

Democratic Services

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Date: 22 May 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, 31st May, 2017

You are invited to attend a meeting of the **Development Management Committee**, to be held on **Wednesday, 31st May, 2017 at 2.00 pm** in the **Council Chamber - Guildhall, Bath**

The Chair's Briefing Meeting will be held at 10.00am on Tuesday 30th 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 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, 31st May, 2017

at 2.00 pm in the Council Chamber - Guildhall, Bath

A G E N D A

1. EMERGENCY EVACUATION PROCEDURE

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

2. ELECTION OF VICE CHAIRMAN (IF DESIRED)

3. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

4. DECLARATIONS OF INTEREST

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

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

(b) The nature of their interest.

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

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

5. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

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

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

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

7. ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

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

opted Members

8. MINUTES OF THE PREVIOUS MEETING (PAGES 9 - 42)

To confirm the minutes of the meeting held on 3 May 2017.

9. SITE VISIT LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (PAGES 43 - 52)

10. MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (PAGES 53 - 184)

11. NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES (PAGES 185 - 190)

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 19th 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 394414

**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, 3rd May, 2017, 2.00 pm

Councillors: Sally Davis (Chair), Rob Appleyard, Tim Ball (in place of Caroline Roberts), Jasper Becker, Paul Crossley, Matthew Davies, Eleanor Jackson, Les Kew, Brian Simmons (in place of Bryan Organ) and David Veale

135 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

136 ELECTION OF VICE CHAIRMAN (IF DESIRED)

A Vice Chairman was not required on this occasion.

137 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from:

Councillor Bryan Organ – substitute Councillor Brian Simmons
Councillor Caroline Roberts – substitute Councillor Tim Ball

138 DECLARATIONS OF INTEREST

There were no declarations of interest.

139 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was no urgent business.

The Chairman informed members that the following items had been withdrawn from the agenda:

- Item No. 2 – Land between Homelands and 10 Camerton Hill
- Item No. 3 – Units 1-2, Fourth Avenue, Westfield
- Item Nos 4 and 5 – 14 Union Street, Bath
- Item No. 9 – Stonedge Cottage, Stoneage Lane, Tunley

140 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.

A written question was received from Mr John Branston regarding the use of “no-car” clauses in relation to tenants of purpose built student accommodation. The Chairman read out a response to this question and a copy of both the question and response are attached as *Appendix 1* to these minutes.

141 **ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS**

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

142 **MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 5 April 2017 were confirmed and signed as a correct record.

143 **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.
- Oral statements by members of the public and representatives on item 1. A copy of the speakers' list is attached as *Appendix 3* 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 4* to these minutes.

Item No. 1

Application No. 16/05772/FUL

Site Location: 40 Bloomfield Park, Bloomfield, Bath, BA2 2BX – Erection of eight 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.

The registered speakers spoke for and against the application.

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

Councillor Jackson asked a question regarding the layout of the flats in relation to neighbouring properties. The Case Officer showed layout plans and explained that no windows directly faced either 39 or 41 Bloomfield Park. The windows looked out on either the front or rear of the properties and not to the side.

Councillor Kew noted the large number of letters and objections that had been received regarding this application. He felt that the design was now more in keeping with the area and noted that the building had been moved back by 3m. towards the rear of the site. He did not feel that the proposal demonstrated overdevelopment of the site or that it would cause significant harm to neighbouring properties. It would give a mix of properties in the area and provide much needed accommodation. He

then moved that planning permission be granted subject to conditions. This was seconded by Councillor Matthew Davies.

Councillor Jackson asked whether there would be a condition regarding grounds maintenance. The Case Officer explained that there would not usually be such a condition for a development of this size. Condition 9 would require replacement of trees or plants if required within the first 5 years of completion.

Councillor Jackson also expressed concern that only 8 parking spaces would be provided. The Case Officer explained that there had been no objection from the Highways Team and that this was considered to be a sustainable location.

The Case Officer also explained that the difference between this application and the previous one was the repositioning of the development 3m to the rear of the site to protect the trees. The building was still the same size with a slightly smaller lower ground parking area.

The Team Manager, Development Management, stated that the Planning Inspector had found the development acceptable other than the potential harm to the trees which had now been addressed.

Councillor Crossley felt that the development was too large and imposing for the site and would be detrimental to neighbouring properties. He felt that the change to move the development back by 3m was not significant and stated that the building was now bigger, taller and wider.

Councillor Veale agreed that the building was too large and too tall. The development would also generate more traffic and noise which would be detrimental to neighbours.

The Team Manager, Development Management, re-iterated that the development was not any larger than before and that officers felt all issues raised by the Planning Inspector had now been addressed.

