concern has been raised (although not by Historic England or the Council's Conservation Team) that the proposed development will harm the setting of this listed building. Concern has also been raised by third-parties that the impact of the proposed development on Newark Works will be particularly harmful when combined with the impact of Bath Quays South development. As stated above significant statutory weight must be given to such matters.

It is not considered that the proposed development, alone or in combination with the Quays South redevelopment, will harm the setting of Newark Works. The application site is separated from the Newark Works site by Lower Bristol Road. The proposed main building is set back somewhat from Lower Bristol Road and whilst higher than the current Pickford's building it is not substantially so. The site frontage, i.e. the part of the site closest to Newark Works, is to be occupied by the 'townhouses' which are lower in height and less significant in scale. The development, as stated, follows an industrial design approach,

this is intended to be respectful to, and sympathetic to its industrial neighbours including Newark Works. For these reasons the proposed development is considered to be compatible with the Newark Works site and its Grade II listed status; the relationship between the two sites will be a positive one and no harm on the listed building's setting will result. This positive relationship will not be altered by the implementation of the Quays South scheme. The Quays South buildings (office and residential blocks) are too distant from the Pickford's site for any real sense of overbearing or being 'hemming in' to result.

Overall for the reasons set out above, it is considered that the proposed development is of an acceptable design which will preserve the character and appearance of the adjacent conservation area, enhance the setting of nearby listed buildings as well as conserve the Outstanding Universal Values of the World Heritage Site. Great weight has been given to the need to conserve the WHS and significant weight has been given to the need to conserve the conservation area and setting of nearby listed buildings but ultimately it is not considered that the proposed development will cause any harm to these designated heritage assets.

The application accords with Core Strategy Policy B4 which has a strong presumption against development that would result in harm to the World Heritage Site as well as Core Strategy Policy CP6 which, amongst other things, supports high quality design the enhancement of the historic environment. CS Policy CP6 also encourages, in regeneration areas, the imaginative integration of new development with the historic environment. It is considered that the proposed contemporary is indeed imaginative and complies with the objectives of Policy CP6 in this respect.

In addition it is considered that the application complies with emerging Policy BD1 of the Placemaking Plan (Bath Design Policy). Again this policy encourages development which respects, responds to and positively contributes to the character of Bath including maintaining the World Heritage Site and the character and appearance of the conservation area. Finally, the proposals also accord with the general design policies of the emerging placemaking plan (policies D1-D5) which seeks to ensure a high standard of design.

### Highway Matters

The application site is situated on the main A36 Lower Bristol Road one of the key vehicular routes through the city. The site is situated within a Controlled Parking Zone (CPZ) which is operational Monday-Saturdays (8am-6pm); parking is restricted to permit holders only. There is an existing bus stop adjacent to the site frontage and the railway station and city centre are within easy walking distance.

This is a car-free development in respect of the student accommodation; three car parking spaces are proposed within the site but these will be used solely by staff and blue badge holders. The development includes 50 cycle parking spaces; these are to be provided within an undercroft storage area beneath the town houses fronting Lower Bristol Road.

A change-over Student Management Plan has been submitted and this deals with the management of student arrivals and departures at the start and end of each term.



The Council's Highway Team has raised no objection to the proposal, including its car-free nature, however some additional off-site improvements are considered necessary in the interests of pedestrian safety. There is a need to ensure that students are able to safely cross Lower Bristol Road in order to reach the bus stop on the opposite side of the road. In the event that permission is granted a pedestrian crossing will therefore need to be provided on this desire line. The Bath Quays South development (immediately to the north) is proposing to provide a pedestrian crossing on this desire line across Lower Bristol Road. Members will recall that the committee resolved to permit the Bath Quays South scheme at April's meeting, timescales for the implementation of that permission are currently unclear and as such it will be necessary to ensure that a pedestrian crossing is delivered by this development prior to occupation in the event that it is not delivered by the Bath Quays South scheme.

The Highway Team has raised concerns in respect of the quantum of cycle parking proposed; there is concern that the proposed provision of 50 spaces is too low. It is recommended that a Travel Plan commits the operator to monitor the need for cycle parking and provide additional cycle parking as appropriate. Visitor/short-stay cycle parking will also need to be provided adjacent to the main pedestrian entrance; this can be secured by condition in the event that permission is granted.

The proposed development will significantly intensify the use of the existing bus stops adjacent to the site's frontage. Currently both of these bus stops are of a low standard with no shelters or raised kerb provision; these stops will need to be upgraded at the developer's expense; this can be secured by S.106 Agreement. The submitted Student Management Plan is considered broadly acceptable albeit lacking in detail; a more detailed plan can be secured by condition.

Subject to the aforementioned planning obligations and subject to conditions securing a Construction Management Plan, Travel Plan and Student Management Plan the application is considered to be acceptable in highway terms and accord with saved policies T24 and T25 of the Local Plan and emerging Policy ST7 of the Placemaking Plan.

### Flood Risk Matters

The site frontage is situated in Flood Zone 3; this is an area deemed by the Environment Agency as being at a high risk of flooding. The remainder of the site is designated as Flood Zone 2 (medium risk). In accordance with Para. 103 of the NPPF the local planning authority must be satisfied that there is no alternative land reasonably available for the development in areas of lower flood risk (the so-called sequential test); it is considered that the area of search should be limited to Bath itself as clearly student accommodation serving the city's two universities necessitates a city location.

A Sequential Test report has been submitted by the applicant. Potential sites on the edge of the city (which tend to be Flood Zone 1 - low risk) are not appropriate for other planning reasons including Green Belt restrictions and poor accessibility. Previously developed sites elsewhere in the city tend to be focussed along the River Avon corridor and as such are not considered sequentially preferable in flood risk terms as they too are designated as Flood Zone 2 or 3. It is not considered that at the current time there are any alternative sites for this development reasonably available in a lower flood risk zone in Bath; accordingly the sequential test is considered to be passed.

Following successful application of the Sequential Test, and following national policy set out in NPPF Paragraph 103, the Exception Test must be applied; the local planning authority must be satisfied that the sustainable benefits [of the development] to the community outweigh the flood risk and that the development will be safe for its lifetime. A Flood Risk Assessment (FRA) forms part of the application submission. As stated, the site's Lower Bristol Road frontage falls within Flood Zone 3 (high risk). This part of the site is at a risk of river flooding during a 1:100 year storm event. The scheme has been designed however such that only less vulnerable uses are located within these areas (at ground floor level) for example the bicycle store. The Finished Floor Level of the student accommodation itself (i.e. the cluster flats etc.) is above the 1 in 100 year (plus 30% climate change allowance) flood level plus a further 300mm freeboard i.e. +20.35m AOD. The scheme includes various flood resilient measures and the drainage scheme will be designed to minimise the risk of flooding further. The Environment Agency has raised no objection to the application subject to a number of conditions securing implementation of the FRA and its various mitigation measures (see below). Accordingly it is considered that the development will be safe for its lifetime and in this respect the application passes the Exception Test.

The sustainable benefits to the community will outweigh the flood risk; the development brings with it a number of benefits including the economic benefits association with the construction phase and the benefits in respect of the building's positive impact in design terms. These benefits will outweigh the potential impact of flooding which, for the reasons set out above, will be low. The Exception Test is therefore passed in full.

The Flooding & Drainage Team have raised concerns in respect of the submitted surface water drainage details. The initially submitted drainage plan incorrectly showed a connection to the public foul sewer; this error has since been corrected, surface water will in fact connect to the existing storm water drainage system. Concerns were also raised in respect of a potential conflict between the proposed drainage infrastructure and the existing Wessex Water foul sewer; there was also a lack of information in respect of the volume of the proposed attenuation tank. Clarification has since been provided and the Flooding & Drainage Team reconsulted. This is a minor issue of detail; members will be updated at the meeting.

The application is acceptable in flood risk terms and thus accords with Policy CP5 of the Core Strategy, emerging Policy SU1 of the Placemaking Plan as well Paragraph 103 of the National Planning Policy Framework.

#### Air Quality

The site frontage is situated within an Air Quality Management Area (AQMA). AQMA are those areas where nitrogen dioxide levels have been found to exceed National Air Quality Objectives and within Bath includes much of the main road network. The location of a site within an AQMA does not necessarily result in a scheme being objectionable for air quality reasons however it is an important material consideration which must be taken into account. The Council's Senior Public Protection Officer has raised no objection to the application subject to those units within the AQMA incorporating mechanical ventilation systems; this can be secured by condition. Accordingly, subject to such conditions, the application accords with emerging Policy PCS1 of the Placemaking Plan.

## Contaminated Land

The site is identified in the Council's records as a 'Site of Potential Concern' in respect of contaminated land. The site was historically railway land and included a number of sidings and associated railway infrastructure; this is a potentially contaminative historical use. A Phase 1 Desk Study has been submitted by the applicant and the Council's Contaminated Land officer is content with its findings. A number of conditions securing the investigation, remediation and monitoring of contaminated land are suggested by the Contaminated Land Officer in the event that permission is granted. Subject to these conditions the application accords with emerging Policy PCS5 of the Placemaking Plan.

## Impact upon the Railway

The Bristol-Bath Spa-Paddington main line runs in close proximity to the south of the application site. A small decked car park, which is not part of the application site, is situated between the site and the railway embankment. Network Rail have raised no objection in principle to the development but require certain safeguards to be in place to protect their assets (for example any piling to be approved by them prior to commencement); these safeguards can be secured by condition (see below) and/or informatives in event that permission is granted.

## Arboriculture/Impact upon Trees

Two semi-mature Hornbeam trees are located at the very front of the site, adjacent to the site's boundary with Lower Bristol Road; they form a highly visible and attractive part of the street scene. The submitted tree survey states that these trees are of a moderate quality with an expected lifetime of a further 20-40 years. The survey concludes that the trees are not worthy as a key design constraint within a future development; the Council's Arboriculturalist disagrees with this assessment and considers that the trees are worthy as a design constraint. Concerns have also been raised in respect of a lack detail regarding other trees on or adjoining the application site. Natural England has also expressed a desire for the Hornbeam Trees to be retained.

It is agreed that the two existing Hornbeams are worthy of retention but be that as it may they are proposed to be felled to make way for the 'townhouses' to be situated on the site's frontage. The Council arboriculturalist, whilst commenting on the quality of these trees, has not formally objected to the loss of them nor has Natural England. The loss of these two Hornbeam trees is unfortunate but it is nevertheless considered necessary to ensure a high quality design (i.e. one with a strong road frontage). If the trees were to be retained, a large part of the site's frontage would effectively be sterilised - this would most likely result in a lower quality development. There is no significant ecological value in retaining these trees.

There are no other trees within the application site but trees situated on neighbouring sites do overhang the site to both the east and west. The lack of any information regarding these trees is unfortunate but ultimately this issue would constitute a very weak reason for refusal given that the main proposed buildings are to be sited some distance from these trees and there is no evidence that the buildings would adverse impact upon them. Furthermore the trees benefit from no formal protection as they are neither the subject of

Tree Preservation Orders (TPO) nor within a Conservation Area. The trees in question are situated at a higher level than the application site behind a retaining wall and therefore are highly unlikely to be adversely affected by this development.

The application accords with emerging Policy NE6 of the Placemaking Plan which does not resist development which has an adverse impact upon trees if it is demonstrably unavoidable (as is the case with the aforementioned hornbeams). To comply with this policy however compensatory tree planting will be required in accordance with the Council's adopted 'Planning Obligations' SPD; this can be secured by S.106 Agreement (see below) should members be minded to grant permission.

### Residential Amenity

There are no residential properties situated in close proximity to the application site. The site is in a predominantly commercial area. Office uses are located to both the east and west of the application site and the Bath Quays South development site is situated opposite the site across Lower Bristol Road. The railway is situated to the south. A number of terraced residential properties in Oak Street are situated some 30m (min) to the east and south east. Residential properties are also situated in Thornbank Gardens and The Academy some 50m and 60m to the south respectively (beyond the railway).

There are no residential properties sufficiently close to this development to be adversely affected to an unacceptable degree. The distances described above are sufficient to ensure that the proposed building(s) will not have an unacceptable detrimental impact upon residential amenity through overlooking, overshadowing, visual domination or noise and disturbance. The outlook from the dwellings to the south will be altered by this development but the loss of, or impact upon, a private view is not a material planning consideration and therefore this matter cannot be afforded any weight.

The key residential amenity issue in respect of this application is the potential impact of the adjacent railway on the living conditions of the resident students in terms of noise and vibration. The railway line, at its closest, is situated approximately 23m to the south of the main accommodation block. It has been demonstrated that using standard construction forms, all habitable rooms can have internal noise levels that comply with the recommendations of BS8233: 2014. Typical maxima noise levels have been predicted to comply with the WHO guideline that indoor sound pressure levels should not exceed approximately 45 dB LAFmax more than 10-15 times per night. The application accords with emerging Policy PCS2 of the Placemaking Plan in respect of noise and disturbance considerations as well as emerging Policy D6 in respect of general residential amenity considerations.

### Waste/Recycling Facilities

The Council's waste team have raised concerns that the developer's waste/recycling calculations (number/type bins) are incorrect. The waste team cannot be satisfied that the waste and recycling provision serving the development is adequate; furthermore the collection point is unclear.

A substantial waste/recycling store forms an integral part of the main building and is both accessed from within the building and externally via a set of double doors; this is in

relative close proximity to the vehicular access road. Whilst the comments of the Waste Team are noted these issues are not insurmountable and relate to matters of clarification; accordingly it is not recommended that these issues form a reason for refusal. It is evident that the development is well served by waste/recycling facilities in close proximity to a vehicular route.

### Summary, Conclusion and Overall Planning Balance

The proposed redevelopment of this site is acceptable in principle. The objections of the Economic Development team are noted but it is considered that the Council would be in a weak position defending an economic-based reason for refusal given the policy context. It is Council policy to plan and make allowances for a significant contraction in industrial land in Bath during the plan period. The emerging Placemaking Plan affords special protection to certain strategic industrial areas but the application site is not within one of those strategic areas. Furthermore it is inevitable, given the high degree of protection afforded to the strategic industrial sites, that some of the planned industrial contraction will have to occur on non-strategic industrial sites such as the application site. Emerging Policy ED2B does offer a degree of protection to the non-strategic industrial sites but only where there are demonstrable strong economic reasons to do so.. Whilst the Economic Development team have put forward a number of reasonable and legitimate reasons for resisting the loss of the Pickford's storage facility, the agent has also put forward a number of reasonable and legitimate arguments in favour of its loss. On balance and given the broader policy context set out above it is not considered that the economic reasons for resisting the development amount to 'strong' reasons as required by Policy ED2B. Furthermore alternative storage facilities are available elsewhere within the city and as such it would be unreasonable to resist the development on the grounds of the loss of a community facility. The redevelopment of the site is therefore supported in principle.

Having accepted that the site may be redeveloped for non-industrial purposes, there are no development plan policies or any other site-specific reasons to resist purpose-built student accommodation in this location.

The design and external appearance of the proposed development, including its scale, height, bulk and massing, is appropriate to its context. No harm will result to the character or appearance of the conservation area and no harm will be caused to the Outstanding Universal Values of the World Heritage Site. The setting of the Grade II listed Newark Works will not be harmed nor will the setting of other heritage assets in the vicinity.

Subject to a number of conditions and planning obligations (secured by S.106 Agreement) as set out below, the application is acceptable in all other respects including in respect of its highway impact and impact on residential amenity. The proposed development accords with adopted development plan policy and there are no overriding material considerations suggesting that a decision contrary to the development plan should be taken. Accordingly it is recommended that the application be permitted.

### **RECOMMENDATION**

Delegate to PERMIT

### **CONDITIONS**

0 1. Authorise the Head of Legal and Democratic Services to enter into a Section 106 Agreement to secure:

- a) a car-free development;
- b) the installation of a controlled pedestrian crossing of Lower Bristol Road immediately to the north of the application site;
- c) the upgrading of the existing bus stops to include raised kerbs, live bus information and where appropriate shelters;
- d) a financial contribution towards off-site replacement tree planting;
- e) a site specific Targeted Recruitment & Training in Construction obligation

2. 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 Outline Time Limit (Compliance)**

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

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

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

Reason: This is an outline planning permission and these matters have been reserved for the subsequent approval of the Local Planning Authority under the provisions of Section 92 of the Town and Country Planning Act (as amended) and Parts 1 and 3 of the Development Management Procedure Order 2015.

3 Prior to work commencing on the construction of the building hereby approved (i.e. excluding demolition works) samples of all external facing materials shall be submitted to and approved in writing by the local planning authority. The development shall proceed in accordance with the details/samples so approved.

Reason: In the interests of visual amenity.

4 Prior to the construction of any brickwork, a sample panel of the proposed brickwork (measuring a minimum of 1m x 1m) shall be erected on site and shall be approved in writing by the local planning authority. The approved sample panel shall be retained on site throughout the construction phase and the brickwork shall be constructed in accordance with it.

Reason: In the interests of visual amenity.

5 Prior to the commencement of development a method statement detailing how the existing trunk sewer beneath the application site will be protected during the construction phase and permanently thereafter shall be submitted to and approved in writing by the

local planning authority. The trunk sewer shall be protected in accordance with the approved method statement during development works and thereafter.

Reason: To ensure that the trunk sewer is protected during development works and thereafter. A pre-commencement condition is necessary because there is the potential for the sewer to be damaged immediately upon commencement (including during demolition).

6 The development hereby approved shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (Hydrock dated 7 November 2016 rev 02 ref 035108) and the following mitigation measures detailed within the FRA:

- o Finished Floor Levels of all living accommodation and the electrical substation set at a minimum of 20.35mAOD
- o Only less vulnerable uses (such as bike storage and gym) located on the lower ground floor and this shall be set no lower than 17.96mAOD.
- o Inclusion of resilience measures as detailed on page 25 of the Flood Risk Assessment

The mitigation and resilience measures shall be implemented in full prior to first occupation and shall be maintained thereafter for the lifetime of development.

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

7 No development shall commence above slab level until details of a mechanical ventilation system (including a maintenance schedule) has been submitted to and approved in writing by the local planning authority. The mechanical ventilation system shall be fitted to all units which have an external wall located within the Air Quality Management Area (AQMA) [reference to plan to be inserted] and shall draw air into the applicable building(s) from an area where the annual average nitrogen dioxide concentration is below 40  $\mu\text{g}/\text{m}^3$ . The mechanical ventilation system shall be installed and maintained in accordance with the approved details

Reason: To protect occupants from high levels of air pollution associated primarily with the Lower Bristol Road.

8 No development shall commence until a Construction Dust Environmental Management Plan for all works of construction and demolition has been 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 development shall thereafter be carried out in accordance with the approved details.

Reason: To protect local residents from undue disturbance during the demolition and construction phase. A pre-commencement condition is necessary because the potential adverse impact of dust will be result immediately and particularly during demolition works.

9 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 statement should include all trees within the site and on the boundary of the site within neighbouring

properties whose canopies and/or Root Protection Areas lie within or encroach upon the site; proposals for tree planting including species, size, and location; 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; the burning of materials on site; the 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.

10 No development shall commence until a Construction/Demolition 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 and demolition works could have a detrimental impact upon highways safety and/or residential amenity.

11 No occupation of the development shall commence until a 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.

12 No occupation of the development shall commence until a Site Management 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: 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.

13 The development shall be constructed in accordance with provisions of the noise assessment report, dated 10 November 2016.

Reason: To mitigate the noise impact of the development on neighbouring properties and to offer appropriate protection to future occupants of the development from road traffic noise.



14 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.

15 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.

16 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.

17 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.

18 Prior to the installation of any drainage infrastructure (foul and surface water), details of that infrastructure shall be submitted to and approved in writing by the local planning authority. The development shall proceed in accordance with the details so approved.

Reason: To ensure that the development is served by an adequate system of surface water and foul drainage and to ensure that those systems do not impact adversely upon Network Rail infrastructure.

19 In the event that vibro-compaction/displacement piling plant is to be used in the construction of the development hereby approved, details of such machinery as well as a method statement for such shall be submitted to and approved in writing by the local planning authority in advance of any piling activity commencing. The development shall proceed in accordance with the details so approved.

Reason: To ensure that piling activities do not have an unacceptable impact upon Network Rail infrastructure.

20 Prior to first occupation of the development hereby approved details of visitor cycle parking, including the location and nature of such facilities, shall be submitted to and approved in writing by the local planning authority. The cycle parking shall be installed in

accordance with the details so approved prior to first occupation of the approved development.

Reason: To ensure that secure cycle parking is available on-site for those visiting the site.

## **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:**

1 This decision has been taken on the basis of the following plans, drawings and documentation:

- o 3D Site View: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-S1010
- o CGIs: Drawing No. S1100
- o Long site sections: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-S3003
- o Front Block Elevations North & South: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-02003 PL02
- o GA Sections - AA & BB: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-S3001 PL02
- o Site Sections - AA& BB: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-S3002 PL02
- o Site Elevations: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-S2006
- o Photographs from the train: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-06007
- o Verifiable Visual Montages: Ref. 10910 EO (Feb 2017)
- o Design & Access Statement Job No. 80554 (1 Oct 2016)
- o Existing Site Plan: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-00002 PL01
- o Site Plan: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-00003 PL01
- o GA Plan Level-01: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-01001 PL01
- o GA Plan Level 00: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-01002 PL01
- o GA Plan Level 01: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-01003 PL01
- o GA Plan Level 02: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-01004 PL01
- o GA Plan Level 03: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-01005 PL01
- o GA Plan Level 04: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-01006 PL01
- o GA Plan Roof: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-01007 PL01
- o GA Elevations North & East: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-02001 PL01
- o GA Elevations South & West: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-02002 PL01
- o Site Location Plan: 80554-STL-XX-ZZ-DR-A-ZZZZ-00001 PL01
- o W\_01\_Surface Water Drainage Strategy\_R3)
- o Air Quality Assessment Ref: 442356, RSK, August 2016
- o Archaeological Desk-Based Assessment, Avon Archaeology, September 2016
- o Bat & Protected Species Survey, Malford Environmental Consulting, June 2016
- o Phase 1 Desk Study, GeoConsulting Engineering Ltd, May 2016
- o Flood Risk Assessment, BuroHappold Engineering, November 2016
- o Flood Risk Sequential & Exception Test, Roche Associates.
- o Noise Assessment Report, Kimber Acoustics, November 2016

- o Planning Statement, Rocke Associates
- o Sustainable Construction Checklist
- o Transport Statement, Transport Planning Associates, November 2016
- o Tree Survey, Aspect Tree Consultancy, July 2016

2 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)

3 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.

4 This permission is accompanied by an agreement under Section 106 of the Town and Country Planning Act 1990.

## 5 Network Rail Infrastructure

Additional or increased flows of surface water should not be discharged onto Network Rail land or into Network Rail's culvert or drains. In the interest of the long-term stability of the railway, it is recommended that soakaways should not be constructed within 20 metres of Network Rail's boundary. Any surface water run-off from the site must drain away from the railway boundary and must NOT drain in the direction of the railway as this could import a risk of flooding and / or pollution onto Network Rail land.

No work should be carried out on the development site that may endanger the safe operation of the railway or the stability of Network Rail's structures and adjoining land. Care must be taken to ensure that no debris or other materials can fall onto Network Rail land. In view of the close proximity of these proposed works to the railway boundary the developer should contact Network Rail on [AssetProtectionWestern@networkrail.co.uk](mailto:AssetProtectionWestern@networkrail.co.uk) before works begin.

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.

It is recommended that all buildings be situated at least 2 metres from the boundary fence, to allow construction and any future maintenance work to be carried out without involving entry onto Network Rail's infrastructure. Where trees exist on Network Rail land the design of foundations close to the boundary must take into account the effects of root penetration in accordance with the Building Research Establishment's guidelines.

All excavations / earthworks carried out in the vicinity of Network Rail's property / structures must be designed and executed such that no interference with the integrity of that property / structure can occur.

The proposal must not interfere with or obscure any signals that may be in the area.

The design and siting of buildings should take into account the possible effects of noise and vibration and the generation of airborne dust resulting from the operation of the railway.

It is recommended no trees are planted closer than 1.5 times their mature height to the boundary fence. The developer should adhere to Network Rail's advice guide on acceptable tree/plant species. Any tree felling works where there is a risk of the trees or branches falling across the boundary fence will require railway supervision.

Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that, at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.

**Item No:** 02  
**Application No:** 17/00299/OUT  
**Site Location:** Land Between Homelands And 10 Camerton Hill Camerton Bath



**Ward:** Bathavon West      **Parish:** Camerton      **LB Grade:** N/A  
**Ward Members:** Councillor David Veale  
**Application Type:** Outline Application  
**Proposal:** Outline Planning Application for the erection of 1no. single storey dwelling (Resubmission).  
**Constraints:** Affordable Housing, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary, Primary School Purpose, Public Right of Way, SSSI - Impact Risk Zones,  
**Applicant:** Mrs Brenda Sandy-Miles  
**Expiry Date:** 7th April 2017  
**Case Officer:** Victoria Griffin

## REPORT

**REASON FOR REPORTING APPLICATION TO COMMITTEE:** This application was referred to the Chair following a request from the local Ward member and objections from the Parish Council. The Chair has agreed, in light of the local community objections, to refer the item to Committee.

**PROPOSAL:** Outline Planning Application for the erection of one single storey dwelling with all matters reserved (Resubmission).

**SITE LOCATION:** Land between Homelands and 10 Camerton Hill, Camerton

**DESCRIPTION OF SITE AND APPLICATION:** This application seeks outline permission for the erection of one dwelling on a plot of land situated between Homelands and 10 Camerton Hill. The application site is located outside the housing development boundary. All matters are reserved by this application however an indicative layout has been submitted showing the access in the south-west corner of the site.

**SITE CONTEXT:** The application site is a green field location to the north of an access route off Camerton Hill. The site is currently undeveloped and appears uncultivated. The access lane to the site is not adopted and also forms part of the route of Public Footpath BA4/66. There is no footway along the lane. Part of the lane is also used to access Camerton Primary School however the lane narrows significantly outside the site. The site is situated on the side of the hill slope and is visible from distant views from the surrounding area, particularly when driving up Camerton Hill.

### PLANNING ISSUES:

- To determine whether the proposal has overcome the previous reasons for refusal taking into account a Planning Inspectors decision
- Highway and pedestrian safety
- Other issues

### RELEVANT PLANNING HISTORY:

16/05570/OUT - Erection of 1 no. single storey dwelling - Withdrawn

13/01989/OUT - Outline planning application for the erection of 1 no. dwelling - Refused 04.07.2013. Appeal dismissed 03.04. 2014.

Planning permission was applied for in 1982 for two dwellings on the site and this was subsequently dismissed at appeal. The three elements of concern were firstly whether the development complied with the structure plan at the time in terms of housing location, the visual impact of the redevelopment and concerns in respect of the access to the site.

When planning permission was refused for application no. 13/01989/OUT it was for the following reasons:

1 This application proposes the development of a site located beyond the Housing Development Boundary for Camerton. In spite of the identified shortfall in housing

provision the proposed development would be of minor public benefit and this would be greatly outweighed by the harm to and loss of a visually important undeveloped space. The proposed development is contrary to Policy HG.4 of the Bath and North East Somerset Local Plan, including minerals and waste policies, October 2007 and Contrary to the National Planning Policy Framework.

2 The proposed development of this site would fail to connect with or respond to the local context, would fail to conserve or enhance the landscape character of the site and the immediate area and would result in the loss of a visually important open space which contributes significantly to the landscape setting of the Camerton and the Cam Valley. Consequently, the proposed development would be contrary to policies NE.1, NE.15, BH.15, D.2 and D.4 of the Bath and North-East Somerset Local Plan (Adopted 2007), policy CP6 (2, 3) of the Draft Core Strategy (2010) and the guidance set out in the National Planning Policy Framework.

3 The private access road by reason of its restricted width and sub-standard junction with Camerton Hill is considered unsuitable to serve as a means of access to the proposed development. The proposed development would result in an increase in vehicular traffic along a designated public footpath with consequent loss of amenity and risk of additional hazard and inconvenience to all users of the designated right of way. The proposal is therefore contrary to policies SR.9, T.1 and T.24 of the Bath and North East Somerset Local Plan including minerals and waste policies - adopted October 2007 and Chapter 4 of the National Planning Policy Framework March 2012.

4 The proposal, located remote from services, employment opportunities and being unlikely to be well served by public transport, is contrary to the key aims of Policy T.1 of the Bath & North East Somerset Local Plan (including minerals and waste policies) Adopted October 2007, Policy 1 of the Bath and North East Somerset, Bristol, North Somerset and South Gloucestershire Joint Replacement Structure Plan, and the National Planning Policy Framework, which seek to facilitate the use of sustainable modes of transport. The proposal is therefore contrary to Policies HG.4 and T.24 of the Bath & North East Somerset Local Plan.

In the 2014 appeal decision the Inspector did not accept that the site was in an unsustainable location however he did consider that access to the lane from Camerton Hill would raise significant highway and pedestrian safety concerns and dismissed the appeal for these reasons only.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

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

CONSULTATION: For the purposes of advertisement in accordance with Article 15 of the DMPO the application has been advertised as affecting a Right of Way and as a Departure to the Development Plan.

PUBLIC RIGHTS OF WAY TEAM: Conditions recommended (summarised):

The Public Rights of Way Team requests that the following conditions be applied:

1) The Applicant must be able to demonstrate that the proposed vehicular access to the development will be lawful. Without this, any purchasers of the proposed properties may be committing an offence every time they drive along the footpath.

2) Care must be taken when using mechanically-propelled vehicles on a footpath. Motorists must give way to pedestrians.

DRAINAGE: No objection

ARBORICULTURAL OFFICER: No objection

ECOLOGY: Conditions recommended

HIGHWAYS - No objection, having observed traffic movements and the new traffic measures in place cannot substantiate an objection to one new dwelling

CLLR. VEALE: request that application is referred to committee if approval is recommended

CAMERTON PC - Camerton Parish Council voted unanimously to object to this application because it does not comply with policies, T.1, T.24, SR.9, D.2 and RA.2 of the adopted core strategy. The parish council believes that nothing material has changed since any of the previous applications that have been refused or withdrawn to negate the previous reasons for refusal.

Councillors are still particularly concerned about the implications of this application on highways bearing in mind the proposed development's location on a narrow lane opposite a school. The land adjacent to Homelands is outside the housing development boundary and is therefore considered unsustainable in terms of its distance from the usual key residential facilities and alternative forms of transport, therefore making it car dependent. For these reasons the proposed development is contrary to policy T.1. It is also contrary to T.1 as public footpaths BA4/65 and BA4/66 run along the drive way. Therefore this development does not maximize the safety of all types of movement. This safety issue is especially concerning due to the development's location on a narrow lane opposite a school - a location where it is already difficult to manoeuvre at school opening and closing times. This is compounded by the difficulties faced by cars whose means of entering and leaving the lane is blocked when cars do not give way driving towards Peasedown St John. This happens frequently.

As well as these safety issues for all road users and pedestrians using the public footpaths and highway, part of the access to the proposed development site is via a privately owned lane. This private lane provides rear access to Camerton Court from the main highway and is maintained by the owners of Camerton Court. This proposed development has no right of access from the main highway to the site along this private lane. Therefore there is not adequate vehicular access. This proposed development site is in effect land locked especially as the existing gate access does not have permission and was only relatively recently installed. Therefore the proposed development is not compliant with policy T.24 as it does provide a high standard of highway safety and there is inadequate vehicular access.



Also with regard to highways issue the information contained in the transport statement was collected using a camera fixed to a BT pole without BT's permission. Therefore the data provided should be discounted.

This application is also contrary to SR.9 as the driveway runs alongside two public footpaths and therefore adversely affects the recreational value and amenity of these public rights of way. As there is no lawful vehicular access to this site any future purchaser of the proposed property may be committing an offence every time they drive along the footpath. Therefore the scheme does not provide a safe and secure environment for all users of the public realm meaning the proposed development is not compliant with policy D.2.

In addition with its location outside the housing development boundary this application does not comply with policy RA.2 which clearly states that in parishes such as Camerton residential development must lie within the housing development boundary. Limited residential development on sites adjoining the housing development boundary at these villages will be acceptable but only if identified in an adopted Neighbourhood Plan. Camerton Parish does not have an adopted Neighbourhood Plan and has not yet embarked on producing such a plan.

REPRESENTATIONS from local community - 16 letters of objection, 1 letter of comment raising the following points (summarised):

- Highway and pedestrian safety
- Outside of HDB - unsustainable location
- Unsuitable for new dwelling access
- Concern over safety of school users
- Visually important space
- Loss of open views to Heritage asset at Camerton railway and coal mining
- Loss of important local site
- Adverse impact on landscape
- Access issues to site from village
- Planning history supports objections
- Notification issues as part of the planning application
- Access issues to lane for emergency vehicles and large vehicles
- New highway measures - priority passing lane and reduced speed limit - are ineffectual
- Poor visibility turning from Camerton Hill onto the lane
- Lack of pavement on lane
- Damage to people and cars on access to lane
- Concerns over the nature of the CCTV erected to collect evidence without permission
- Concerns over the credibility of the applicants supporting statements
- Erosion of rural character
- Concern over construction traffic to the site.
- Inadmissible evidence and supporting transport statement and documents which is misleading and incorrect
- Housing Land supply argument is not relevant to this proposal
- Factual inaccuracies in the submission
- No legal access to track or right of way

- Confusion over highway position
- Site is landlocked
- Flood risk concerns to properties below
- Natural environment impact
- Issues with evidence to capture traffic measures by a school site
- Site not considered by PC as suitable site for development

## **POLICIES/LEGISLATION**

### **POLICY CONTEXT:**

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

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

### **CORE STRATEGY**

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

DW1 : District Wide Spatial Strategy  
CP6: Environmental Quality

### **RELEVANT LOCAL PLAN POLICIES**

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

D.2: General Design and public realm considerations  
D.4: Townscape considerations  
SC.1: Settlement classification  
HG.4 : Residential Development in the urban area and R.1 settlements.  
T.24: General development control and access policy  
T.26: On-site parking and servicing provision

### **RELEVANT PLACEMAKING PLAN POLICIES**

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  
D6 : Amenity  
NE3 : Site, Species and Habitats  
ST1 : Promoting Sustainable Travel  
H7: Housing Accessibility  
SCR5: Water Efficiency  
LCR7B: Broadband

The following policy can now be given substantial weight:

ST7 : Transport Requirements For Managing Development

National Planning Policy Framework (March 2012) can be awarded significant weight however this proposes little change to the aspects of local policy that are relevant to this decision.

## **OFFICER ASSESSMENT**

### **OFFICER ASSESSMENT**

#### **STATUS OF THE INSPECTOR'S DECISION**

The 2014 Inspector's decision is the most up to date policy stance and provides clear and cogent reasons for the decision. This appeal decision represents a significant material consideration in the assessment of the proposal.

#### **PRINCIPLE OF NEW DWELLING**

Saved policy SC.1 classifies Camerton as an R.2 category small village with a Housing Development Boundary (HDB) and policy HG.4 seeks to direct development to within HDBs. Outside of these areas, policy HG.10 states that new dwellings will not be allowed unless essential for agricultural or rural workers.

In 2013 (under planning ref.13/01989/OUT) the application was refused by the Council and then subsequently dismissed at appeal. However the Inspector did not support the Council's reason for refusal (reason 1) relating to its siting outside of the housing development boundary and neither did the Inspector support reasons 2 and 4 of the Council's refusal of planning permission.

Generally, it is not accepted by the Council that a site outside of the defined housing development boundary would represent an acceptable location for development. The Council supports this view, however in the recent appeal decision the Inspector takes a different position and accepts that the location of this development is a 'sustainable location' stating that the appeal site is not isolated within the countryside for the purposes of paragraph 55 of the Nation Planning Policy Framework and that future occupiers of the proposed dwelling would be likely to utilise the facilities and services available in Peasedown St.John as well as other nearby villages.

Therefore, it was considered that the site has the potential to contribute towards enhancing or maintaining the vitality of the rural community which would accord with

paragraph 55 of the National Planning Policy Framework. The Inspectors' view was that whilst the site would be outside the HDB, given its proximity to the village, it would be a suitable site for a dwelling having regard to locational policies and the principles of sustainable development. The proposal would not therefore conflict with the underlying aims of Local Plan Policies SC.1, HG.4 and HG.10.

## HOUSING LAND SUPPLY

At the time of the appeal decision the Inspector had regard to the Council's adopted Local Plan and the emerging Core Strategy as the Council could not demonstrate that it had a 5 year land supply which means there is a presumption in favour of sustainable housing proposals. This was considered to weigh in favour of the proposal but not to such a degree that it outweighed other potential harm. It should also be noted that the Council can now demonstrate a 5 year housing land supply.

## IMPACT ON VISUAL AMENITY AND CHARACTER OF THE AREA

The site forms a prominent open field position which is highly visible from the surrounding area and to the west on Camerton Hill and the Council's reason for refusing planning permission in July 2013 reflected the importance of the visual gap between the houses to the east and west which helps to retain the rural character of the area. The Inspector does draw upon these attributes but notes that this part of Camerton is not the subject of any specific landscape, and as such the positioning of a single dwelling within this large site would not unduly harm this important visual consideration. As such it was concluded that the provision of a single dwelling would appear as a modest infill to the ribbon of development that is situated along the upper slope. Furthermore, if appropriately positioned on the plot it would not harmfully intrude into the undeveloped and prominent slopes of the River Cam Valley and as such there would be no harmful disruption in any public views and that the proposed development could continue to provide an open rural aspect. Your officers' consider that in light of the appeal decision that this ground for refusal can no longer be substantiated.

## OFFICER ASSESSMENT OF HIGHWAY / PEDESTRIAN SAFETY IMPACTS

A number of detailed objections have raised concern over the highway recommendation, which differs from the objection in 2013. Whilst there have been no changes to the physical layout of the lane, there have been changes to the speed limit on Camerton Hill. At the time of the 2013 application and appeal, there was only a 20mph limit at school times, with the permanent limit being 30mph. At the time of the appeal, there were four highway reasons for refusal, one regarding sustainability and the other three centred on the width and junction of the lane with Camerton Hill, the increased use of the Public Right of Way and the access lane not being in the control of the applicant.

The Appeal Inspector considered the site to be acceptable for a dwelling, but agreed with the Council's view of the poor visibility at the junction, which at the time should have provided visibility in line with a 30mph limit of 43 metres, where only 27 metres was available.

The permanent change in the speed limit requires a reduced level of visibility to be provided, in line with Manual for Streets, of 25 metres and this is available at the junction to the south.

Whilst the width of the access lane has not changed and there are still no separate pedestrian facilities, your officer's have taken a balanced view of the proposal and its impact on the safety of users of the lane. Both the Planning officer and Highways officer have attended site to review the issues surrounding highway and pedestrian safety as raised in the objection comments. The meeting was undertaken to assess the impact the development would have on both highway and pedestrian safety, particularly at a time when children would be starting or finishing their school day. (Time of site visit - 14.40-16.10). A sample of speeds was recorded at the junction of the access lane with Camerton Hill with speeds being recorded of generally 16-20mph, with the highest speed of 25mph for northbound traffic. There was clearly an issue with parents using the lane for collection in a drop-off zone however this was not evidently enforced with a maximum of 5 cars parked on the lane to pick up children, and a further 4 cars utilising the car parking area. Only two accompanied children walked from the school out into Camerton Hill. One resident of the lane left and returned during the site visit, and all vehicles and pedestrians were able to access and manoeuvre with ease and safely. In this respect it is agreed with the Highway's officer that a residual objection based purely on pedestrian safety could not be sustained, particularly having regard to the evidence of speeds and the level of usage witnessed at the site visit.

#### IMPACT ON THE PUBLIC RIGHT OF WAY

The PROW team has advised that it is imperative that the applicant obtains lawful rights over use of the lane from any relevant land owner and requests that conditions are applied to advise this accordingly. An advice note is therefore attached to this recommendation.

#### ARBORICULTURE

The site is largely devoid of trees, with the exception of Hawthorn to the north east and Sycamore near to the proposed access which are growing next to the road. There are no trees of arboricultural significance affected by the proposal.

#### IMPACT ON ECOLOGY AND WILDLIFE

The Ecologist has raised no objections to the proposals as the site appears unlikely to support any features or habitats of particular value for wildlife, and also appears unlikely to support protected species. However a condition is recommended to assess likely impact and this is duly attached to this recommendation.

#### FLOOD RISK

The site is not in an area which has been identified by the Environment Agency as being at risk of flooding.

#### IMPACT ON ADJOINING RESIDENTS

Officer's are of the opinion that at this outline stage there are no grounds to refuse the proposal on residential amenity issues. It is agreed that due to the size of the site it appears that it would be possible to develop the site without significantly harming the amenities of the adjoining neighbours.