The motion was then put to the vote and there were 4 votes in favour and 6 votes against. The motion was therefore LOST.

Councillor Crossley then moved that the application be refused for the following reasons:

- The development was too imposing due to its scale, mass and bulk which would be detrimental to the amenities of the neighbouring properties. This represented overdevelopment of the site.
- The development would exacerbate highway and parking issues in an already congested location.
- The development would have an adverse effect on the Conservation Area.

This was seconded by Councillor Appleyard.

The motion was put to the vote and it was RESOLVED by 6 votes for and 4 votes against to REFUSE the application for the reasons set out above.

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

The Committee considered:

- A report by the Group Manager (Development Management) on various planning applications.
- An update report by the Group Manager (Development Management) on item 1 attached as *Appendix 2* to these minutes.
- Oral statements by members of the public and representatives. A copy of the speakers' list is attached as *Appendix 3* 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 5* to these minutes.

Item No. 1

Application No. 16/05504/OUT

Site Location: 34-35 Lower Bristol Road, Westmoreland, Bath, 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

The Case Officer reported on the application and his recommendation to delegate to permit. He advised the Committee that there were some amendments to the report as follows:

- The site was not within the central area.
- The standard reserved matters condition would be added.
- Condition 7 should read "40 mcg".

He also explained that the building was approximately 5m taller than the current building but that this was lower than some other buildings in the vicinity and was in line with the Building Height Strategy.

The registered speakers spoke for and against the application.

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

Councillor Becker, local ward member on the Committee, noted that the Economic Development Team had raised an objection and would prefer industrial use for the site. There was already a great deal of student accommodation in Bath. He felt that the proposed design was ugly and too large. On the whole he would prefer employment opportunities to be provided in this central location but if student accommodation were to be developed he would prefer this on a smaller scale and with an improved design.

The Case Officer responded to questions from members stating that the development would have to comply with the energy efficiency requirements of building regulations. He also explained that although this was an outline application only, landscaping details were reserved matters, which would come back to the Committee for decision.

Councillor Kew stated that the proposed building was a poor design. The Case Office pointed out that additional conditions could be added regarding materials if required.

Councillor Appleyard felt that the visual aspect was gloomy and dark and stated that the design could be improved. He moved that the application be refused for the following reasons:

- The application was overbearing and of poor design due to its mass and bulk. This would have an adverse effect on the appearance of the area and would be damaging to the World Heritage Site.
- The application would be contrary to policy and there were strong economic reasons for refusal as stated by the Council's Economic Development Team.

Councillor Jackson stated that the building was depressing, gloomy and overbearing. She also had concerns for the safety of students due to the poor lighting at the rear. This was an employment site and she felt that it would be better used for an industrial purpose. She then seconded the motion.

Councillor Crossley did not agree that the design of the building was gloomy and noted that there was variation in the roofscape. The design was industrial which was suitable for the area. Two office block applications had recently been approved for this area which addressed the need for employment opportunities.

In response to a question the Case Officer explained that the proposed Section 106 Agreement would require the upgrade of the bus stop in this area.

Councillor Jackson questioned why residential accommodation was proposed for an area which suffered from air pollution. No reasons had been given as to why this site could not be marketed for industrial use.

Councillor Veale felt that the design was too bulky.

The motion was then put to the vote and it was RESOLVED by 7 votes for and 3 against to REFUSE the application for the reasons set out above.

Item No. 2

Application No. 17/00299/OUT

Site Location: Land between Homelands and 10 Camerton Hill, Camerton, Bath – Outline planning application for the erection of 1 single storey dwelling (Resubmission)

This item was withdrawn from the agenda.

Item No. 3

Application No. 17/00265/FUL

Site Location: 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

This item was withdrawn from the agenda.

Item No. 4

Application No. 17/00652/FUL

Site Location: 14 Union Street, Bath, BA1 1RR – Conversion of existing ancillary retail upper floors to form 4 flats, erection of a roof extension to form 1 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 (resubmission)

Item No. 5

Application No. 17/00651/FUL

Site Location: 14 Union Street, Bath, BA1 1RR – Conversion of existing ancillary retail upper floors to form 4 flats, erection of a roof extension to form 1 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 (resubmission)

These items were withdrawn from the agenda.

Item No. 6

Application No. 17/00568/FUL

Site Location: Hartley Farm Cottage, Hartley Lane, Swainswick, Bath, BA1 8AF – Erection of side and rear extensions (Revised proposal)

The Case Officer reported on the application and her recommendation to refuse. She explained that the proposal would represent a 130% increase in volume beyond the original building.

The registered speakers spoke in favour of the application.