## **STATUS OF LAND OWNERSHIP FOR THE PURPOSES OF THE PLANNING APPLICATION**

Article 12 of the Town and Country Planning (Development Management) Procedure Order 2010 imposes a requirement that all applications for planning permission must be accompanied by a certificate confirming that either the applicant is the sole owner of the land to which the application relates or that the appropriate notice has been served on any person who is the owner of the land or a tenant. The Location Plan that accompanies the applications shows the application site (red line boundary) and it is made up of the public highway, the lane, the main development site i.e. the uncultivated field, and a grass bank opposite. The agent has established that the lane and grass bank are unregistered land and as such has signed the requisite certificate C which accompanies the planning application and states that the applicant has carried out the required publication of the planning application.

## **RECOMMENDATION**

In consultation with Councils' Highways Development Officer the proposal has been considered on its individual merits. In this respect noting the new highway restrictions in place, a reduced speed limit on Camerton Hill and the nature of the proposal, for a single dwelling the highways officer has not been able to substantiate a highways reason for refusal. The application is therefore recommended for permission subject to conditions as it is not considered that the Council can uphold the previous reasons for refusal, noting the recent Planning Inspector decision. The proposal would not represent significant visual harm, highway safety issues to justify a refusal and is closely located to existing amenities within Camerton and the wider area. Taken altogether, the application is therefore recommended for permission subject to the submission of reserved matters including details relating to materials, ecology, highway access and parking, construction management and landscaping.

## **RECOMMENDATION**

**APPROVE**

## **CONDITIONS**

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

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

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

### **2 Reserved Matters (Pre-commencement)**

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

Reason: This is an outline planning permission and these matters have been reserved for the subsequent approval of the Local Planning Authority under the provisions of Section 92 of the Town and Country Planning Act (as amended) and Parts 1 and 3 of the Development Management Procedure Order 2015.

### **3 Reserved Matters Time Limit (Compliance)**

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

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

### **4 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.

### **5 Levels and Heights (Pre-commencement)**

No development shall commence until details, including elevations, of the proposed ridge heights/finished floor levels/eaves heights/slab levels in relation to Homelands, Camerton Hill have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

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

### **6 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.

### **7 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.

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

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

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

#### **9 Water Efficiency (Compliance)**

The approved dwelling shall be constructed to meet the national optional Building Regulations requirement for water efficiency of 110 litres per person per day.

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

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

No occupation of the approved dwelling 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.

#### **11 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.

#### **12 Wildlife Protection and Enhancement (Pre-occupation)**



No development shall take place until full details of a Wildlife Protection and Enhancement Scheme produced by a suitably experienced ecologist have been submitted to and approved in writing by the local planning authority. These details shall include mapped findings of an ecological survey, and findings of any necessary other further surveys for example reptile survey findings; detailed proposals and specifications for all necessary wildlife protection and mitigation measures, to include, as applicable, provision of fenced exclusion zones around retained habitat; proposed precautionary methods of working; method statement to avoid harm to reptiles, as applicable; details of all proposed habitat provision and specifications for provision of additional features, habitats and native species planting, to benefit wildlife. All works within the scheme shall be carried out in accordance with the approved details prior to the occupation of the development.

Reason: To prevent ecological harm and to provide biodiversity gain in accordance with saved policies NE.10 and NE.11 of the Bath and North East Somerset Local Plan.

### **PLANS LIST:**

1 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.

2 This decision relates to the following plans/documents:

Illustrative layout plan ref. BS/2  
Site Location plan Dwg. No. HS/162935

### **3 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.

4 The Public Rights of Way Team requests that the following conditions be applied:

- 1) The Applicant must be able to demonstrate that the proposed vehicular access to the development will be lawful. Without this, any purchasers of the proposed properties may be committing an offence every time they drive along the footpath.
- 2) Care must be taken when using mechanically-propelled vehicles on a footpath. Motorists must give way to pedestrians.

**Item No:** 03  
**Application No:** 17/00265/FUL  
**Site Location:** Techniglaze Ltd Units 1-2 Fourth Avenue Westfield BA3 4XE



<b>Ward:</b> Westfield	<b>Parish:</b> Westfield	<b>LB Grade:</b> N/A
<b>Ward Members:</b>	Councillor Eleanor Jackson	Councillor Robin Moss
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Change of use from B1c to a Children's soft play area (D2) and cafe	
<b>Constraints:</b>	Affordable Housing, Agric Land Class 3b,4,5, Coal - Standing Advice Area, Contaminated Land, Core Business Area, Forest of Avon, Neighbourhood Plan, SSSI - Impact Risk Zones,	
<b>Applicant:</b>	Mr Craig Haskins	
<b>Expiry Date:</b>	4th May 2017	
<b>Case Officer:</b>	Tessa Hampden	

## **REPORT**

Reason for referring this application to committee

This application has been referred to committee by Cllr Jackson and due to the support from the Parish Council.

Site description and proposal

The application relates to Units 1-2 Fourth Avenue, Westfield Trading Estate. The site is within a Core Employment Area within the Local Plan, and within a designated Strategic Employment Site within the draft Place Making Plan. The application premises were previously occupied by window manufacture Techniglaze until 2015.

The application seeks planning permission for the change of use from B1/B8 to a Childrens' soft play area (D2) and cafe.

Relevant planning history

There is no planning history directly related to this application

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Highway Development - no objection

Economic Development - object to the loss of the industrial use and the resultant impacts of the proposed development on the wider industrial site.

Planning policy - object to the development on the grounds of the loss of the existing use within the strategic employment site.

Westfield Parish Council support the planning application. The Parish support the application in line with the comments of the applicant which were read to them at their meeting. This related to the fact that they will employ 7 people, full time and part time, offering permanent contracts. They will provide a free to use community space, and have part of the unit available to other small businesses like hairdressers. The unit is currently empty and the tenant has been advertising it as available since April 2015.

Cllr Jackson supports the planning application: the proposal promises a minimum of seven jobs, to increase if the business flourishes. It is all about context, and the site is close to Norton Hill play park and football pitch, the new Cobblers Way estate (lots of young children) and Westfield Primary School. It will also be the only commercial café in Westfield (excluding RADCO) now that Coffee Shot at Elm Tree Avenue has had to close. This is not very different from the permission granted last year at DMC committee for a car repair garage on the estate, and questions whether the Place Making Plan limits the Industrial Estate to manufacturing. It is certainly not the case with the estates BANES owns in Mill Road and School Lane, Radstock and there needs to be some consistency. Requests that this application is brought to committee.

149 supporting and 12 general comments have been received; the comments can be summarised as follows:

- Well located allowing people to walk safely to facility
- Welcome facility which will be well used
- Safe environment for children to play
- Benefits of associated facilities including cafe
- Needed facility especially since closer of similar ones
- Community benefits
- Benefits to other businesses
- Ample parking
- Health benefits

2 objection comments have been received; the comments can be summarised as follows:

- Huge disruption for the Westfield Trading Estate.
- With just 16 car park spaces this is a highways risk.
- Car movements in un-designated areas and small children running around creates highway safety issue
- Potential for conflict with pedestrians and large vehicles due to siting of soft play within industrial unit

## **POLICIES/LEGISLATION**

The Council's Development Plan comprises:

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

The following policies of the Core Strategy are relevant:

- o Policy DW1 - District Wide Spatial Strategy
- o Policy SV1 Somer Valley Spatial Strategy
- o Policy CP6 - Environmental Quality
- o Policy SD1 - Presumption in favour of sustainable development

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

- o Policy D.2: General design and public realm considerations
- o Policy D.4: Townscape considerations
- o Policy ET.3: Core business area
- o Policy ES9 Pollution and noise
- o Policy T.1: General Transport Policy
- o Policy T.5 Cycling Strategy: improved facilities
- o Policy T.6 Cycling Strategy: cycle parking
- o Policy T.7 Cycling Strategy: strategic cycling network
- o Policy T26 On-site parking and servicing provision

At the Council's Cabinet meeting on 2nd December 2015 the draft Placemaking Plan was approved for consultation purposes and also approved for Development Management

purposes. 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 have been subject to public consultation prior to the Inspector issuing her Final Report.

Polices to be given substantial weight at this stage

- o Policy D1, D2, D3, D4, D5, D6 - General design policies
- o Policy PCS1 - Pollution and nuisance
- o Policy PCS2 - Noise and vibration
- o Policy ED2(A): Strategic and other primary industrial estates

Polices to be given significant weight at this stage

- o Policy ST7 - Transport requirements for development

## **OFFICER ASSESSMENT**

### **Principle of development**

The site in question lies within the Somer Valley where the spatial strategy for the area seeks to sustain the local economy and to facilitate economic growth. Policy SV1 articulates this through enabling the delivery of 900 net additional jobs between 2011 & 2029; protecting existing business uses; and focusing new business accommodation on sites including the Westfield Industrial Estate. The strategic importance of the Westfield Trading Estate is shown by its identification as a Core Business Area in the Local Plan (Policy ET.3) and its identification as a Strategic Industrial Estate in the Placemaking Plan under Policy ED2.A.

The proposed loss of non-office business space as result of this change of use is contrary to Local Plan Policy ET.3 (clause 2, a) which resists the loss of B1C, B2 and B8 uses. Whilst Local Plan Policy ET.3 is part of the statutory Development Plan it is considered that Placemaking Plan Policy ED2.A more closely accords with the NPPF. As noted above, the site is identified as a Strategic Industrial Estate, of which there are only four in the district. Placemaking Plan ED.2A which relates to Strategic and Other Primary Industrial Estates therefore applies to this proposal. Although the Placemaking Plan is yet to be formally adopted, this can be given substantial weight due to the advanced stage of the Placemaking Plan.

This policy explains that proposals for light industrial, heavy industrial, warehousing (classes B1c, B2, B8), and builders merchants will be acceptable in principle within these areas. The proposal puts forward soft play which falls within the D2 use class and therefore outside of the uses that are supported by this policy. The submission also references the provision of a cafe and hairdressers which also falls outside of the promoted uses.

The identification of Westfield Industrial Estate as a Strategic Industrial Sites means that there is a presumption in favour of retaining it solely for the aforementioned uses. There are strong economic reasons why other uses would be inappropriate because of the economic significance of these areas. The policy explains that applicants seeking to challenge this presumption should provide compelling evidence that circumstances have

changed to the extent that there is no reasonable prospect of land or premises being used for the allocated purpose, by reference to:

- a) Whether existing premises are being used productively, or if not, the viability of reusing vacant premises or developing allocated land for industrial use.
- b) The level of interest in existing premises following a marketing period of 24 months, on reasonable terms, during a sustained period of UK economic growth.
- c) General market signals of demand across the district and in relation to the locality i.e. the relevant settlement(s).
- d) The availability and quality of alternative premises.
- e) Whether any other evidence casts critical doubt on the validity of Policy B1, KE1 and SV1 insofar as they relate to the required supply of industrial space.

Applicants will also need to demonstrate that non-industrial uses would not have an adverse impact on the sustainability of the provision of services from industrial premises that remained around the site, or would not act against the development of undeveloped areas for industrial uses.

The Somer Valley has experienced moderate levels of economic growth, with a 10% increase in enterprises and a 2% increase in employment since 2010. The characteristics of the economy have shifted following the 2008 recession, with a reduction in businesses and employment in manufacturing, transportation & storage and retail and increases in professional and business services. However Westfield ward has experienced increases in employment in manufacturing (7%), transportation & storage (110%) and wholesale (56%), whilst also either maintaining or increasing the number of businesses in these sectors in contrast to the trend across the wider Somer Valley.

The growth in employment and businesses in Westfield has by and large been centred on the Westfield Industrial estate, which is the main focus for B1c, B2 and B8 use classes in the Somer Valley and is home to approximately 100 businesses, employing over 1000 people.

The Lambert Smith Hampton 'Bath and North East Somerset Industrial Market report (Nov 2015)', points to a strong market demand for small industrial units stating that 'despite making up 16% of transactions, the 500 Sq m to 1,999 Sq m size-band has accounted for half of district take-up. It also has the highest churn rate of the various size-bands, standing at 2.8% of district stock per annum, compared to 1.4% across all size-bands.'

Availability of property on the estate is also in short supply with only one unit being marketed . Unit 35b First Avenue and units 6 -12 First Avenue are presently under offer. Techniglaze had previously occupied units 1- 6 and units 3-6 are now occupied and in use.

In considering the application in terms of policy ED2A-2 it is felt that the applicant has not met the criteria a - e for the following reasons.

- a) The units are presently vacant and are still of suitable condition to be a viable site of industrial or related B class use types and the businesses surrounding this unit supports its viability.
- b) The units have been marketed for 18 months and not for the 24 month period required in the Placemaking Plan. It should also be noted that these premises have been removed from the agent's web site.
- c) There are strong market signals in relation to the demand of these units, as stated in the LSH report, increase in employment and businesses in like industries in the area and the lack of vacant premises on the estate to accommodate ongoing growth.
- d) The applicant has not provided information on their search criteria and potential alternative sites.
- e) There is no evidence to suggest that Policy SV1 is in question, the retention of this unit supports the stated growth in industrial sectors on the estate and the surrounding area and the Somer Valley has sustained a net loss of 6,981sqm of industrial space.

The provision of jobs through the proposal is noted. The application form states that the equivalent of 4 full time jobs would be provided as part of this development. Revised information cites 7 jobs would be developed, but breaking down the hours within the employment statement, this would equate to 3 full time jobs. Using the standard Homes and Community Agency employment density calculation the present split in use classes of units 1 and 2 can support approximately 15 full time employment opportunities.

The development can therefore not be supported in principle as the proposed scheme would result in the loss of protected accommodation in the B1c, B2 and B8 use class, on a strategically important industrial estate in the Somer Valley.

#### Highway safety

The updated information within the submission application cites that 12 spaces could be provided at the site, and although they cannot be guaranteed, the applicant is seeking to secure a further four spaces. A comparison has been made against the typical parking demand for a unit of this scale. This analysis shows that the proposed parking provision would be sufficient for the typical weekday parking demand. There would be a higher parking demand at the weekend and through some parts of the school holidays, and there is some likelihood that parking could occur on the local highway network. However, having reviewed the surrounding area, it is clear that some on-street parking already exists and it is very unlikely that the amount of parking that could be generated by the proposed scheme would have a significant detrimental impact on the operation of the local highway.

The applicant has also shown that a pedestrian footway will be provided and that this would provide access to the main building entrance. This is considered to be an important element of the proposed scheme, and would provide a dedicated link to the footway on Fourth Avenue. The current parking layout does not show provision for cycle parking, and there would be a need to provide some cycle parking at the unit. However the requirement for cycle parking provision could be an appropriate condition if planning permission for the proposal was granted.

### Residential amenity

The site is within an existing industrial estate where a degree of noise and disturbance can be expected. It is not within close proximity to any residential occupiers and as such the development is not considered to result in any significant harm to any nearby occupiers.

### Character and appearance

The development does not propose any significant external alterations. The use has the potential to create a significant degree of activity, but this is not uncommon within an existing built up industrial estate. The development overall is not considered to have any significant adverse impacts upon the character and appearance of the area.

### Other issues

No other significant issues have arisen as a result of this planning application, but for the reason as stated above, this application is recommended for refusal. In summary, the Westfield Industrial Estate is a strategically important site within the Somer Valley where existing industrial business space should be protected and new space provided to help meet these strategic objectives. Officers note the examples of other change of uses within the site provided by the applicant; however these are from 2001 and 2004 and would not have been considered against current policy.

## **RECOMMENDATION**

REFUSE

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

1 The proposal for soft play (D2 use class) would result in the loss of accommodation protected for B1c/B2/B8 use. It has not been demonstrated that there is no reasonable prospect of the premises being used for the allocated purpose. The development is therefore considered to be contrary to policy SV1 of the Core Strategy, ET.3 of the Local Plan and policy ED.2A of the draft Place Making Plan.

## **PLANS LIST:**

2 You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule comes into effect. Whilst the above application has been refused by the Local Planning Authority please note that CIL applies to all planning permissions granted on or after this date. Thus any successful appeal against this decision may become subject to CIL. Full details are available on the Council's website [www.bathnes.gov.uk/cil](http://www.bathnes.gov.uk/cil)

3 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.

0 Plans:

10 Mar 2017      PARKING PLAN 1  
 24 Jan 2017      SITE LOCATION PLAN  
 21 Jan 2017      PROPOSED FLOOR PLAN

**Item No:** 04  
**Application No:** 17/00652/LBA  
**Site Location:** 14 Union Street City Centre Bath Bath And North East Somerset BA1 1RR



**Ward:** Abbey      **Parish:** N/A      **LB Grade:** II  
**Ward Members:** Councillor Lizzie Gladwyn Councillor Peter Turner  
**Application Type:** Listed Building Consent (Alts/exts)  
**Proposal:** Conversion of existing ancillary retail upper floors to form 4 No. flats; erection of a roof extension to form 1 No. flat; associated internal and external works including a new shop front to No.14; replacement upper storey windows; and new external door and railings to the Union Passage elevation (re-submission)  
**Constraints:** Affordable Housing, Agric Land Class 3b,4,5, Article 4, Article 4, Article 4, Bath Core Office Area, Adjoins City Boundary, Centres and Retailing, Conservation Area, Forest of Avon, Hotspring Protection, Listed Building, MOD Safeguarded Areas, Prime Shop Front, SSSI - Impact Risk Zones, World Heritage Site,

<b>Applicant:</b>	14 Union St Ltd & 15 Union St Ltd
<b>Expiry Date:</b>	5th May 2017
<b>Case Officer:</b>	Victoria Griffin

## REPORT

**REASON FOR REPORTING APPLICATION TO COMMITTEE:** This application was referred to the Chair following a request from the local Ward member Councillor Peter Turner, the Chair has agreed in light of the Ward member support and previous applications on the site to refer the item to Committee.

**SITE LOCATION:** 14 Union Street, Bath

**DESCRIPTION OF SITE AND APPLICATION:** This application seeks consent for the conversion of existing ancillary retail upper floors to form 4 No. flats; erection of a roof extension to form 1 No. flat; associated internal and external works including a new shop front to No.14; replacement upper storey windows; and new external door and railings to the Union Passage elevation (re-submission).

The applications are supported by a Heritage statement, CGI images of the proposed roof extension, verifiable visual montages and a planning, design and access statement.

**SITE CONTEXT:** 14 Union Street is a grade II listed building, sited within the Bath Conservation Area and wider World Heritage Site. The building is listed under 12 Union Passage and dates from 1806. It was a shop with accommodation above and has had later alterations in the nineteenth and twentieth centuries. It has a prominent ground floor shop front and is a protected retail frontage.

## PLANNING ISSUES:

- Impact on the Listed Building and terrace
- Impact on the wider Conservation Area

## RELEVANT PLANNING HISTORY:

17/00651/FUL - Parallel Planning application  
 15/00665/FUL - Change of use to first, second and third floors from retail and storage to 3no self contained flats and other works - Permission  
 15/00704/LBA - Internal works for the change of use to first, second and third floors from retail and storage to 3no self contained flats - Consent

## SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Councillor Peter Turner: There has been significant compromise on the design of the rooftop apartment which will the unsightly redundant rooftop plant with a high quality innovative design which will not be visible from public views outside of the site. In essence it is funding the full repair and refurbishment of 2 substantial Georgian buildings in the heart of the City.

Conservation - Objects - detailed comments are covered in the officer assessment below

Note: Revised plans have been received for shopfront details to address the Conservation officer concerns and updated comments will be reported to Committee.

#### Representations:

##### Bath Preservation Trust - Objection - summarised:

- the set back corner roof terrace imposes the same harm to the listed building as the previous proposal, and perhaps even more as it is oriented on the corner of the principle elevation looking down on the street in an elevated position. Whether or not it is visible from the street level is not relevant, it will be visible at higher level viewpoints from around the city, and will constitute an intrusive, incongruous element to a traditional mansard roof form. Whilst the roofscape of Bath is diverse, it tends to retain a historic character when faced towards principle streets, and the juxtaposition of a traditional mansard roof form interrupted by a modern roof terrace will be discordant and harmful to its historic setting. Setting such a precedent would risk cumulative harm to the traditional rhythm and character of the roofscape of the Georgian city.

- the proposed roof terrace would harm the special interest of the listed building, it would neither preserve nor enhance the character and appearance of the Conservation Area, would be detrimental to the visual amenity of the street scene, and would detract from the special qualities of the World Heritage Site. The scheme is contrary to Section 12 (Conserving and enhancing the historic environment) of the National Planning Policy Framework (NPPF), policies; B1, B2, B4 and CP6 of the B&NES Core Strategy and saved policies; D4, BH1, BH2, BH4, BH6 of the B&NES Local Plan. We would therefore recommend that the application be refused.

##### Bath Heritage Watchdog - Objection - summarised:

- No justification has been given as to the necessity of this addition. The usual 'it will contribute to the housing targets' is not true as few of these properties are affordable or suitable for the average local resident.

- Although recognising that the proposed 'mansard style' extension has been set back from the main elevations, we remain of the opinion that it would be harmful to the host building, surrounding listed buildings and the streetscene. The short terrace is already 4 storeys in comparison to the adjacent 3 storeys, therefore the addition of a 5th storey would be much higher than the remainder of the terrace. Examples of similar work elsewhere do not set a precedent.

- The style of the proposed mansard is alien and cannot be considered to respect the local vernacular. Although it may not be visible from the previously considered viewpoints, it is not enough to consider it 'out of sight, out of mind'. We also have to consider higher vantage points not least the Abbey Tower and the upper floors of other buildings (some of which have public areas). We cannot see how an additional storey could be added without causing harm.

- Union Street Elevation - Drawing 1604-L13 (elevations as proposed) is annotated as 'trad glazing bars added'. We are presuming there is an intention to replace the windows

rather than sticking glazing bars onto the existing windows (which we would strongly oppose). No drawings have been provided detailing this or confirming that the windows will be single glazed.

- We oppose the proposed alterations to the shopfront to no14. Whilst appreciating that it is not of any great age, it is of a traditional design, which should be encouraged. That proposed appears, from the limited detail given, to be of bland plate glass and would therefore be harmful to the listed building and send the wrong signal to other future applicants. We would refer the applicants to the Bath City Council: Bath Shopfronts, Guidelines for Design & Conservation 1993 (rather than the recently produced SPD as it contains far more information and direction on the acceptable styles and materials). We would also encourage historic appraisal of the shopfront which is lacking from the Historic Statement.

The one drawing of the shopfront provided is limited in details and unacceptable for a listed building.

- the current signage to No14 is unauthorised and unacceptable in style and materials. Signage should be traditionally signwritten.

## **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

Historic Environment Good Practice Advice in Planning Notes issued by Historic England

Bath City wide Character Appraisal 2005  
Draft Bath Conservation Area Appraisal

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 are given significant weight:

HE1 - Historic Environment

## **OFFICER ASSESSMENT**

### **IMPACT ON THE LISTED BUILDING AND CONSERVATION AREA:**

The general duty, when considering whether to grant permission for any works, is set out within the Listed Building & Conservation Area Act and is supported by national and local policies. The requirement is 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 also required that the character and appearance of the conservation area should be preserved or enhanced.

The draft Conservation Area Appraisal for the city centre advises that many Georgian and Victorian commercial buildings in the city centre tend to be of three to four storeys and in the height range 10 - 16 m. This is a major contributor to the homogeneity and human scale of Bath city centre and allows frequent glimpses of the wooded skylines which are vital to the green setting of the World Heritage Site.

The application site is four storeys in height and is of a similar scale to that of the surrounding buildings. The current roof scape of the application site is a mixture of pitched roofs and a flat roof area. The flat roof element is not a positive feature in the conservation area/world heritage site; however, it is a neutral roof which does not cause harm to the character of the area. The pitched roofs are low profiled, designed to be unobtrusive to the façade of the building and this style of roof is a common feature in the city.

The main concern regarding the extension to this building would increase the overall height to a five storey building. Whilst the scale of the mansard has been reduced and the roof set back from the Union Street elevation, it would remain visible in the roofscape of the city and views in the surrounding streets. The revised design of the mansard is not

considered to be sensitive to the listed building and would result in the removal of the pitch roof and replacement with a flat roof. The reduction in scale to avoid prominent views from Union Street and Burton Street has resulted in a design which is out of character with that of the listed building and is considered to cause harm to the listed building, conservation area and world heritage site.

The proposed shopfront alterations have been amended by the applicant and revised plans submitted in line with the Conservation officer's advice. Comments on these amendments will be reported to members by way of an update report at Committee.

No.15 was rebuilt following war damage and there are no concerns with the proposal to expand the basement area. Similar layout alterations to the building have been previously approved. The revised application does not propose to alter any historic features of interest internally to create the new residential units.

## **CONCLUSION:**

It is considered that the proposed extension would lead to harm to the listed building and the special architectural interest it possesses. In accordance with the advice contained in the Framework, this harm can be qualified as less than substantial. In accordance with paragraph 134 of the National Planning Policy Framework, in such circumstances this harm can be weighed against the public benefits of the proposal. In this case, it is considered that the public benefits, which are limited, and which include the provision of additional residential accommodation and the positive re-use of this listed building, would not outweigh the aforementioned harm. As such, the proposals would conflict with the statutory requirements, as well as the national and local planning policies and cannot be supported. It is therefore recommended that application should be refused.

There is a duty placed on the Council 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 possess. Under Section 72 of the same 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 recommendation for the proposal.

## **RECOMMENDATION**

**REFUSE**

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

1 The proposed roof extension is considered to be detrimental to the special architectural and historic interest and character of this and the adjoining listed buildings, and is detrimental to the character and appearance of this part of the Conservation Area. The public benefits of the proposal are limited and do not outweigh this harm. The application is contrary to Core Strategy Policies B1, B2, B4 and CP6 and Saved Local Plan policies (2007) D2, D4, BH2, BH4, BH6 and BH19 and policy H.1 of the draft Placemaking Plan.

## PLANS LIST:

1 This recommendation relates to the following plans/documents:

1604-D03 to 05A, 06 to 07A, 09, 1604-L02 to L11, L13-L14, L17-L18, 1604- S02-S07, S09-S11, S13-S15

2 You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule comes into effect. Whilst the above application has been refused by the Local Planning Authority please note that CIL applies to all planning permissions granted on or after this date. Thus any successful appeal against this decision may become subject to CIL. Full details are available on the Council's website [www.bathnes.gov.uk/cil](http://www.bathnes.gov.uk/cil)

**Item No:** 05  
**Application No:** 17/00651/FUL  
**Site Location:** 14 Union Street City Centre Bath Bath And North East Somerset BA1 1RR



**Ward:** Abbey      **Parish:** N/A      **LB Grade:** II  
**Ward Members:** Councillor Lizzie Gladwyn   Councillor Peter Turner  
**Application Type:** Full Application  
**Proposal:** Conversion of existing ancillary retail upper floors to form 4 No. flats; erection of a roof extension to form 1 No. flat; associated internal and external works including a new shop front to No.14; replacement upper storey windows; and new external door and railings to the Union Passage elevation (re-submission)  
**Constraints:** Affordable Housing, Agric Land Class 3b,4,5, Article 4, Article 4, Article 4, Bath Core Office Area, Adjoins City Boundary, Centres and



	Retailing, Conservation Area, Forest of Avon, Hotspring Protection, Listed Building, MOD Safeguarded Areas, Prime Shop Front, SSSI - Impact Risk Zones, World Heritage Site,
<b>Applicant:</b>	14 Union St Ltd & 15 Union St Ltd
<b>Expiry Date:</b>	5th May 2017
<b>Case Officer:</b>	Victoria Griffin

## REPORT

**REASON FOR REPORTING APPLICATION TO COMMITTEE:** This application was referred to the Chair following a request from the local Ward member Councillor Peter Turner, the Chair has agreed in light of the Ward member support and previous applications on the site to refer the item to Committee.

**SITE LOCATION:** 14 Union Street, Bath

**DESCRIPTION OF SITE AND APPLICATION:** This application seeks consent for the conversion of existing ancillary retail upper floors to form 4 No. flats; erection of a roof extension to form 1 No. flat; associated internal and external works including a new shop front to No.14; replacement upper storey windows; and new external door and railings to the Union Passage elevation (re-submission).

The applications are supported by a Heritage statement, CGI images of the proposed roof extension, verifiable visual montages and a planning, design and access statement.

**SITE CONTEXT:** 14 Union Street is a grade II listed building, sited within the Bath Conservation Area and wider World Heritage Site. The building is listed under 12 Union Passage and dates from 1806. It was a shop with accommodation above and has had later alterations in the nineteenth and twentieth centuries. It has a prominent ground floor shop front and is a protected retail frontage.

## PLANNING ISSUES:

- Impact on the Listed Building and terrace
- Impact on the wider Conservation Area
- Impact on the protected retail area
- Residential amenity
- Highway safety

## RELEVANT PLANNING HISTORY:

17/00652/LBA - Parallel Listed Building Consent application

15/00665/FUL - Change of use to first, second and third floors from retail and storage to 3no self contained flats and other works - Permission

15/00704/LBA - Internal works for the change of use to first, second and third floors from retail and storage to 3no self contained flats - Consent

## SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Councillor Peter Turner: There has been significant compromise on the design of the rooftop apartment which will the unsightly redundant rooftop plant with a high quality



innovative design which will not be visible from public views outside of the site. In essence it is funding the full repair and refurbishment of 2 substantial Georgian buildings in the heart of the City.

Conservation - Objects - detailed comments are covered in the officer assessment below

Note: Revised plans have been received for shopfront details to address the Conservation officer concerns and updated comments will be reported to Committee.

Highways - The recent planning history of the site has been reviewed and there is no highways objection to the planning application. However, due to the sensitive location of the proposal, the following condition is recommended and the applicant should be aware of the informative provided at the end of this consultation response.

1. 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.

With regards to parking, the applicant should be made aware of the following advisory.

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

Environmental Protection: No comments

Representations:

Bath Preservation Trust - Objection - summarised:

- the set back corner roof terrace imposes the same harm to the listed building as the previous proposal, and perhaps even more as it oriented on the corner of the principle elevation looking down on the street in an elevated position. Whether or not it is visible from the street level is not relevant, it will be visible at higher level viewpoints from around the city, and will constitute an intrusive, incongruous element to a traditional mansard roof form. Whilst the roofscape of Bath is diverse, it tends to retain a historic character when faced towards principle streets, and the juxtaposition of a traditional mansard roof form interrupted by a modern roof terrace will be discordant and harmful to its historic setting.

Setting such a precedent would risk cumulative harm to the traditional rhythm and character of the roofscape of the Georgian city.

- the proposed roof terrace would harm the special interest of the listed building, it would neither preserve nor enhance the character and appearance of the Conservation Area, would be detrimental to the visual amenity of the street scene, and would detract from the special qualities of the World Heritage Site. The scheme is contrary to Section 12 (Conserving and enhancing the historic environment) of the National Planning Policy Framework (NPPF), policies; B1, B2, B4 and CP6 of the B&NES Core Strategy and saved policies; D4, BH1, BH2, BH4, BH6 of the B&NES Local Plan. We would therefore recommend that the application be refused.

Bath Heritage Watchdog - Objection - summarised:

- No justification has been given as to the necessity of this addition. The usual 'it will contribute to the housing targets' is not true as few of these properties are affordable or suitable for the average local resident.

- Although recognising that the proposed 'mansard style' extension has been set back from the main elevations, we remain of the opinion that it would be harmful to the host building, surrounding listed buildings and the streetscene. The short terrace is already 4 storeys in comparison to the adjacent 3 storeys, therefore the addition of a 5th storey would be much higher than the remainder of the terrace. Examples of similar work elsewhere do not set a precedent.

- The style of the proposed mansard is alien and cannot be considered to respect the local vernacular. Although it may not be visible from the previously considered viewpoints, it is not enough to consider it 'out of sight, out of mind'. We also have to consider higher vantage points not least the Abbey Tower and the upper floors of other buildings (some of which have public areas). We cannot see how an additional storey could be added without causing harm.

- Union Street Elevation - Drawing 1604-L13 (elevations as proposed) is annotated as 'trad glazing bars added'. We are presuming there is an intention to replace the windows rather than sticking glazing bars onto the existing windows (which we would strongly oppose). No drawings have been provided detailing this or confirming that the windows will be single glazed.

- We oppose the proposed alterations to the shopfront to no14. Whilst appreciating that it is not of any great age, it is of a traditional design, which should be encouraged. That proposed appears, from the limited detail given, to be of bland plate glass and would therefore be harmful to the listed building and send the wrong signal to other future applicants. We would refer the applicants to the Bath City Council: Bath Shopfronts, Guidelines for Design & Conservation 1993 (rather than the recently produced SPD as it contains far more information and direction on the acceptable styles and materials). We would also encourage historic appraisal of the shopfront which is lacking from the Historic Statement.

The one drawing of the shopfront provided is limited in details and unacceptable for a listed building.

- the current signage to No14 is unauthorised and unacceptable in style and materials. Signage should be traditionally signwritten.

## **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/affecting Conservation Areas  
BH.8: Improvement works in Conservation Areas  
T.24: General development control and access policy  
T.26: On-site parking and servicing provision  
ES.12: Noise and vibration  
S.5 - Primary shopping frontages for Bath, Keynsham and Midsomer Norton

Historic Environment Good Practice Advice in Planning Notes issued by Historic England

Bath City wide Character Appraisal 2005  
Draft Bath Conservation Area Appraisal

## 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 are given significant weight:

HE1 - Historic Environment  
D.6 Amenity  
D.10 Public Realm  
H7 Housing accessibility  
SCR5 Water efficiency  
LCR7B Broadband

### **OFFICER ASSESSMENT**

#### **PRINCIPLE OF DEVELOPMENT:**

The site is located within a primary shopping frontage within the city centre. Union Street is characterised by mainly retail units that form a pedestrianised street connecting the more traditional retail offer in the Milsom Street area to the lower shopping areas including the Southgate development. Saved Local Plan Policy S.5 seeks to retain retail units within these locations. This proposal seeks to retain the ground floor retail space and refers only to the change of use of the upper floors to residential accommodation. In this regard it is considered that the proposal complies with this policy. Furthermore, as the original intention was for the property to have residential accommodation above, it is likely that there would be a conservation benefit to the change of use.

#### **IMPACT ON THE LISTED BUILDING AND CONSERVATION AREA:**

The general duty, when considering whether to grant permission for any works, is set out within the Listed Building & Conservation Area Act and is supported by national and local policies. The requirement is 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 also required that the character and appearance of the conservation area should be preserved or enhanced.

The draft Conservation Area Appraisal for the city centre advises that many Georgian and Victorian commercial buildings in the city centre tend to be of three to four storeys and in the height range 10 - 16 m. This is a major contributor to the homogeneity and human scale of Bath city centre and allows frequent glimpses of the wooded skylines which are vital to the green setting of the World Heritage Site.

The application site is four storeys in height and is of a similar scale to that of the surrounding buildings. The current roof scape of the application site is a mixture of pitched roofs and a flat roof area. The flat roof element is not a positive feature in the conservation area/world heritage site; however, it is a neutral roof which does not cause harm to the

character of the area. The pitched roofs are low profiled, designed to be unobtrusive to the façade of the building and this style of roof is a common feature in the city.

The main concern regarding the extension to this building would increase the overall height to a five storey building. Whilst the scale of the mansard has been reduced and the roof set back from the Union Street elevation, it would remain visible in the roofscape of the city and views in the surrounding streets. The revised design of the mansard is not considered to be sensitive to the listed building and would result in the removal of the pitch roof and replacement with a flat roof. The reduction in scale to avoid prominent views from Union Street and Burton Street has resulted in a design which is out of character with that of the listed building and is considered to cause harm to the listed building, conservation area and world heritage site.

No.15 was rebuilt following war damage and there are no concerns with the proposal to expand the basement area. Similar layout alterations to the building have been previously approved. The revised application does not propose to alter any historic features of interest internally to create the new residential units.

#### ALTERATIONS TO SHOPFRONT:

The proposed shopfront alterations have been amended by the applicant and revised plans submitted in line with the Conservation officer's advice. Comments on these amendments will be reported to members by way of an update report at Committee.

#### OFFICER ASSESSMENT OF RESIDENTIAL AMENITY:

The site is situated within a central city area where upper floors are used as residential accommodation. Whilst the buildings are in close proximity to one another, the proposed use as residential would reflect the existing character of the area amongst other residential properties. Given the relationships with adjacent properties, it is not considered that there will be any significant adverse impacts on residential amenity to justify a refusal on this basis.

#### OFFICER ASSESSMENT OF HIGHWAY SAFETY:

The highways officer does not raise any objection to the proposal but given the sensitive location of the site proposes a construction management plan to be submitted if minded to support the proposal. An informative is also duly recommended to advise that no parking permits would be available in this central area. Whilst these comments are noted this does not outweigh the harm identified above.

#### CONCLUSION:

It is considered that the proposed extension would lead to harm to the listed building and the special architectural interest it possesses. In accordance with the advice contained in the Framework, this harm can be qualified as less than substantial. In accordance with paragraph 134 of the National Planning Policy Framework, in such circumstances this harm can be weighed against the public benefits of the proposal. In this case, it is considered that the public benefits, which are limited, and which include the provision of additional residential accommodation and the positive re-use of this listed building, would

not outweigh the aforementioned harm. As such, the proposals would conflict with the statutory requirements, as well as the national and local planning policies and cannot be supported. It is therefore recommended that application should be refused.

There is a duty placed on the Council 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 possess. Under Section 72 of the same 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 recommendation for the proposal.

## **RECOMMENDATION**

**REFUSE**

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

1 The proposed roof extension is considered to be detrimental to the special architectural and historic interest and character of this and the adjoining listed buildings, and is detrimental to the character and appearance of this part of the Conservation Area. The public benefits of the proposal are limited and do not outweigh this harm. The application is contrary to Core Strategy Policies B1, B2, B4 and CP6 and Saved Local Plan policies (2007) D2, D4, BH2, BH4, BH6 and BH19 and policy H.1 of the draft Placemaking Plan.

## **PLANS LIST:**

1 This recommendation relates to the following plans/documents:

1604-D03 to 05A, 06 to 07A, 09, 1604-L02 to L11, L13-L14, L17-L18, 1604- S02-S07, S09-S11, S13-S15

2 You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule comes into effect. Whilst the above application has been refused by the Local Planning Authority please note that CIL applies to all planning permissions granted on or after this date. Thus any successful appeal against this decision may become subject to CIL. Full details are available on the Council's website [www.bathnes.gov.uk/cil](http://www.bathnes.gov.uk/cil)

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

**Item No:** 06  
**Application No:** 17/00568/FUL  
**Site Location:** Hartley Farm Cottage Hartley Lane Swainswick Bath BA1 8AF



**Ward:** Bathavon North      **Parish:** Batheaston      **LB Grade:** N/A  
**Ward Members:** Councillor M Veal    Councillor Alison Millar    Councillor Geoff Ward  
**Application Type:** Full Application  
**Proposal:** Erection of side and rear extensions (Revised proposal)  
**Constraints:** Affordable Housing, Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Greenbelt, MOD Safeguarded Areas, SSSI - Impact Risk Zones, Water Source Areas,  
**Applicant:** Mrs R Breach  
**Expiry Date:** 5th May 2017  
**Case Officer:** Emma Hardy

## REPORT

Reason for reporting application to Committee:

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

Description of site and application:

Hartley Farm Cottage is a detached bungalow sited to the south east of the A46 Gloucester Road and to the north of Hartley Lane. The bungalow has received a single storey extension, probably at the time that the building was converted to a dwelling from a

mess building for the neighbouring airfield. The site is located within the Bath/Bristol Green Belt.

Planning permission is sought to erect a single storey front (east) extension and a single storey side (north) extension. The proposed front extension would measure approximately 11.2m wide, 4m deep, 2.7m high to the eaves and 3.65m high to the ridge. A front porch would project from this extension measuring approximately 1.2m deep, 3.45m wide and 2.4m to the eaves. The proposed single storey side extension would measure approximately 3m wide, 5.8m deep, 2.7m high to the eaves and 3.9m high to the ridge.

Relevant recent planning history:

16/03943/FUL Erection of side and rear extensions. Refused 6/10/2016 for the following reasons:

1 By reason of its excessive cumulative scale beyond the original building, the proposed development represents inappropriate development within the Green Belt and would be harmful by definition. In the absence of very special circumstances to outweigh this harm, the proposed development is contrary to saved Policy HG.15 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted October 2007, Policy CP8 of the Core Strategy and the aims of the National Planning Policy Framework.

2 By reason of its design and relationship with the existing extension and original building, the proposed development would result in an awkward appearance which would be detrimental to the character and appearance of the street scene and general locality contrary to saved Policies D.2, D.4 and GB.2 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted October 2007, Policy CP6 of the Core Strategy and the aims of the National Planning Policy Framework.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

### **Councillor Geoff Ward:**

The purpose behind this application is to facilitate a move of the aged applicant from a large outmoded farmhouse to more suitable accommodation. It is a reasonable planning consideration to take account of the needs and health requirements of the applicant. Medical and public health evidence is in the planning statement. It is also reasonable that the applicant wishes to remain in the community with a family member as carer who justifies the extension of the property to provide live in 24 hour a day care. It is unreasonable to not allow the applicant to live as long as possible in her own home despite her ailments and advanced years.