Councillor Kew read out a statement from Councillor Geoff Ward, local ward member, in support of the application.

In response to a question the Case Officer explained that there had been an agricultural tie to the dwelling in the past but that in dealing with this application she had not treated it as such.

Councillor Kew noted that the current dwelling was very small and that it needed to be extended to be habitable. If the applicants moved into the dwelling then it would free up a family home in the area which would help to regenerate the rural economy.

Councillor Jackson stated that the proposed extension represented a large increase in the footprint of the building.

Councillor Veale moved that consideration of this application be deferred pending a site visit to view the location and to clarify dimensions. This was seconded by

Councillor Crossley.

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

Item No. 7

Application No. 17/00944/FUL

**Site Location: Lansdown Golf Club, Lansdown Road, Charlcombe, Bath –
Erection of tarmac hardstanding and timber post and rail fencing with native
hedge and tree planting to perimeter for parking and storage of golf buggies
(Regularisation)**

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

Councillor Kew moved that planning permission be granted subject to conditions.
This was seconded by Councillor Jackson.

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

Item No. 8

Application No. 17/01029/LBA

**Site Location: Ground Floor, 30 Grosvenor Place, Lambridge, Bath – Internal
alterations to remove part of the modern timber partition walling between the
kitchen and living room**

The Case Officer reported on the application and her recommendation to grant listed building consent.

Councillor Crossley moved that listed building consent be granted subject to conditions. This was seconded by Councillor Matthew Davies.

The motion was then put to the vote and it was RESOLVED unanimously to GRANT listed building consent subject to the conditions set out in the report.

Item No. 9

Application No. 17/00163/FUL

**Site Location: Stonedge Cottage, Stoneage Lane, Tunley, Bath – Alterations to
raise the wall to the same level as the neighbour's wall including the existing
panel fence (Resubmission)**

This item was withdrawn from the agenda.

Item No. 10

Application No. 17/01459/FUL

**Site Location: 53 Milton Avenue, Bear Flat, Bath, BA2 4RA – Loft conversion
with rear dormer, single storey rear extension and conversion of existing
garage (Revision)**

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

Councillor Appleyard moved that planning permission be granted subject to

conditions. This was seconded by Councillor Kew.

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

145 ANNUAL PERFORMANCE REPORT 2017

The Committee considered the Annual Performance Report for 2017.

RESOLVED to NOTE the report.

146 QUARTERLY PERFORMANCE REPORT JANUARY - MARCH 2017

The Committee considered the Quarterly Performance Report for January to March 2017.

Councillor Jackson stated that the Council should consider ways to improve communication with members of the public regarding planning matters, pointing out that website access was sometimes difficult.

RESOLVED to NOTE the report.

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

The Committee considered the appeals report. The Team Manager, Development Management, pointed out that the Old Colliery Tip, Woodborough Hill, Peasedown St John appeal had been allowed subject to conditions.

RESOLVED to NOTE the report.

The meeting ended at 4.20 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services

Public Question

The Use of 'No-car' clauses in relation to tenants of Purpose-Built Student Accommodation

(Written questions to B&NES Development Management Committee ahead of 3rd May 2017 meeting.)

John Branston, Second Avenue, Bath

Background

My questions relate to the general principle of 'no car' policies in relation to purpose-built student accommodation development. I'd like to cite the example of the PBSA development known as 'Twerton Mill' on Lower Bristol Road. This was proposed and permitted based on undertakings that occupants would not bring a motor car to the site, or park within 3km of the site. This undertaking became the subject of a Section 106 agreement. See following excerpts from relevant documents:

Undertakings in application documents, supporting reports etc.

"Management of on road car parking in a scheme such as this is vital and is one which is highly visible to our neighbours. At this site, where parking is not provided, and the bringing of cars is not allowed, we are highly conscious of the tenants' behaviour. We work with the relevant Council department to ensure that permits are not issued to any residents and if necessary terminate their tenancy" (proposed Student Management Plan)

"The tenancy agreement will prevent students from bringing a car to Bath" (Item 6.2, Transport Statement, 14/05698/EFUL)

"The predominantly non-car nature of the development will ensure that the development will have very little (if any) impact on the operation and functionality of the existing highway network in the vicinity." (Item 6.4, Transport Statement, 14/05698/EFUL)

"The Travel Plan will also highlight the strict tenancy agreement which bans student residents from bringing a motor vehicle to Bath." (Point 9.5.5, Environmental Statement (Transport & Access), 14/05698/EFUL)

"All [non-disabled] residents of the site will be reliant on non-car travel modes" (Car Parking and Access Management Plan, 15/02152/COND)