The proposed development is reasonably modest, has been trimmed back on what was proposed in the last submission and will have little if any impact on the openness of the Green Belt especially in the location it is situation. It is universally supported by the Parish Council and all neighbours. All three Ward Councillors are fully supportive of this application.

### **St Catherine Parish:**



It was agreed that this application reflected a genuine need by the applicant, and very special circumstances. The applicant is elderly and in poor health, and at present is living in a large, cold, un-modernised farmhouse with extremely poor access. She has lived and worked on Hartley Farm all her married life, but these conditions now put her at risk of hypothermia and ill health.

The modest extension to Hartley Farm Cottage, and the internal improvements, will allow the applicant to live out her life in reasonable comfort and reasonable good health, with essential car provided by her son.

St Catherine Parish Meeting wholeheartedly recommends that this application be permitted.

(Officer note: this site is located within the Parish of Batheaston. No comments have been received from Batheaston Parish Council at the time of writing this report).

Third party representations:

11 comments of support received from the following addresses:

- o The Barn, Gloucester Road, Upper Swainswick
- o Charmydown House, Gloucester Road, Swainswick
- o The Barn, Gloucester Road, Swainswick
- o Wingfield Farm, Hartley Lane, Swainswick
- o Hartley Bungalow, Hartley Lane, Swainswick
- o Uplands Farm, Charmydown Lane, Swainswick
- o Down Edge, Hollies Lane, Batheaston
- o 2 Beeks Cottages, St Catherine
- o The Old Farm, Charlcombe Lane, Charlcombe
- o Rockfield House, Charlcombe
- o Manor Farm, Tynning Lane, Langridge

The content of these comments is summarised below:

- o Proposed extension is proportionate to the host building;
- o Needs of the applicant and very special circumstances;
- o Unsuitability and unadaptability of Hartley Farmhouse, the applicant's long-term home;
- o Proximity of the bungalow to the applicant's family;
- o Family could care for the applicant without calling on overstretched care services;
- o Desirability of keeping the applicant at her home and in the community;
- o Involvement of the applicant and her family in the local community;
- o Bungalow needs modernising;
- o The proposal will improve the appearance of the building and the area;
- o Proposal would cause no harm to the surrounding area and would not be visible from A46;
- o No harm to the Green Belt or AONB;
- o If planning permission isn't granted the bungalow would become derelict;
- o More acceptable than development approved at the Barns on the south eastern corner of Charmydown.

A letter of support has also been provided from Dr Austin of Monmouth Surgery.

## **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:

CP6: Environmental quality

CP8: Green Belt

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

D.2: General design and public realm considerations

D.4: Townscape considerations

HG.15: Dwelling extensions in the Green Belt

NE.2: Areas of Outstanding Natural Beauty

GB.2: Visual amenities of the Green Belt

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:

D2: Local character and distinctiveness

D5: Building design

D6: Amenity

GB1: Visual amenities of the Green Belt

NE2: Conserving and enhancing the landscape and landscape character

The following policy can be given significant weight:

GB3: Extensions and alterations to buildings in the Green Belt

ST7: Transport requirements for managing development

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

Supplementary Planning Document 'Existing Dwellings in the Green Belt' adopted October 2008

National Policy:

## **OFFICER ASSESSMENT**

The main issues for consideration are the impact of the proposed development on: 1) the Green Belt; 2) the character and appearance of the locality; 3) the Area of Outstanding Natural Beauty; 4) neighbours' residential amenities; 5) highway safety and car parking; and 6) whether the previous reasons for refusal have been overcome.

### Impact on Green Belt

The application site is located within the Green Belt, wherein there is strict control on the amount a building can be extended. Paragraph 89 of the NPPF states that local planning authorities should regard the construction of new buildings as inappropriate in the Green Belt but does allow for the extension or alteration of an existing building provided that it does not result in disproportionate additions over and above the size of the original building.

The original volume of this bungalow is 225m<sup>3</sup>. The original building has received a dining room extension with a volume of 71.6m<sup>3</sup>. The proposed single storey extensions have a volume of approximately 221.2m<sup>3</sup>. Combined with the existing dining room extension, the proposal would result in a 130% increase in volume beyond the original building. This is clearly disproportionate to the original building and would therefore amount to inappropriate development in the Green Belt.

A recent application for a similar scheme resulting in a cumulative volume increase of 132% over and above the original building was refused under delegated powers, in part owing to the impact of the proposal on the Green Belt by reason of inappropriate development.

Paragraph 87 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The NPPF emphasises that substantial weight should be given to any harm to the Green Belt. Furthermore, very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The Design & Access Statement submitted with the application argues the following very special circumstances:

- o Advanced age and health issues of applicant which limit her mobility and increase her risk of hypothermia;
- o The applicant's son lives with her as her unofficial carer and has his own mobility problems which are addressed in the proposals;
- o The applicant and her son currently live in Hartley Farmhouse which is hard to keep warm and difficult to access. The extended bungalow will enhance their lives through improved heating, ease of movement and enhanced natural lighting;
- o Vehicular access to the bungalow is much better, improving speed of attendance of emergency vehicles as well as benefits for general access.

Circumstances that could be replicated in multiple cases, and could lead to a number of permissions throughout the Green Belt, are typically not considered very special circumstances to justify inappropriate development in the Green Belt.

In this case, the particular circumstances of the case as set out above are not considered sufficient to overcome the harm to the Green Belt caused by the inappropriateness of the grossly disproportionate additions to the original bungalow.

In the absence of very special circumstances that would clearly outweigh the harm that the proposed development would cause to the Green Belt by reason of its inappropriateness, the proposal would fail to comply with Policy CP8 of the Core Strategy, the aims of the National Planning Policy Framework and the Existing Dwellings in the Green Belt SPD.

Forthcoming Placemaking Plan Policy GB3, which can now be given significant weight, states that proposals to extend a building in the Green Belt will only be permitted provided they would not i) represent a disproportionate addition over and above the size of the original building; or ii) contribute to a deterioration in rural character as a result of the cumulative effect of building extensions. Given the clearly disproportionate scale of the proposed development, the proposal would fail to comply with PMP policy GB3(i).

#### Design, character and appearance

Cumulatively the existing and proposed extensions would dominate the original modest bungalow, creating a dwelling of substantially greater scale than the original building. The proposal would result in multiple roof gables with a variety of roof pitches and ridge heights, giving an awkward appearance to the building as a whole. Consequently, the proposed development would result in a harmful impact on the character and appearance of the area and the visual amenity of the locality. The proposal would therefore fail to comply with saved policies D.2 and D.4 of the Local Plan, Core Strategy Policy CP6 and the aims of the National Planning Policy Framework.

Forthcoming Placemaking Plan Policy D5, which can now be given substantial weight, requires that extensions must complement and enhance the host building. For the reasons given above it is considered that the proposed development would fail to achieve this.

#### Impact on the Area of Outstanding Natural Beauty

The application site is located in the Cotswolds Area of Outstanding Natural Beauty. Given the comparatively small scale of the proposed development (domestic extension) and the use of matching materials, the proposal would not harm the natural beauty of the AONB.

#### Impact on the amenities of neighbouring occupiers

The only neighbouring property likely to be affected by the proposed development is Hartley Bungalow. Given the separation distance from Hartley Bungalow and the single storey nature of the extensions, the proposal would not cause harm to the amenities of neighbouring occupiers through overlooking, loss of light, overshadowing or visual impact. The proposal would therefore maintain an acceptable standard of amenity for all adjoining neighbours.

### Highways impact and car parking

The proposal would increase the number of bedrooms at the property from one to two. No car parking plan has been provided. However, it appears there would be sufficient space for two policy-compliant car parking spaces to the west side of the dwelling using the existing access. No changes to access arrangements are proposed. Overall, it is considered that the proposal would have an acceptable impact on the safe operation of the local highway network and would retain sufficient car parking for the needs of the extended dwelling.

### Conclusion

The application fails to overcome the previous reasons for refusal. By reason of the excessive cumulative scale of existing and proposed extensions, the proposal would amount to inappropriate development in the Green Belt. In the absence of very special circumstances, the proposal is therefore recommended for refusal. In addition, given the awkward cumulative appearance of the existing and proposed extensions, the proposal would have a harmful impact on the character, appearance and visual amenity of the locality. The proposal would therefore fail to comply with saved Local Plan Policies D.2, D.4 and GB.2, Core Strategy Policies CP6 and CP8, Sections 7 and 9 of the National Planning Policy Framework and Supplementary Planning Document 'Existing Dwellings in the Green Belt'.

### **RECOMMENDATION**

REFUSE

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

1 By reason of its excessive cumulative scale beyond the original dwelling, the proposed development represents inappropriate development within the Green Belt and would be harmful by definition. In the absence of very special circumstances to outweigh this harm, the proposed development is contrary to saved Policy HG.15 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted October 2007, Policy CP8 of the Core Strategy and the aims of the National Planning Policy Framework.

2 By reason of its design and relationship with the existing extension and original building, the proposed development would result in an awkward appearance which would be detrimental to the character, appearance and visual amenity of the locality contrary to saved Policies D.2, D.4 and GB.2 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted October 2007, Policy CP6 of the Core Strategy and the aims of the National Planning Policy Framework.

### **PLANS LIST:**

1 This decision relates to the following plans and information: Existing and Proposed Plans and Elevations and Design and Access Statement received 6/2/2017.

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

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

**Item No:** 07  
**Application No:** 17/00944/FUL  
**Site Location:** Lansdown Golf Club Lansdown Road Charlcombe Bath Bath And North East Somerset



**Ward:** Bathavon North      **Parish:** Charlcombe      **LB Grade:** N/A  
**Ward Members:** Councillor M Veal      Councillor Alison Millar      Councillor Geoff Ward

**Application Type:** Full Application

**Proposal:** Erection of tarmac hardstanding and timber post & rail fencing with native hedge and tree planting to perimeter for parking and storage of golf buggies (Regularisation).

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

**Applicant:** Lansdown Golf Club

**Expiry Date:** 26th April 2017

**Case Officer:** Emma Hardy

## REPORT

Reason for reporting application to Committee:

The application is being referred to the Committee because the agent is connected with the Planning Service.

Description of site and application:

The application relates to Lansdown Golf Club which is located on the west side of Lansdown Road. The site lies within the Green Belt and The Cotswolds Area of Outstanding Natural Beauty. Public Rights of Way (PROW BA5/36 and BA5/38) lie in close proximity to the site's south west and north east boundaries respectively.

Planning permission is sought for the extension, regularisation and upgrading of an area currently used for the informal parking of golf buggies. The application relates to an area measuring approximately 570m<sup>2</sup>. The majority of this would be surfaced in tarmac with vegetation around the perimeter.

Reason for reporting application to Committee:

The application is being referred to the Committee because the agent is connected with the Planning Service.

Description of site and application:

The application relates to Lansdown Golf Club which is located on the west side of Lansdown Road. The site lies within the Green Belt and The Cotswolds Area of Outstanding Natural Beauty. Public Rights of Way (PROW BA5/36 and BA5/38) lie in close proximity to the site's south west and north east boundaries respectively.

Planning permission is sought for the extension, regularisation and upgrading of an area currently used for the informal parking of golf buggies. The application relates to an area measuring approximately 570m<sup>2</sup>. The majority of this would be surfaced in tarmac with vegetation around the perimeter.

Recent planning history:

No relevant recent planning history.

**SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

No third party representations received at the time of writing this report. Any later representations received will be reported verbally to the Committee.

Charlcombe Parish Council: support the application. Lansdown Golf Club is an important recreational facility within Charlcombe Parish and there is clearly a need for an improved area to park and store golf buggies. The proposed tarmac hardstanding will be surrounded by a perimeter hedge and additional trees, and so will be very well screened. The buggy park will thus be hidden from surrounding views and will not have any detrimental impact on the openness of the Green Belt nor any adverse impact on the natural beauty of the AONB.

Landscape: no objection subject to a condition requiring the landscaping proposals to be implemented.

## **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:

CP6: Environmental quality

CP8: Green Belt

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

D.2: General design and public realm considerations

D.4: Townscape considerations

NE.1: Landscape character

NE.2: Areas of Outstanding Natural Beauty

GB.2: Visual amenities of the Green Belt

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:

D2: Local character and distinctiveness

D6: Amenity

GB1: Visual amenities of the Green Belt

NE2: Conserving and enhancing the landscape and landscape character

National Policy:

The National Planning Policy Framework adopted March 2012

National Planning Practice Guidance

## **OFFICER ASSESSMENT**

The main issues for consideration are the impact of the proposed development on: 1) the Green Belt; 2) landscape character and appearance, including the AONB; and 3) neighbours' residential amenities.

### Impact on Green Belt



The application site lies within the Green Belt. The NPPF states that the provision of appropriate facilities for outdoor sport and recreation can be appropriate development in the Green Belt provided that it preserves the openness of the Green Belt and does not conflict with the purposes of including land within Green Belt.

Green Belt serves five purposes: to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land. It is not considered that the proposals would conflict with any of these purposes.

In regards to the impact on openness, it is noted that ad hoc parking of golf buggies within the site already exists. Whilst the proposed development would increase the extent of hardstanding, this would be fairly limited relative to the existing car park and buildings in the vicinity and in the context of the golf course site as a whole. Overall, it is not considered that the proposed golf buggy parking area would have an unacceptable impact on the openness of the Green Belt compared to the existing situation.

The principle of the proposed development therefore accords with Core Strategy Policy CP8 and the aims of the National Planning Policy Framework.

#### Landscape impact, character and appearance

The application site is located in The Cotswolds Area of Outstanding Natural Beauty as well as the Green Belt. The site is located at approximately 230m AOD on the flat Cotswold Plateau, so while distant views are possible, views to the development site are predominantly screened by intervening buildings and vegetation.

A golf course facility can reasonably be expected to provide golf buggies for users of the course, which necessitates buggy parking or storage. Although the current proposals would extend the existing provision, the formalising of the buggy parking and associated soft landscaping would amount to a visual improvement compared to the current ad hoc parking arrangements. Furthermore, the proposed planting would screen views of the buggy parking area from the surrounding countryside, including from the nearby Public Rights of Way.

Compared to the existing situation, the landscaping proposals are considered to enhance the local landscape character and improve the visual amenity of this part of the Green Belt, as well as preserving the natural beauty of the landscape of the Cotswolds AONB. A condition is recommended requiring the landscaping proposals to be implemented. Subject to this condition, the proposal complies with saved Local Plan Policies GB.2, NE.1, NE.2 and D.4, Core Strategy Policy CP6 and the aims of the National Planning Policy Framework. The proposal also accords with forthcoming Placemaking Plan GB1, which can now be given substantial weight.

#### Impact on the amenities of neighbouring occupiers

The closest neighbouring property to the application site is Lansdown View to the south east. The proposed golf buggy parking would be located a sufficient distance from Lansdown View to avoid an unacceptable level of noise and disturbance from the buggy

parking facility and any associated maintenance of the buggies. It is noted that existing buggies are already hosed down in the yard to the south of the application site, which is closer to Lansdown View. Given the nature of the proposed development, it is not considered that the proposal would have an adverse impact on the amenities of neighbouring occupiers through overlooking, loss of light, overshadowing or visual impact. The proposal would therefore maintain an acceptable standard of amenity for all adjoining neighbours in accordance with saved Local Plan Policy D.4, the aims of the National Planning Policy Framework and forthcoming Placemaking Plan Policy D6.

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

All hard and/or soft landscape works shall be carried out in accordance with the approved details Potterton Associates Ltd Extended Buggy Storage Area Detail Layout drawing No. 582 P 05 Revision B dated 1/3/2017). 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.4, NE.1 and NE.2 of the Bath and North East Somerset Local Plan.

## **PLANS LIST:**

1 This decision relates to the following plans and information: Fig 02 Aerial photograph, Fig 03 Existing photographs, Fig 04 1:1250 Location plan and drawing No. P05 Rev B Detailed layout received 28/2/2017.

### **2 Condition Categories**

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

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

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

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

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

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

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

### 3 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>	08
<b>Application No:</b>	17/01029/LBA
<b>Site Location:</b>	Ground Floor 30 Grosvenor Place Lambridge Bath Bath And North East Somerset



DC - 17/01029/LBA - PDE - - Internal alterations to remove part of the modern timber partition walling between the kitchen and living room.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Historic England - Awaiting a Response.

## **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

Historic Environment Good Practice Advice in Planning Notes issued by Historic England - Conservation Principles

Draft Conservation Area Character Appraisal- Bath

## **Placemaking Plan**

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 are given significant weight:

## **OFFICER ASSESSMENT**

This grade I listed terraced house is of exceptional architectural and historic interest. It is one of 17 terraced 4 storey houses with basement areas within the group of that form Grosvenor Place. Grosvenor Place, first constructed in 1791 by John Everleigh, is a long terrace with a convex centre, comprising 41 residential units, many of which have been subdivided into flats and apartments. The centre-piece to this group is a highly ornate and richly classical façade of the former hotel that took up six bays. The outer units to the terrace are plainer architecturally, but still perform an important role in contributing towards this visually stunning set piece. The whole group are grade I listed being an influential element of this part of the conservation area and contributing towards the Outstanding Universal Value of the World Heritage Site. It is set within its own entrance way and courtyard shielding it from the A4 and reinforcing its presence along one of the major entrances into the City.

This apartment, known as the Garden Flat, is formed on two levels within the ground floor and basement of No 30 Grosvenor Terrace. As with most of these units in Grosvenor Place, the plan form for each floor comprises of a front and rear room with a centrally located staircase. The main living room in this apartment is in the back room on the ground floor overlooking the back garden. The room was originally conceived with a central fireplace on the shared party wall that is still in place together with the plaster ceiling cornice.

This room has been sub-divided on one side by a modern partition- probably late 20th c - to create a narrow kitchen area off this room. This partition is formed from modern sawn timber studwork with plaster-boarding. It has led to the fine ceiling cornice within this room being partly covered over by a suspended ceiling above the kitchen area and bisected by the new partition. This evidence reinforces the fact that the living room and kitchen would have been a single room historically. It is also believed that the cornice may still exist above the suspended ceiling in the kitchen area.

The proposal is to remove a large proportion of this later wall to form a more integrated kitchen/living room space. Further investigations have been carried out to ascertain the impact of this proposed alteration to introduce a large opening between the kitchen and living room on the structural stability of the partition. Floor joists above run from front to back and therefore there is no support at all onto this particular structure. It is also the intention to leave significant sections of the modern wall either side of the opening, thus some separation between the spaces will still be retained.

The proposal to remove a large proportion of this later wall will help to enhance the internal character of this listed building as it should allow more of the original proportions of the ground floor room to be restored, thus partially reinstating the original historic plan form for this part of the house. Consequently there will be no harm caused to the significance of this listed building as a result of this proposal.

Members should note that this proposal would not normally be supported by Officers if there was a loss of significant historic fabric resulting in the original plan form being undermined. This is not the case for this application and as such can be supported for the

reasons set out above. The proposals meet the requirements set out in Policy BH2 of the local plan, HE1 of the Placemaking Plan and the National Planning Policy Framework.

**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 enhance the significance of the special historic and architectural interest of this listed building. This scheme can therefore be supported.

**RECOMMENDATION**

**CONSENT**

**CONDITIONS**

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

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

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

**2 Plans List (Compliance)**

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

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

**PLANS LIST:**

1 Drawing 03 Mar 2017 002 BLOCK PLAN  
Drawing 03 Mar 2017 100 EXISTING AND PROPOSED PLANS  
OS Extract 03 Mar 2017 003 LOCATION PLAN

**2 Condition Categories**

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

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

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

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

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

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

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

3 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:** 09  
**Application No:** 17/00163/FUL  
**Site Location:** Stonedge Cottage Stoneage Lane Tunley Bath Bath And North East Somerset



**Ward:** Bathavon West  
**LB Grade:** N/A  
**Parish:** Dunkerton & Tunley Parish Council  
**Ward Members:** Councillor David Veale  
**Application Type:** Full Application  
**Proposal:** Alterations to raise the wall to the same level as the neighbour's wall, including the existing panel fence (Resubmission)



<b>Constraints:</b>	Affordable Housing, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Flood Zone 2, Forest of Avon, Greenbelt, LLFA - Flood Risk Management, SSSI - Impact Risk Zones,
<b>Applicant:</b>	Mr Christopher Bramwell-Pearson
<b>Expiry Date:</b>	7th April 2017
<b>Case Officer:</b>	Chloe Buckingham

## REPORT

### REASON FOR REPORTING APPLICATION TO COMMITTEE:

o Dunkerton and Tunley Parish Council have supported the application and the chair of committee has agreed to this request for the following reason:

Note the Parish Council support comment and the officer's assessment in line with Green Belt policy. However, this is controversial as is evident from the parish council reasons for unanimously supporting the proposal.

### DESCRIPTION OF SITE AND APPLICATION:

This application relates to a detached house located within a residential area and Green Belt land in Tunley.

The application seeks planning permission to raise the front boundary wall to the same level as the neighbour's wall, including the existing panel fence.

### Relevant Planning History:

DC - 96/02056/FUL - PER - 5 June 1996 - Provision of pitched roof over garage  
DC - 07/02230/FUL - RF - 6 September 2007 - Erection of an extension over existing garage to form pool house/shower  
DC - 07/02231/FUL - RF - 6 September 2007 - Erection of a side and rear extension to existing dwelling  
DC - 08/02280/FUL - PERMIT - 30 September 2008 - Alterations to driveway and front wall  
DC - 09/00685/FUL - PERMIT - 7 May 2009 - Erection of a dual pitch first floor side extension over existing mono-pitched single storey side extension  
DC - 09/02042/FUL - PERMIT - 18 August 2009 - Provision of tennis court to the north east corner of the garden with associated surrounding fencing and new retaining walls.  
DC - 09/04580/NMA - APP - 8 January 2010 - Non-Material Amendment to application 09/00685/FUL (Erection of a dual pitch first floor side extension over existing mono-pitched single storey side extension)

## SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Dunkerton and Tunley Parish Council- No objection subject to conditions

Highways- No objection subject to an informative.

## OTHER REPRESENTATIONS / THIRD PARTIES

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:

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

Relevant Local Plan Policies:

- o D2 - General Design and public realm considerations
- o D4 - Townscape considerations
- o T24 - General development control and access policy
- o T26 - Parking

Relevant Core Strategy Policies:

- o CP6 - Environmental Quality
- o CP2 - Sustainable construction
- o CP8 - Green Belt

Supplementary Planning Documents: Existing Dwellings in the Green Belt SPD (October 2008)

The draft Placemaking Plan was submitted to the Planning Inspectorate on 12th April 2016 for independent examination. Those 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 are relevant for this application and have substantial weight:

- o D1 General urban design principles
- o D2 Local character and distinctiveness
- o D3 Urban Fabric
- o D6 Amenity
- o ST1 Promoting sustainable travel

The following policies are relevant and have significant weight:

- o ST7 Transport Access and Development Management

## LEGAL FRAMEWORK

- o Town and Country Planning Act, 1990

## NATIONAL PLANNING POLICY FRAMEWORK, MARCH 2014

- o The NPPF has been considered in light of this application but does not raise any issues that conflict with the aforementioned local policies which remain extant.

## NATIONAL PLANNING PRACTICE GUIDANCE

Due consideration has been given to the recently published NPPG

## OFFICER ASSESSMENT

### PRINCIPLE OF PROPOSED USE:

There is an in-principle policy objection to the proposal as this type of development is not identified as appropriate green belt development within the NPPF. As a consequence the proposal is also contrary to Policy CP8 of the Bath and North East Somerset Council Core Strategy (2014) and the provisions of the National Planning Policy Framework (2012).

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

The new wall will be increased in height to the same height as the neighbouring wall and matching natural stone is proposed and will be laid to follow a similar pattern to the host dwelling. Three recessed gothic windows and a gothic doorway are proposed with natural stone surrounds and a hardwood door. Overall the design of the proposed wall is considered to be in-keeping with the existing dwelling and wider streetscene. However, the main issue lies in whether the proposal can be considered as appropriate development in the Green Belt.

Paragraph 87 of the NPPF (2012) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 explains that when considering any planning application, Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt and 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of appropriateness, and any other harm, is clearly outweighed by other considerations. Paragraph 89 goes on to explain that appropriate development within the Green Belt covers (amongst other exceptions):

- o The extension or alteration of a building provided it does not result in disproportionate additions over and above the original. Within the Council's Green Belt SPD it states that extensions of about a third of the original volume of the dwelling would be acceptable.
- o The replacement of a building, provided the new building is in the same use and not materially larger than the replacement.

As there is no provision for domestic walls surrounding a dwellinghouse, the proposal is considered contrary to the guidance set out in the NPPF and the scheme is considered to be inappropriate development in the Green Belt.

The applicant has put forward the following "very special circumstances" in support of the application:

- o The wall is in a poor state of repair and this design will enhance the area.
- o The wall offers stability for the dwelling which is prone to 'slippage'.
- o The wall is dangerous as it is low lying and fronting a highway and so particularly dangerous for children
- o The wall will offer security from the potential of being burgled.

The very special circumstances put forward have been considered in detail by officers but it is considered that these reasons could apply to many other cases where people wish to erect walls within the Green Belt and therefore cannot be regarded as very special in this case.

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

The proposal is not considered to create any significant negative residential amenity impacts for the host dwelling or surrounding occupiers.

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

The proposal is similar to the scheme that was promoted within application 08/02280/FUL, and it is noted that this earlier scheme was granted permission. The previous decision considered that the loss of the parking area was not considered to be significant as other adequate parking opportunities existed. There are no obvious reasons to change this previous recommendation.

The construction of the wall and the removal of the existing access will require works to be undertaken on the highway. So although there is no highway objection, the applicant will need to be made aware of the following informative and no works should be undertaken before the appropriate licence is secured.

#### **CONCLUSION:**

The scheme is unacceptable in principle and the positive design, residential amenity and highways assessments are not considered to overcome the in principle objection.

When planning permission was granted for alterations to the driveway and front wall in 2008 at this site it was judged that as the proposed wall would not affect openness and was not visually detrimental to the Green Belt it was acceptable. However the judgement did not address the appropriateness of the development and in this regard it is considered inappropriate development, contrary to the guidance set out in the NPPF and the Council's Green Belt policy.

#### **RECOMMENDATION**

**REFUSE**

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

1 The proposal is considered to be inappropriate development in the Green Belt and is contrary to Policy CP8 of the Bath and North East Somerset Council Core Strategy (2014) and the provisions of the National Planning Policy Framework (2012).

## PLANS LIST:

1 This decision relates to;

Site Location Plan (no reference) and Front Garden Concept Layout (16 C) received 18th January 2017.

New Boundary Wall Details (16 B) received 23rd January 2017).

## DECISION TAKING STATEMENT:

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. The applicant was advised that the application was to be recommended for refusal. Having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.

**Item No:** 10  
**Application No:** 17/01459/FUL  
**Site Location:** 53 Milton Avenue Bear Flat Bath Bath And North East Somerset BA2 4RA



**Ward:** Lyncombe      **Parish:** N/A      **LB Grade:** N/A  
**Ward Members:** Councillor Michael Norton      Councillor Mark Shelford  
**Application Type:** Full Application

<b>Proposal:</b>	Loft conversion with rear dormer, single storey rear and side extension, and conversion of existing garage (Revision)
<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>	Mr Mark Shelford
<b>Expiry Date:</b>	22nd May 2017
<b>Case Officer:</b>	Samantha Mason

## REPORT

Reason for going to Committee:

This application has been brought to the Development Management Committee in line with the Scheme of Delegation as the applicant is a Bath and North East Somerset Councillor.

No.53 Milton Avenue is located at the end of a road forming part of the 'poets' network of gridded streets on Bear Flat, Bath. It is the left-hand-side dwelling of a pair of semi-detached houses which form part of a semi-circle, essentially an end of close arrangement.

The property is of post-war construction and falls within the local Conservation Area and the World Heritage Site.

The application seeks consent for the provision of a loft conversion with rear dormer, a single storey rear extension, and the conversion of existing garage and undercroft to create an annexe.

Relevant Planning History:

DC - 16/03726/FUL - PERMIT - 20 September 2016 - Provision of loft conversion with rear dormer, single storey rear extension, and conversion of existing garage

## SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses:

None received.

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:

B4: The World Heritage Site and it's Setting  
CP6: Environmental Quality

#### Local Plan:

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

D.2: General Design and public realm considerations  
D.4: Townscape considerations  
BH.1: Impact of the development on World Heritage Site of Bath or its setting  
BH.6: Development within or affecting Conservation Areas

#### 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  
D3: Urban Fabric  
D5: Building design  
D6: Amenity

The following policies can now be given significant weight:

HE1: Historic Environment

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**

This application is for the provision of a loft conversion with rear dormer, a single storey rear extension, a side extension and the conversion of existing garage and undercroft. The site is within Bath Conservation Area and the World Heritage Site, which are considerations in determining the application.

#### **Planning History:**

In September 2016 a similar application (16/03726/FUL) was granted permission on the site for a loft conversion with rear dormer, single storey rear extension and garage conversion. The approved permission did not include the conversion of the undercroft.

#### **Conservation Area and Character and Appearance:**

Saved Local Plan Policy BH.6 states that '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.'

Saved Local Plan policy D.4 states further on character and appearance that, development will only be permitted where it responds to the local context in terms of appearance, materials, siting, spacing and layout. In the case of residential extensions policy D.4 also states that development should respect and complement the host building.

Many of the properties in Milton Avenue and the surrounding area have had alterations, similar to the proposed, in the form of dormers and extensions. No 53 forms part of a pair of semi-detached dwellings. No 54 has previously been granted permission for a single storey extension and a dormer window to the rear similar to the proposed. No.47 Milton Avenue has also recently been granted permission for a rear dormer. Therefore the principle of development exists.

The proposed dormer has been designed to mirror the dormer at no.54 Milton Avenue, it is considered that the design will re-balance the roofscape and create a more symmetrical pair of semis. The height of the proposed dormer has been set down from the ridge line and it is considered that the dormer is subservient to the host dwelling. It is considered that the proposed materials used for the dormer will integrate satisfactorily with the host dwelling in line with Saved Policy D.4.

The proposed rear extension will essentially infill the area between the existing garage and the boundary of no.54 Milton Avenue, not projecting past the length of the current garage or neighbours extension. It will replace what is currently a utility room. Due to the size of the plot, and the appropriate size of the development, the proposal is not considered to represent the over development of the site. The proposed side extension will be an addition to the current garage and appears fairly typical in design.



The proposed conversion of the undercroft will result in the addition of one extra window in the side elevation of the existing property, this is not considered to impact negatively on the character and appearance of the host dwelling.

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 grant consent for the proposed works.

Overall it is considered that the proposal would have an acceptable impact on the character and appearance of the original building and setting of the Conservation Area.

#### Residential Amenity:

Saved Local Plan policy D.2 states that development should not cause significant harm to the amenities of existing or proposed occupiers, by reason of loss of light, or increased overlooking, noise, smell, traffic or other disturbance.

As part of this application it is proposed to create an annexe in the under croft of the house, which the applicant has stated will accomodate a family member. The proposed garage conversion and side extension will create a space that will lead to access down to the under croft which will accommodate a kitchenette, shower room and living space. In order to maintain the residential amenity of number 53 it is considered that the proposed annexe must remain ancillary to the host dwelling. As such appropriate conditions have been recommended.

The main impact of the rear dormer and rear extension would be on the adjoining neighbour of No.54, however it is not considered there would be harm to their residential amenity as the proposal is similar to the extension and dormer of No.54.

The garage conversion and under croft conversion proposes additional widows in the side elevation face towards No. 52. The additional window in the side elevation of the garage will face towards the neighbours garage and is therefore not considered to cause additional overlooking. The additional window in the side elevation of the side extension will be to a bathroom and it is therefore considered necessary to condition that this is obscure glazed. The additional window in the side elevation of the existing property will allow light to the converted under croft, the siting of this window is not considered to lead to additional overlooking that would warrant refusal.

Overall it is not considered that the application results in significant harm to residential amenity.

#### World Heritage Site:

Due consideration has been given to the impact on the setting of the World Heritage Site, and given the site is of relatively modest scale there would not be significant harm in this regard.

In conclusion the application is considered to be in line with 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 Materials (Compliance)**

All external roofing materials to be used shall match those of the host dwelling in respect of size, material, and colour.

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 Materials (Compliance)**

All external stone work to the front and side elevation of the proposed side extension projecting forward from the current garage shall match the host dwelling in respect of type, size, colour, and pointing.

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 Materials - Sample of Render (Bespoke Trigger)**

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

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

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

The proposed window in the side elevation of the proposed side extension serving the shower room as shown on drawing number 005 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

#### **6 Ancillary Use (Compliance)**

The development hereby approved shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 53 Milton Avenue and shall not be occupied as an independent dwelling unit.

Reason: The accommodation hereby approved is not capable of independent occupation without adverse impact on the amenities of existing or future residential occupiers.

#### **7 Internal Links (Compliance)**

The internal links between the existing house, the proposed shower room, snug, and the lower ground floor annexe shall be retained in perpetuity.

Reason: In order to maintain ancillary use of the lower ground floor annexe which is not capable of independent occupation without adverse impact on the amenities of existing or future residential occupiers.

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

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

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

#### **PLANS LIST:**

1 This decision relates to the following plans:

27 Mar 2017 004 Proposed Ground & First Floor Plans  
27 Mar 2017 005 Proposed Lower Ground Floor & Loft Floor Plans  
27 Mar 2017 006 Proposed Front Elevation  
27 Mar 2017 007 Proposed Side Elevations  
27 Mar 2017 008 Proposed Rear Elevation  
27 Mar 2017 009 Site Location & Proposed Block Plan  
27 Mar 2017 010 Site Location Plan

#### **2 Condition Categories**

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

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

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

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

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

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

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

3 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>	
MEETING:	<b>Development Management Committee</b>
MEETING DATE:	<b>3<sup>rd</sup> May 2017</b>
RESPONSIBLE OFFICER:	Lisa Bartlett, Divisional Director, Development, (Telephone: 01225 477550)
TITLE:	<b>Annual Report 2016/17</b>
WARDS:	ALL
BACKGROUND PAPERS: Appendix 1 - Compliments	
<b>AN OPEN PUBLIC ITEM</b>	

## 1. Summary

Overall RAG Status		Performance/Targets	Customer Service	Resources	Income	Risks
This Report	Last Report					
<b>G</b>	<b>G</b>	<b>G</b>	<b>G</b>	<b>A</b>	<b>G</b>	<b>A</b>

## 2. Significant Progress since last report

### Member Training Programme

We have organised and run 3 member workshops along with training sessions for members. The events have been very well attended and have involved workshop sessions in relation to Planning Enforcement and Heritage. Parish Councils are also invited and the feedback has been very positive.

We also undertook a Members Tour of completed development on 7<sup>th</sup> October 2016 we visited 12 sites throughout the district visiting both large scale redevelopment sites such as the former Alcan factory site which is in the process of delivering 169 dwellings, community facilities and green spaces and the Bath Racecourse replacement grandstand to smaller projects such as the community led Wellow playing field park development.

### Agent Feedback and Developer Forum

The Agent Forum continues to be well attended with a positive working relationship and positive feedback. One Agent recently commented in writing:-

*Keep up the great work and I would be grateful if you could pass on my thanks to the hard working registration team.*

In March we held our first Developers Forum to bring together senior leadership from across the council and the development industry to discuss matters of planning, housing and economic development to meet shared objectives. It is based on the West of England Planning Toolkit which refers to partnership working. The forum was very productive and it has been agreed that it will meet twice a year.

### **Transformation project**

There have been important changes in Development this year. Firstly the move to electronic consultations with Parish and Town councils has been well received by nearly all the Parish and Town Councils and has also resulted in a saving on printing and postage budgets we have provided help and guidance to the Parish and Town Councils are required to support this change. We have also changed our site notices to biodegradable wallets and string rather than plastic lamination and cable ties – not only more environmentally friendly but also cheaper. A project has been started to digitise the remaining paper plans (pre 1996) which will result in time savings for staff in the future not having to wait for paper plans to be delivered from Hayden. The plans stored on disk have also been uploaded to the document management system, also improving access to information for all officers.

The Planning Performance Agreement (PPA) process has been reviewed and it proposed that we will move to up-front payments which customers prefer and which will also realise efficiency savings in administration. The new service is going through the Council's decision making process currently and expected to be launched mid-summer

### **Flexible working/Performance**

Surveyors in the Building Control team have worked on site using the first issue of mobile devices (tablets). These have proved potentially very useful but there have been issues with the 3G connection around the district and with the software running on the tablets. A business case is therefore being developed to move to the next issue of mobile devices with a specific App linking into the main Uniform database, to enable on site working which can be undertaken whilst offline with a sync option once back in wifi or mobile range. The aim is to make the surveyors more flexible and efficient with their work on site, to improve performance and Income.

The Service has consistently exceeded all Government performance targets for this financial year despite operating within a challenging and unique natural and built environment. Planning application income levels have been good with £1.2m received in the financial year 2016/17. The number of pre-application enquires made to the service has been growing year on year from 749 in 2011/12 to 827 in 2012/13 and 933 in 2013/14. Pre application income has risen by 144% over the financial year 2016/17. Building Control and Land charges continue to meet their budgetary targets. The project is being supported by the Council's IT service.

Planning Registration times are now consistent with 88% of applications registered within 1 week. There are no backlogs in the Technical Support Team (emails, consultations etc)

Land Charge Searches are now returned on average within 4 days and all are returned in under 10 days.

All building regulation applications are validated within 3 days and 90% of full plans applications received an initial check within 15 working days.

RAG Report has been developed to include Enforcement cases and to project manage major applications. This is monitored by the Divisional Director and Group Manager on a weekly basis to ensure that these projects are dealt with effectively and efficiently and is also used to brief the Strategic Director Place and Senior Members.

## **Planning Enforcement**

The team structure continues to be fine-tuned to focus on planning enforcement performance and customer service and the team has most recently recruited a Senior Enforcement/Planner/

Enforcement Team, enforcement cases are now recorded on the Council's data base. This has allowed for more detailed performance monitoring. The team endeavours to make a site visit within 2 weeks of a complaint. The team are now acknowledging 84% of complaints within 1 week.

## **Planning Performance Agreements (PPAs)**

We first used PPAs in 2012/13 when there were 7 PPAs completed. In the following year 2013/14 we secured 31 PPAs. The adoption of PPA's has risen from an average of 2 per month in January 2014 to an average of 5 per month now with associated additional resources.

The use of PPAs has allowed us to invest resources in junior members of our own staff who are shadowing highly experienced planners thereby up-skilling our own staff at the same time as offering a bespoke work programme to challenging timescales to facilitate development.

## **Policy Framework**

### **The Placemaking Plan**

The Placemaking Plan was taken successfully through a public examination and Minor Proposed Changes have been the subject of public consultation. The Inspector's final report is expected later in spring 2017. It is hoped that the Placemaking Plan should be adopted soon after. Together, with the Core Strategy it will complete the Local Plan for Bath & North East Somerset, replacing the previous version adopted in 2007.

### **Local Plan 2016-2036 (formerly known as the Core Strategy Review)**

The Core Strategy is being reviewed through preparation of the Local Plan which will formally combine the Core Strategy and Placemaking Plan into one plan. The review was launched in late 2016 with a Commencement Paper consultation. The new Plan will identify and allocate development opportunities, including strategic sites at locations identified in the Joint Spatial Plan (see below). Preparation of the Local Plan also provides an opportunity to look again at other policy areas such as renewable energy targets and what infrastructure is needed to support additional development. The Local

Plan will be progressed alongside work on the Joint Spatial Plan, with an Options document anticipated to be published for consultation autumn 2017.

### **The Joint Spatial Plan**

The Joint Spatial Plan and Transport Study are being prepared by the 4 West of England Authorities to cover their combined area of Bath and North East Somerset, Bristol City, North Somerset and South Gloucestershire Councils. The plan will provide a new strategic planning context for all four West of England areas including Bath & North East Somerset. It will set the revised housing numbers for Bath & North East Somerset and an affordable housing target up to 2036. The consultation on the Emerging Spatial Strategy in late 2016 received over 1,500 responses.

### **Neighbourhood Planning Update**

Chew Valley Area has passed its Neighbourhood Planning Examination and community referendum. The Council's Cabinet will consider a report to 'make' the Neighbourhood Plan at its April meeting. The Publow with Pensford Neighbourhood Plan has also passed its Examination and a community referendum is due to take place in May 2017. Finally, a number of other groups are nearing completion of their draft plans. Further information can be found on our Neighbourhood Planning web page.