"It is considered that the proposed redevelopment of the Twerton Mill site for student accommodation is sustainable in transport terms and affords every opportunity to replace private car use with more sustainable forms of transport." (Item 6.7, Transport Statement, 14/05698/EFUL)

"All parking would be subject to a parking management regime, and students would be restricted from having cars, in the same way as other purpose-built student accommodation, and this would need to be secured through a Section 106 Agreement." (Highways report, 14/05698/EFUL)

Twerton Mill Car Parking and Access Management Plan

"8.1 The site is primarily 'car free' in nature with parking only being provided for the site management team (two spaces) and a small number of disabled students (three spaces). All other residents of the site will be reliant on non-car travel modes"

Section 106: Schedule 1 (Owner's Covenant)

"The owner covenants with the council...

3.8 Not to permit the occupation of the development other than by persons who do not use or keep and agree in writing not to use or keep a motor vehicle in connection with their occupation of the development on the terms of the motor car condition.

3.9 To ensure that every occupier enters into a legally valid agreement which may include the letting agreement with the owner prior to his/her occupation of the development to abide by the motor car condition and continues during his/her period(s) of occupation of the development to comply with such agreement.

(s106 Agreement between B&NES and Twerton Mill owners, 2014)

Twerton Mill Travel Plan (handbook for students)

"There is no parking available at Twerton Mill. In line with tenancy agreements, students are not permitted to park a vehicle within 3km of the site."

Twerton Mill Welcome Handbook 2015-16

"Cars: Sorry but there isn't any parking available on site. Indeed, it is a clause in your tenancy agreement that you agree not to bring a car to Twerton Mill."

Current Situation

All the above undertakings, promises, plans, policies and legally-enforceable agreements notwithstanding, it is plainly evident that many tenants of the Twerton Mill development have brought cars to the city, that they park them in streets directly surrounding the development (most notably on the Lower Bristol Road itself, opposite the site) and that these cars are regularly used for journeys to and from the development site.

Legal (Point of view of PBSA operator, from experience)

"In order to terminate the tenant's rental contract, the PBSA operator would need to issue a 'Section 8' on the tenant in breach of the S106 clause in their Assured Shorthold Tenancy. The case would then go in front of a judge on 'DISCRETIONARY GROUNDS' (as opposed to a Section 21 which is Mandatory possession). The problem with 'discretionary grounds' is that it is highly unlikely a judge would side with the landlord and order eviction of a student (especially if they are paying their very high rent). In general, judges normally side with tenants and the case would either be thrown out or adjourned further. As a landlord, this is costly and a lot of unwanted hassle so I seriously doubt this procedure has ever been exercised on a student bringing a car."

Questions to B&NES Development & Planning Committee

a) Based on the experience of recent PBSA developments in Bath, and in particular the development at Twerton Mill, what is the Development and Management Committee's view of the effectiveness of the s106 measures put in place as a means of preventing car ownership by tenants of such purpose-built student accommodation?

b) Will the Development and Management Committee continue to accept these same undertakings from other developers of purpose-built student accommodation in future and rely on the same s106 condition as a means to preventing additional on-street parking in the vicinity of such a development?

c) Will the Development and Management Committee either

- i. seek more rigorous enforcement of s106 conditions with regard to parking in connection with PBSA?
- ii. support the idea of changing council policy to bring parking requirements for PBSA in line with those for any other residential development?

Response

A written question has been submitted by Mr John Branston concerning the use and parking of cars by students occupying purpose built student accommodation contrary to the Section 106 Agreement that restricts these students from having the use of a private motor vehicle. Particular reference has been made to the cars that are being parked opposite the student accommodation at Twerton Mill, Lower Bristol Road, Bath and Mr Branston has asked whether this Committee supports the idea of changing Council policy to bring parking requirements for purpose built student accommodation in line with those for any other residential development.

It is not appropriate for this Committee to debate the merits of student accommodation in general having little or no off street parking provision, this should be debated as appropriate with specific regard to a planning application before it. In addition I cannot comment on the issue of cars parking on the Lower Bristol Road without the matter being looked into by officers to determine who these cars may belong to and whether any action can or should be taken by the Council. I have therefore asked the Group Manager of Development Management to look into this matter and reply direct to Mr Branston as soon as he can and to copy Committee members into this response.