An interactive map has been created to help people see which areas have or are developing Neighbourhood Plans. The map enables quick access to the plans and relevant websites, and is available on the Council's Services in Your Area. It will be regularly updated to ensure you have easy access to the latest information.

### **Houses in Multiple Occupation**

The Council has started work on reviewing its Housing in Multiple Occupation (HMO) in Bath SPD. The SPD applies to the whole of Bath and seeks to limit the concentration of HMOs in parts of the city. Further information is available on the website. A draft of the revised SPD will be published for consultation later this year.

### **Housing Delivery**

The Authority Monitoring Report shows a new record for housing completions in B&NES of around 850 new dwellings for the year 2016/17. Housing delivery has steadily improved over the last few years as a result of the boost to housing land supply provided by the Core Strategy and the improvements made to the Development Management processes.

### **Building Control**

The Building Control section sends out a customer questionnaire on completion of each project it inspects. The overall customer satisfaction from returned questionnaires is over 98% for the year which is excellent. Comments from customers are added to the Building Control website from time to time. B&NES Building Control had two winning schemes in the LABC West of England Building Excellence Awards 2016



Winner: Best Extension or Alteration to an Existing Home - Copse Road, Saltford

Winner: Best Change of Use of an Existing Building or Conversion - Tythe Barn, Gibbet Lane, Norton Malreward

## **Training Plans**

The service has developed a training plan from which Team Managers split resources between individuals. Team Managers feed requests from individuals through their PDRs into the plan. In order to maximise training opportunities where common training needs are identified the Council undertakes internal training sessions either led by Officers within the Council or by experts brought in.

We have cross trained Enforcement Officers and Planning Officers within the service as planning/Enforcement officers who sit within our Enforcement team.

This has increased the skill base of staff, increased our flexibility as a service to deal with different work pressures.

The Building Control team took on an Assistant Building Control Surveyor as part of their 'grow your own' programme. This has proved successful in the past to bring someone new into the Building Control profession, to strengthen the team and to help with succession planning.

## **Royal Town Planning Institute**

The Royal Town Planning Institute has shortlisted the Environment and Design Team together with Regeneration Team The WaterSpace project's innovative approach has led to the project being a finalist in both the Royal Town Planning Institute's Regional and National Planning Excellence Awards, 2017, in the categories of Spatial Planning and the Natural Environment respectively.

The draft WaterSpace Study, which has been developed with the Canal and River Trust, Environment Agency and Wessex Water is now available to view on our [website](#) and comments are welcome.

## **Compliments increasing and declining complaints**

The service has been recording compliments received and a selection of recent ones are included in Appendix 1. The number of compliments has been increasing in recent months and within the service we have been focussing on customer service training for staff to ensure that this trend continues. Correspondingly the service has received a reduction in complaint levels by 28% in the last year.

## **Customer Excellence**

The service has a strong commitment to professional development. Over the previous 5 years the service has funded 5 Officers to undertake and complete relevant professional qualifications. The Service, as part of the Place Directorate will be seeking to be accredited for a whole Council Customer Service Excellence (CSE) in the Autumn of 2017.

This year DM is piloting a mentoring scheme. 10 officers have had mentoring training and now there are 10 officers receiving mentoring. Feedback so far is that it is working very well and that mentees are very positive about the process. Although it is early days and not due to finish until March 2018 we are already considering extending the programme.

### **3 Planned Improvements for the coming year Officer and Member Training**

The main purposes of the Training Plan for officers are as follows:

- Establish a framework of key training priorities for the Service
- Identify training needs across the Service for the coming year
- Facilitate a structured and fair approach to training opportunities and the apportionment of the training budget
- Outline key training methods to be utilised
- Outline a monitoring framework of training undertaken against this Plan

A project plan has been developed to ensure appropriate training.

#### **Joint Working**

Within the Council:- The WaterSpace Study will continue to involve cross department working including Environment and Design, Regeneration, Sustainability, Parks and Transport.

The Bathscape Landscape Partnership Scheme gets underway following a Heritage Lottery Fund development grant in November 2016, Bathscape aims to connect people and communities with Bath's unique landscape.

Over the next few months officers will be out and about discussing Bathscape projects with potential delivery partners to prepare a costed delivery programme to submit to HLF in June 2018.

Whilst the 'on the ground' activity will take place 2018 – 2023 , subject to HLF approval of the Round 2 HLF application, there will be pilots to test ideas during 2017/2018. These include Nature Watch sessions, an outdoor learning site, and a Bathscape Walking Festival that will take place 16th- 24th September 2017.

With other LA's:- B&NES Building Control section already undertakes structural calculation checks, management consultancy and provides surveyors for the out of hours emergency call out service on behalf of North Somerset Council . This generates an additional income for the section.

#### **Innovation Group**

Following the launch of the Customer Service Improvement Project a group of officers continue to organise and run an Innovation Group.

The group exists to look at new and innovative ways of service delivery, to support improvements to the service for customers and staff across Development and to provide

a network of support for new ways of service delivery. The group runs a 6 monthly staff awards scheme to recognised significant achievement for those who have gone above and beyond and is proving popular with plenty of nominations each time. We also run a number of events throughout the year raising money for our chosen charity and keeps the [‘latest news’](#) page on the website up to date

The group have also promoted a Health and Wellbeing agenda by working closely with the Sport and Active Lifestyles team to encourage everyone to take part in activity during February. There were some amazing sporting achievements, the Wednesday Walks were set up and are still running.

The group are now moving on to support and promote the use of sustainable travel and are working closely with the sustainable team to encourage everyone to use the pool cars or walk to site visits.

### **Business Plans/cases and Team review**

The Service is preparing to implement a business plans to support the planning enforcement function. In addition, team reviews are underway which will focus on improving performance within existing budgets or to drive income generation. For example, in Development Management a review of the Planning Performance Agreement process is linked with analysis of how we can improve our pre application advice service.

### **Closer links between Building Control and Planning**

We are working to facilitate closer working between the two groups. This will involve building control officers attending the Agents Forum as well as pre application discussions where planning and building control advice can be given at the same time thereby extending the pre application offer to cover the whole design and build process. In addition planning will investigate the possibility of increased face to face meetings with building control so that advice can be given in person and in one go. This will save applicants having to prepare and submit documentation which will save time and money and will also reduce the administrative burden for the service. This should also result in increased building control applications for LABC Building Control applications on line making it easier to submit them

## **4 Risks to be escalated for decision, action, or information**

<b>Risk</b>	<b>Decision/Action Required</b>	<b>Latest date for action/ decision</b>
Insufficient resource to improve pre application advice	Business plans and use of increased income from planning application fees	Sept 2017
Capacity and loss of key staff	Good PDR Process; Review of structure	On-going
Concerns being raised to WHS status from incremental development	Up to date policy framework, pre application advice provided, engagement with heritage bodies, clear reports.	On-going

**Selection of recent compliments**

*"I've been meaning to write to you for some months now. You may or may not recall Hill Rise, a modern house on North Road that you were the case officer for back in 2014. It actually got completed a good year or so back after an extensive (and stressful!) remodelling, and even today it brings a smile to our faces when we drive by. Cars and pedestrians now sometimes even stop to gawp and take photos of it! What a wonderful project it turned out to be in the end and I just wanted to say a huge personal thank you to you for having the vision all those years ago to allow such a bold and contemporary structure to be realised on this beacon site in Bath; It won the BANES Best Extension design in the awards that were announced earlier this month and we are now entering it into other awards. Looking back on the process, it sailed through the planning process, unhindered by the conservation issues we sometimes come across in having to 'force' the architecture to resemble Georgian Bath in some ad-hoc way.*

*A bit of an unconventional email, I know, but worth saying I think that you are one of those that helped in the rejuvenation process of taking what was a sad house to what it now is today. So thank you for seeing the vision here and for playing a part in making this happen. I shudder to think how different it could have ended up!"*

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*I just wanted to send a quick email to thank you for your help with my non-material amendment application. Your assistance was much appreciated and the process could not have gone smoother as a result. Thank you.*

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*I wanted to write in and extend my thanks to the case officer. All too often we moan and complain when things don't go to plan but she has been extremely helpful in making this application run very smoothly. She responded to calls and more importantly done what she has said she will do on time therefore making the whole process very simple, she is a good asset to the BANES planning department.*

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*"The Building Control Surveyor has been very responsive and helpful. I'm grateful with his help many thanks."*

*"Customer service was exemplary – courteous helpful and prompt. I have rarely been served as well by any other service provider."*

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Bath & North East Somerset Council		
MEETING:	Development Management Committee	
MEETING DATE:	3 May 2017	AGENDA ITEM NUMBER
TITLE:	Quarterly Performance Report Jan – Mar 2017	
WARD:	ALL	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Analysis of Chair referral cases		

## **1 THE ISSUE**

*At the request of Members and as part of our on-going commitment to making service improvements, this report provides Members with performance information across a range of activities within the Development Management function.*

*This report covers the period from 1 Jan – 31 Mar 2017.*

Keep up to date with the latest Planning news on our Latest News web page here:  
<http://www.bathnes.gov.uk/services/planning-and-building-control/latest-news>

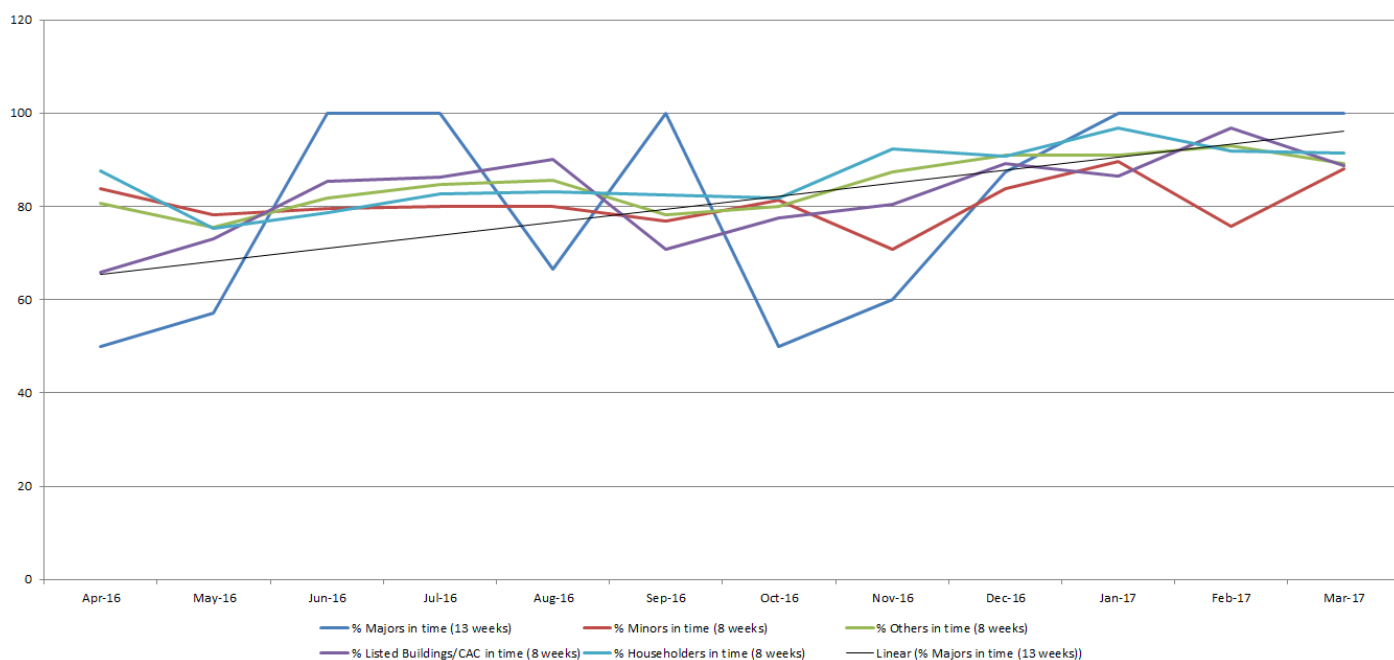
## **2 RECOMMENDATION**

Members are asked to note the contents of the performance report.

## **3 THE REPORT**

Tables, charts and commentary

## 1 - Comparison of Applications Determined Within Target Times



% of planning applications in time	2015/16				2016/17			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
% Majors in time	64%	78%	59%	85%	71%	89%	73%	100%
% Minors in time	67%	71%	76%	82%	81%	79%	79%	85%
% Others in time	77%	81%	85%	87%	80%	83%	86%	91%

### Highlights:

- The chart and table above shows excellent performance on all three of the planning application categories. Majors and Minors particularly have been above target consistently every quarter for the last two years.

*Note: Major (10+ dwellings/0.5 hectares and over, 1000+ sqm/1 hectare and over);*

*Minor (1-10 dwellings/less than 0.5 hectares, Up to 999 sqm/under 1 hectare);*

*Other (changes of use, householder development, adverts, listed building consents, lawful development certificates, notifications, etc).*

## 2 - Recent Planning Application Performance

Application nos.	2015/16				2016/17			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Received	650	646	589	675	740	671	630	729
Withdrawn	52	73	76	65	56	55	75	50
Delegated no. and %	553 (97%)	570 (96%)	514 (96%)	488 (97%)	601 (95%)	643 (96%)	560 (95%)	520 (96%)
Refused no. and %	56 (10%)	35 (6%)	52 (10%)	35 (7%)	59 (9%)	56 (8%)	59 (10%)	53 (10%)

### Highlights:

- B&NES have shown an 8% rise in planning application numbers when compared to the previous 12 month period which is above the national trend (up 2%). This is the highest volume of planning applications received in a year since pre-recession 2007/08.

- The current delegation rate is slightly above the last published England average of 94% (Year to Dec 2016).
- Percentage of refusals on planning applications remains low when compared with the last published England average of 12% (Year ending Dec 2016).

### **3 – Dwelling Numbers**

Dwelling numbers	2015/16				2016/17			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Major residential (10 or more dwellings) decisions	13	2	9	4	2	6	4	5
Major residential decisions granted	9	2	8	3	1	6	4	4
Number of dwellings applied for on Major schemes	1137	180	225	354	203	640	952	260
Number of dwellings permitted on schemes	1636	114	719	228	116	537	110	Report in next issue
Number of dwellings refused on schemes	103	41	151	83	80	32	10	Report in next issue

#### Highlights:

- Numbers of major residential planning decisions (10 or more dwellings) has risen slightly in the last quarter and nearly all were permitted.

### **4 - Planning Appeals**

	Apr – Jun 2016	Jul – Sep 2016	Oct – Dec 2016	Jan – Mar 2017
Appeals lodged	18	27	24	31
Appeals decided	16	20	25	43
Appeals allowed	6 (43%)	2 (10%)	3 (12%)	15 (36%)
Appeals dismissed	8 (57%)	18 (90%)	22 (88%)	27 (64%)

#### Highlights:

- In the year to Mar 2017 there has been an 8% rise in appeal numbers.
- Over the last 12 months our performance on appeals allowed is very good and within the national average at 25% (national average approx. 33%).
- Appeal costs in association with applications overturned at committee amount to £75,000 for the last financial year.

### **5 - Enforcement Investigations**

	Apr – Jun 2016	Jul – Sep 2016	Oct – Dec 2016	Jan – Mar 2017
Investigations launched	165	166	145	165
Investigations in hand	341	351	330	350
Investigations closed	150	168	136	147
Enforcement Notices issued	13	0	4	1
Planning Contravention Notices served	8	11	17	1

Breach of Condition Notices served	1	0	0	0
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Highlights:

- There has been an increase in legal notices served in the last financial year.

## **6 – Other Work (applications handled but not included in national returns)**

The service also has formal procedures to process pre-application advice, householder development questionnaires, discharging conditions, prior approvals, prior notifications and non-material amendments to list a few. The table below shows the total number received which require resource to action and determine.

	<b>Apr – Jun 2016</b>	<b>Jul – Sep 2016</b>	<b>Oct - Dec 2016</b>	<b>Jan – Mar 2017</b>
Other types of work	651	565	486	594

Highlights:

- Noticeable increase over the last quarter after dipping in autumn.

## **7 – Works to Trees**

The number and percentage of determined tree applications and notifications

	<b>Apr – Jun 2016</b>	<b>Jul – Sep 2016</b>	<b>Oct – Dec 2016</b>	<b>Jan – Mar 2017</b>
Number of applications for works to trees subject to a Tree Preservation Order (TPO)	9	20	24	27
Percentage of applications for works to trees subject to a TPO determined within 8 weeks	100%	100%	96%	96%
Number of notifications for works to trees within a Conservation Area (CA)	138	183	232	162
Percentage of notifications for works to trees within a Conservation Area (CA) determined within 6 weeks	99%	97%	100%	99%

Highlights:

- There has been drop in numbers of TPOs and Notifications the last quarter from the autumn seasonal high.
- Performance on determining applications for works to trees subject to Tree Preservation Orders and on dealing with notifications for works to trees within a Conservation Area remains excellent.



## **8 – Corporate Customer Feedback**

<b>Customer Feedback</b>	<b>Apr – Jun 2016</b>	<b>Jul – Sep 2016</b>	<b>Oct – Dec 2016</b>	<b>Jan – Mar 2017</b>
Compliments received	12	47	24	15
Complaints received	11	15	3	7
Complaints upheld	1	1	0	2
Complaints Not upheld	4	6	3	4
Complaints Partly upheld	0	0	0	0

### Highlights:

- There were more compliments received than complaints in the last financial year. The number of complaints not upheld still remains good.

## **9 - Ombudsman Complaints**

When a customer remains dissatisfied with the outcome of the Corporate Complaints investigation they can take their complaint to the **Local Government Ombudsman** for an independent view.

<b>Ombudsman Complaints</b>	<b>Apr – Jun 16</b>	<b>Jul – Sep 16</b>	<b>Oct – Dec 16</b>	<b>Jan – Mar 17</b>
<b>Complaints received</b>	4	0	0	2
<b>Complaints upheld</b>	0	0	0	0
<b>Complaints Not upheld</b>	3	1	2	0

### Highlights:

- There have been no upheld complaints in the last year.

## **10 – Working With Our Customers**

Recently we set up a '[Latest News](#)' page on the council website to keep all our customers up to date with work across Development Service. It has proved popular and we include formal as well as informal information about the work we do.

We no longer ask customers who want to see planning history pre 1996 and only available in paper files to come into the Bath One Stop Shop. We now digitise the paper version and send customers a link so that all planning history is available electronically from their home computer.

## **11 – Section 106 Agreements and Community Infrastructure Levy (CIL)**

Members will be aware of the Planning Obligations SPD was first published July 2009. Planning Services have spent the last few years compiling a database of Section 106 Agreements. This is still in progress, but does enable the S106 Monitoring Officer to actively monitor the delivery of agreed obligations. CIL financial overview sums will be refreshed for every quarterly report.

(**Note:** all figures are for guidance only because of the further work still being undertaken in monitoring)

Section 106 and CIL	Apr – Jun 2016	Jul – Sep 2016	Oct – Dec 2016	Jan – Mar 2017	<b>Annual running total (fin year)</b>
S106 Funds agreed	<b>£2,049,013.86</b>	<b>£382,278.42</b>	<b>£19,274.40</b>	<b>£95,270.26</b>	<b>£2,545,836.94</b>
S106 Funds received	<b>£166,143.68</b>	<b>£2,891,801.12</b>	<b>£894,961.03</b>	<b>£654,944.25</b>	<b>£4,607,850.08</b>
CIL sums overview Potential to date	<b>£7,475,299.89 (since April '15)</b>				
CIL sums overview Collected to date	<b>£1,536,501.88 (since April '15)</b>				

## **12 – Chair Referrals**

**Table 12** below shows the numbers of planning applications where Chair decision has been sought to either decide the application under delegated authority or refer to Development Management Committee. ***A further analysis of Chair referral cases is attached as an Appendix item to this report.***

	<b>Apr – Jun 2016</b>	<b>Jul – Sept 2016</b>	<b>Oct – Dec 2016</b>	<b>Jan – Mar 2017</b>
Chair referral delegated	14	25	22	8
Chair referral to DM Committee	19	12	15	12

## **13 – 5 Year Housing Land Supply against Total Planned Provision** **13,000 for 2016/17 – 2020/21**

<b>A</b>	<b>Total Planned Provision</b>	<b>2011-29</b>	<b>13,000</b>
<b>B</b>	Built over years 1-5	11/12 - 15/16	2,971
<b>C</b>	Plan requirement for years 1-10 (5 years hence)	11/12 - 20/21	7,220
<b>D</b>	5 year Supply Requirement (100%)	16/17 - 20/21	<b>4,249</b>
<b>E</b>	5 year Supply Requirement (with 5% buffer)	16/17 - 20/21	<b>4,461</b>
<b>F</b>	5 year Supply Requirement (with 20% buffer)	16/17 - 20/21	<b>5,099</b>
<b>G</b>	Deliverable Supply (#)	16/17 - 20/21	<b>5,726</b>
<b>H</b>	Deliverable Supply buffer (%)	16/17 - 20/21	35%
<b>I</b>	Deliverable Supply (#) over 100% requirement	16/17 - 20/21	1,477
<b>J</b>	Deliverable Supply (#) over 105% requirement	16/17 - 20/21	1,265
<b>K</b>	Deliverable Supply (#) over 120% requirement	16/17 - 20/21	627

Between 2016 and 2021 BANES needs to deliver 4,249 dwellings and be able to identify a deliverable supply of 5,099 dwellings. The 20% buffer is a national requirement needed to ensure delivery. Against these requirements the Council can currently identify a deliverable supply of 5,726. Not all of this deliverable supply has a full, reserved matters, or outline planning permission. Further, the supply figure can change if planning and development timetables change. For example if a major planning application is refused, this would entail time to prepare revisions or appeal the decision, or, it may take longer than expected for a land trader to sell on a planning permission to a developer.

<b>Contact person</b>	John Theobald, Project/Technical and Management Support Officer, Development 01225 477519
<b>Background papers</b>	CLG General Development Management statistical returns PS1 and PS2 + Planning applications statistics on the DCLG website: <a href="https://www.gov.uk/government/statistical-data-sets/live-tables-on-planning-application-statistics">https://www.gov.uk/government/statistical-data-sets/live-tables-on-planning-application-statistics</a>
<b>Please contact the report author if you need to access this report in an alternative format</b>	

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Application no	ADDRESS	PROPOSAL	Decision Level	Decision Date	Status	Notes
16/05531/FUL	6 St Nicholas RoadWhitchurchBristolBath And North East SomersetBS14 0PJ	Erection of two storey side extension, creation of 2 new car parking spaces and dropped kerb	CHAIR	30-Jan-17	RF	Chair referral delegated decision
16/05785/FUL	Coach HouseTunbridge RoadChew MagnaBristolBath And North East SomersetBS40 8SX	Erection of a single storey rear orangery extension following demolition of existing rear extensions. Erection of detached garage.	CHAIR	09-Feb-17	PERMIT	Chair referral delegated decision
16/05668/FUL	The Old RectoryDewdownNempnett ThrubwellBristolBath And North East SomersetBS40 8YQ	Erection of an agricultural storage barn (Resubmission)	CHAIR	14-Mar-17	PERMIT	Chair referral delegated decision
16/05985/FUL	The North BarnSouthstoke LaneSouth StokeBathBA2 7PQ	Conversion of Agricultural Building to Provide B1(a) Office Use; Ancillary Parking & Landscaping	CHAIR	17-Mar-17	PDE	Chair referral delegated decision
16/05167/AR	Cooperative Food Westways Garage Bath RoadMarksburyBathBA2 9HN	Erection of 4no non-illuminated fascias, 1no internally illuminated co-op logo, 1no internally illuminated 4.5m high totem, 1no non-illuminated flat aluminium panel suspended from canopy, 1no non-illuminated wall mounted flat aluminium panel and 2no non-i	CHAIR	17-Mar-17	CON	Chair referral delegated decision
17/00322/FUL	Land Adjacent To Upland WayQueens RoadNorth StokeBath	Erection of a rural workers dwelling (Resubmission)	CHAIR	20-Mar-17	RF	Chair referral delegated decision
17/00233/FUL	9 Hinton VillasHinton CharterhouseBathBath And North East SomersetBA2 7SS	Construction of pre-fabricated Garage within Garden.	CHAIR	22-Mar-17	PERMIT	Chair referral delegated decision
17/00393/FUL	Premier Inn4 James Street WestCity CentreBathBA1 2BX	Creation of new access to restaurant and alterations to north and east elevations	CHAIR	27-Mar-17	PERMIT	Chair referral delegated decision
16/04885/FUL	The GroveLangridge LaneSwainswickBathBath And North East SomersetBA1 8AJ	Demolition of existing garage and erection of a replacement building for use as an annex providing ancillary residential accommodation	COMMDC	12-Jan-17	PERMIT	Chair referral to committee. Having studied this application, noting the PC and Ward Cllr comments I feel the report has addressed the proposal in relation to planning policy but I recommend the application be taken to DMC where a wider debate on material considerations can take place.
16/04535/FUL	33 ParklandsHigh LittletonBristolBath And North East SomersetBS39 6LB	Erection of a dwelling following demolition of the outbuilding.	COMMDC	21-Feb-17	PERMIT	Chair referral to committee. I have looked at this application and note the objections from both the PCs this site falls within. Over development of the site is stated as the reason for objecting by both PCs and third party consultees along with impact on the area, the Officer has assessed these points in relation to planning policy and has come to the conclusion it does not contravene policy but a recent appeal was dismissal for an application nearby for similar reasons. I therefore recommend this application be decided by DMC so the issue can be debated and consistency in decisions considered.

16/05508/FUL	18 Upper Camden PlaceWalcotBathBath And North East SomersetBA1 5HX	Installation of proposed mansard roof and associated dormer windows to front and rear elevations	COMMD C	13-Mar-17	RF	Chair referral to committee. 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.
16/05509/LBA	18 Upper Camden PlaceWalcotBathBath And North East SomersetBA1 5HX	Internal and external alterations to install mansard roof and associated dormer windows to front and rear elevations	COMMD C	13-Mar-17	RF	Chair referral to committee. 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.
16/05520/FUL	57 Warminster RoadBathamptonBathBath And North East SomersetBA2 6RX	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.	COMMD C	13-Mar-17	PERMIT	Chair referral to committee. I have studied the report noting objections from the PC, BPT & a neighbour. Although changes have been made to this application as it has progressed I feel it still remains controversial when assessed in relation to the street scene& for this reason I recommend the decision be taken by the DMC.
16/02230/FUL	10 Lymore GardensTwertonBathBath And North East SomersetBA2 1AQ	Change of use from a 4 bed dwelling (use class C3) to a 4 bed house of multiple occupation (HMO) (Use class C4)	COMMD C	12-Jan-17	RF	Chair referral to committee. I have studied this application and related comments from both statutory consultees and residents. I note a number of objections from residents and I understand there is differing information over the number of HMOs relevant to the stage 2 test which has been highlighted by the Ward Cllr and for this reason I recommend the application be delegated to DMC for decision.

16/04250/FUL	Land East Of Alma CottageCharlcombe LaneCharlcombeBath	Erection of one dwelling following the demolition of existing stables	COMMDC	12-Jan-17	RF	Chair referral to committee. I have studied this application carefully & note the PC reasons for objections which they base around planning policy, the Officer has interpreted the policy differently as is evident in the report presented to me. I therefore recommend, as this application is controversial, it should be debated by the DMC.
16/05453/FUL	Box BushBromley RoadStanton DrewBristolBath And North East SomersetBS39 4DJ	Erection of 2 storey annexe and single storey extension following demolition of existing single store annexe	COMMDC	09-Feb-17	RF	Chair referral to committee. I have studied this report and related comments, all of which support it for various reasons however the Officer is minded to refuse in line with paragraph 89 of the NPPF. I note the highways in particular feel there is a benefit to the proposal and I therefore recommend the application be determined by DMC so the possible benefits can be debated to see if they do outweigh Greenbelt policy.
16/04261/FUL	Unit 2Lymore GardensTwertonBathBA2 1AQ	Erection of 5No Three-bedroom, 2No Two-bedroom and 1No One-bedroom flat following conversion and adaptation of warehouse	COMMDC	09-Feb-17	PERMIT	Chair referral to committee. This application is presented to Committee as the Chair of Committee has noted the Ward Councillors detailed reasons for requesting the application to be determined by the DM Committee. The Officer's report has addressed many of the points raised however the application has attracted a number of comments as the change of use of the building is thought by some to be controversial and therefore it is considered by the Chair that the application be determined by Committee so the issues can be debated fully.
14/05836/FUL	Land Rear Of Yearten HouseWater StreetEast HarptreeBristol	Erection of 8 dwellings and access.	COMMDC	12-Jan-17	PDE	Chair referral to committee. This application should be presented to the planning committee due to the valid concerns and number of objections received including objections from the Parish Council as well as 25 letters (prior to re notification following the receipt of amended plans) from residents and a petition signed by 23 residents.

16/05085/FUL	44 St Clement's RoadKeynshamBristolBath And North East SomersetBS31 1AF	Demolition of existing garage and erection of 1no detached dwelling in its place.	COMMDC	12-Jan-17	RF	Chair referral to committee. I have studied this application noting consultee comments and no third party objections. The application is in line with policy regarding parking, sustainability, impact on amenity of neighbours and being within the HBD but the design has been highlighted in this report as having an overbearing impact on the street scene and for this reason I recommend the application be decided by DMC.
16/03652/FUL	Applegate Stables Shockerwick LaneBathfordBathBA1 7LQ	Erection of additional livery stables and a rural workers accommodation unit	COMMDC	12-Jan-17	PERMIT	Chair referral to committee. It is evident when reading through this application it is controversial and Ward Cllr comments reflect differing views as to replies from consultees, e.g. Highways and Council's independent agricultural assessor. The Officer has assessed the application in relation to relevant planning policy but as questions remain on some aspects I recommend this application is taken to DMC for decision.
16/05094/FUL	Beechen Cliff School Kipling AvenueBear FlatBathBA2 4RE	Extend bank southwards using existing on site spoil heap to create wider playing field.	COMMDC	14-Mar-17	PERMIT	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.
16/05256/FUL	Avalon HouseFossewayDunkertonBathBath And North East SomersetBA2 8BR	Erection of wall and feather edged panelling fence between pillars following removal of old fence (Retrospective) (Resubmission)	COMMDC	12-Jan-17	RF	Parish Council view contrary to Officer recommendation.
16/06118/FUL	46 High StreetSaltfordBristolBath And North East SomersetBS31 3EJ	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.	COMMDC	14-Mar-17	PERMIT	The applicant is a Bath and North East Somerset Council consultant within the Planning Services Section.
16/05771/FUL	6 FairwaysSaltfordBristolBath And North East SomersetBS31 3HX	Erection of single storey front extension, installation of 2no windows to side elevations and construction of additional parking area	COMMDC	09-Feb-17	PERMIT	The applicant is Ward Councillor Bryan Organ. The application is therefore being reported to Committee in accordance with the Council's Scheme of Delegation.
16/04629/FUL	KielderChurch LaneEast HarptreeBristolBath And North East SomersetBS40 6BE	Demolition of existing dwelling and erection of 4no dwelling with associated car parking, gardens and amenity space	COMMDC	12-Jan-17	PERMIT	The application has been referred to committee due to the comments of the Parish Council. Cllr Davis has agreed that this application should be dealt with at Development Management Committee.
16/04499/FUL	17 Station RoadWeltonMidsomer NortonBA3 2AZ	Erection of 6no. new dwellings following demolition of existing dwelling and outbuildings (resubmission) - revised plans	COMMDC	13-Mar-17	PERMIT	The application has been referred to Committee due to the objection comments received from the Town Council and the Local Ward Councillor.



16/05349/REG13	Bath Quays BridgeGreen Park RoadCity CentreBath	Demolition of building (Boiler House) within curtilage of listed building (Newark Works and associated arch structures).	COMMDC	10-Mar-17	CON	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.
16/05348/REG03	Bath Quays BridgeGreen Park RoadCity CentreBath	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 w	COMMDC	10-Mar-17	PERMIT	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.
16/05060/LBA	5 Crown HillUpper WestonBathBath And North East SomersetBA1 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 facade	COMMDC	09-Feb-17	CON	The application is being referred to the committee as the applicant works within Planning Services at Bath and North East Somerset Council.
16/05059/FUL	5 Crown HillUpper WestonBathBath And North East SomersetBA1 4BP	Erection of single storey rear extension	COMMDC	09-Feb-17	PERMIT	The application is being referred to the committee as the applicant works within Planning Services at Bath and North East Somerset Council.
16/04960/FUL	Beaumont HouseLansdown RoadLansdownBathBath And North East SomersetBA1 5RD	Erection of three storey side extension to provide 3 no. residential apartments with associated parking and landscaping	COMMDC	09-Feb-17	PERMIT	The application is being referred to the committee at the request of Councillor Anthony Clarke. The application has been referred to the chair who has agreed that the application is considered by the committee.
16/05498/AR	Bristol Water Visitor Centre & Tea RoomWalley LaneChew MagnaBristol	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)	COMMDC	09-Feb-17	RF	This application has been brought to Development Management Committee due to the support of Chew Magna parish Council which is contrary to the officer recommendation.

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<b>Bath &amp; North East Somerset Council</b>	
MEETING:	<b>Development Control Committee</b>
MEETING DATE:	
RESPONSIBLE OFFICER:	Mark Reynolds, Group Manager, Development Management (Telephone: 01225 477079)
TITLE:	<b>NEW PLANNING APPEALS, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES</b>
WARD:	ALL
BACKGROUND PAPERS:	None
<b>AN OPEN PUBLIC ITEM</b>	

#### APPEALS LODGED

**App. Ref:** 13/00006/UNDEV  
**Location:** Crossway Stables, Bath Road, Farmborough, Bath, BA2 0HJ  
**Nature of Breach:** Without planning permission, the unauthorised erection of a timber framed glazed link building  
**Notice Issued:** 3 December 2016  
**Appeal Lodged:** 28 March 2017

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**App. Ref:** 16/02942/OUT  
**Location:** New Barn Farm Norton Lane Whitchurch Bristol  
**Proposal:** Outline application for erection of an agricultural workers dwelling (Resubmission)  
**Decision:** REFUSE  
**Decision Date:** 4 August 2016  
**Decision Level:** Delegated  
**Appeal Lodged:** 7 April 2017

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**App. Ref:** 16/05965/FUL  
**Location:** Lakmuthu Cottage Fosseway Dunkerton Bath  
**Proposal:** Erection of first floor extension  
**Decision:** REFUSE  
**Decision Date:** 3 February 2017  
**Decision Level:** Delegated  
**Appeal Lodged:** 7 April 2017

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**App. Ref:** 16/00503/CONSRV  
**Location:** 8 Wells Square, Westfield, Radstock, BA3 3UF  
**Nature of Breach:** Without planning permission, the removal of a wall in a conservation area  
**Notice Issued:** 22 February 2017  
**Appeal Lodged:** 7 April 2017

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## APPEALS DECIDED

**App. Ref:** 16/01286/FUL  
**Location:** Parcel 7259 Hayeswood Road Timsbury Bath  
**Proposal:** Conversion of existing agricultural building to residential (part retrospective)  
**Decision:** REFUSE  
**Decision Date:** 19 May 2016  
**Decision Level:** Delegated  
**Appeal Lodged:** 16 January 2017  
**Appeal Decision:** **Dismissed 24.03.2017**

Click [here](#) to view the Appeal Decision

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**App. Ref:** 16/01717/FUL  
**Location:** Tia Filers Coaches Wick Lane Stanton Wick Bristol BS39 4BU  
**Proposal:** Change of use to facilitate extension of coach parking and turning area (resubmission)  
**Decision:** REFUSE  
**Decision Date:** 2 June 2016  
**Decision Level:** Delegated  
**Appeal Lodged:** 15 November 2016  
**Appeal Decision:** **Dismissed 24.03.2017**

Click [here](#) to view the Appeal Decision

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**App. Ref:** 16/01856/FUL

**Location:** Old Colliery Tip Woodborough Hill Peasedown St. John Bath  
**Proposal:** Erection of storage building. (Retrospective).  
**Decision:** REFUSE  
**Decision Date:** 20 June 2016  
**Decision Level:** Delegated  
**Appeal Lodged:** 16 January 2017  
**Appeal Decision:** **Dismissed 24.03.2017**

Click [here](#) to view the Appeal Decision

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**App. Ref:** 16/02747/LBA  
**Location:** 44 Lyncombe Hill Lyncombe Bath Bath And North East Somerset BA2 4PH  
**Proposal:** Internal alterations to form new opening to basement  
**Decision:** REFUSE  
**Decision Date:** 26 September 2016  
**Decision Level:** Delegated  
**Appeal Lodged:** 16 January 2017  
**Appeal Decision:** **Allowed 24.03.2017**

Click [here](#) to view the Appeal Decision

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**App. Ref:** 16/03018/FUL  
**Location:** The Firs Main Road Chelwood Bristol  
**Proposal:** Erection of rear garden room and first floor extension  
**Decision:** REFUSE  
**Decision Date:** 20 October 2016  
**Decision Level:** Planning Committee  
**Appeal Lodged:** 16 January 2017  
**Appeal Decision:** **Allowed 24.03.2017**

Click [here](#) to view the Appeal Decision

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**App. Ref:** 16/03019/LBA  
**Location:** The Firs Main Road Chelwood Bristol Bath And North East Somerset  
**Proposal:** Internal and external alterations to erect a rear garden room and

first floor extension  
**Decision:** REFUSE  
**Decision Date:** 20 October 2016  
**Decision Level:** Planning Committee  
**Appeal Lodged:** 16 January 2017  
**Appeal Decision:** **Allowed 24.03.2017**

Click [here](#) to view the Appeal Decision

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**App. Ref:** 16/03821/FUL  
**Location:** 34 North Road Bathwick Bath Bath And North East Somerset 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  
**Appeal Decision:** **Allowed 27.03.2017**

Click [here](#) to view the Appeal Decision

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**App. Ref:** 16/05118/AR  
**Location:** Saltford Motor Services 491 Bath Road Saltford Bristol  
**Proposal:** Display of 1no. non-illuminated free standing sign and 4no. flags to north west elevation.  
**Decision:** Split decision - check file/certificate  
**Decision Date:** 8 December 2016  
**Decision Level:** Delegated  
**Appeal Lodged:** 22 February 2017  
**Appeal Decision:** **Dismissed 27.03.2017**

Click [here](#) to view the Appeal Decision

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**App. Ref:** 16/05624/CLEU  
**Location:** Parcel 7259 Hayeswood Road Timsbury Bath  
**Proposal:** Certificate of lawful development to reaffirm prior approval consent ref 15/01268/ADCOU for the conversion of the building to

residential use  
**Decision:** Application Withdrawn  
**Decision Date:** 27 March 2017  
**Decision Level:** Non-Planning applications  
**Appeal Lodged:** 15 March 2017  
**Appeal Decision:** **Withdrawn 28.03.2017**

Click [here](#) to view the Appeal Decision

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**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  
**Appeal Decision:** **Dismissed 30.03.2017**

Click [here](#) to view the Appeal Decision

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**App. Ref:** 16/01904/FUL  
**Location:** Braeside Cottage Gooseberry Lane Keynsham Bristol Bath And North East Somerset  
**Proposal:** Erection of 1no three bed house and garage.  
**Decision:** REFUSE  
**Decision Date:** 5 July 2016  
**Decision Level:** Delegated  
**Appeal Lodged:** 12 January 2017  
**Appeal Decision:** **Dismissed 04.04.2017**

Click [here](#) to view the Appeal Decision

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**App. Ref:** 16/03384/VAR  
**Location:** 1 Slight View Bloomfield Road Timsbury Bath Bath And North East Somerset  
**Proposal:** Removal of condition 2 attached to application 13/01041/FUL

(Conversion of outbuilding at rear to a residential annexe) to allow for short term lets of the building.

**Decision:** REFUSE  
**Decision Date:** 30 August 2016  
**Decision Level:** Delegated  
**Appeal Lodged:** 12 January 2017  
**Appeal Decision:** **Dismissed 04.04.2017**

Click [here](#) to view the Appeal Decision

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**App. Ref:** 15/02807/FUL  
**Location:** Field Between City Farm And Cotswold View The Hollow  
Southdown Bath Bath And North East Somerset  
**Proposal:** Erection of 20no. dwellings and associated works.  
**Decision:** REFUSE  
**Decision Date:** 26 February 2016  
**Decision Level:** Delegated  
**Appeal Lodged:** 24 June 2016  
**Appeal Decision:** **Dismissed 18.04.2017**

Click [here](#) to view the Appeal Decision

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### Forthcoming Inquiry

**App. Ref:** 15/05367/FUL  
**Location:** Hinton Garage Bath Ltd Hinton Garage Albion Place Kingsmead  
Bath BA1 3AD  
**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.  
**Appeal Lodged:** 24 June 2016  
**Inquiry Venue:** **Guildhall and University of Bath**  
**Inquiry Date:** **6<sup>th</sup> June to 16<sup>th</sup> June.**