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BATH AND NORTH EAST SOMERSET COUNCIL

Development Management Committee

Date 3rd May 2017

OBSERVATIONS RECEIVED SINCE THE PREPARATION OF THE MAIN AGENDA

ITEM

ITEMS FOR PLANNING PERMISSION

| Item No. | Application No. | Address |
|-----------------|------------------------|---|
| 01 | 16/05504/OUT | 34 - 35 Lower Bristol Road, Westmoreland, Bath, BA2 3AZ (Pickfords) |

A revised surface water drainage strategy has been received. This shows the manhole labelling error corrected. It is confirmed that the intention is that the network is connected into the existing storm water drainage system. The revised submission also shows alternative arrangements to avoid construction over the large public foul sewer as well as storm water calculations (see below for the Drainage Team's comments/assessment).

The following clarification in respect of waste/recycling facilities has been received;

- 4 x 1000L refuse bins (collected weekly)
- Recycling (all collected weekly):
 - 1 x 1100 L for cardboard
 - 2 x 360 L for cans and plastics
 - 2 x 360L for glass
 - 2 x 240L for paper

No further comments have been received from the Waste Team but for the reasons set out in the main report the waste and recycling facilities are considered to be acceptable in any case.

Policy Clarification

The Planning Policy Team wish it to highlighted that the strategy (Core Strategy Policy B1) is to plan for the contraction of industrial floor space through current losses that have taken place since 2011 **plus** the allocation of specific sites in the Placemaking Plan. Sites allocated in the Placemaking Plan that are or were last used for industrial purposes, for development for other uses, together with losses that have occurred means that the 40,000m2 contraction is achieved. It is not considered therefore by the Policy Team that it is *evident* or *inevitable* (as stated in the main report) that the plan for the contraction of industrial floor space will be achieved through the loss of sites to which ED2B applies (such as Pickfords). The further

comments from the policy team in this respect are accepted. The fact that the planned contraction will be achieved through occurred losses and Placemaking Plan allocations is an important material consideration but in this case it does not alter the recommendation. It remains the case that given the nature of the use and number of jobs involved, there is not considered to be a strong economic reason for refusal.

Further comments from B&NES Flooding & Drainage Team

'No objection'

A revised surface water drainage strategy has been submitted. This confirms that 30% betterment is to be provided (compared to the existing 1 in 100 year storm event). There will be sufficient on-site attenuation to contain the 1:100 year climate change event and connection to the public storm network.

A surface water drainage condition has been recommended by the Flooding & Drainage Team however this matter is already dealt with by Condition 18 (see main report)

Alteration to Condition 7

It is recommended that Condition 7 be amended to remove reference to trees *within* the site as all trees within the site are to be removed.

Further information received:

Cushman & Wakefield Letter:

Since the drafting of the main report a letter has been received from Cushman & Wakefield (at the applicant's request) regarding the appropriate floor area on which to calculate employment figure.

Members will note from the main report that there is an area of disagreement in respect of the floor area of the building. The Economic Development team have made reference to a floor area of 4700sqm (which includes the mezzanine levels) whereas the agent has made reference to a floor area of 1460sqm (which does not include the mezzanine levels).

It is stated in the C&W letter that the building comprises 1460sqm of high bay warehouse space including offices, yard and parking. Pickfords have installed three levels of mezzanine which is highly specialised and only suitable for their purpose or another storage operator. Employees are very infrequently required to be in these areas and these types of operators employ very few staff on site. It is further stated that at the expiry of the lease the tenant will remove all items of their fit out including the mezzanine levels. On this basis Cushman & Wakefield have concluded that it is only appropriate to consider employee numbers by reference to the base build area of 1460sqm [i.e. *excluding* the mezzanine levels].

Further supporting email from the agent:

A further email has been received from the agent clarifying certain matters. That email was accompanied by a visualisation showing the proposed scheme together with an outline of the recently consented Quays South scheme; this will be displayed at the meeting as part of the presentation. The agent's email makes the following points:

- The impact of the proposed development on views from Wells Road have been modelled and Historic England have accepted that there will be no unacceptable harm to the Bath World Heritage Site;
- The impact of the proposed development will be much more subdued in views from Wells Road, and much more peripheral, than the Quays South scheme;
- The redevelopment proposals for the Pickfords site will be an improvement on the existing building;

An additional letter of objection from a local resident making the following points:

- The 3 views submitted with the ghosting of South Quays over the Pickfords proposal, again offers CGI selected by the applicant, where it captures some less harmful perspectives across the WHS;
- The first is taken from a South East to North West perspective and from a lower level on Wells Road that does not afford the best views of the WHS. The second and third are taken from elevated perspectives where the Pickfords site and views are obscured by foliage or only partially into view;
- The South Quays development is not more subdued and peripheral than the proposed development;
- The South Quays developer significantly reduced the height of the office building and a full storey reduction of the residential building – which is the most significant in terms of mitigating the impact on view;
- The Pickfords application represents greater harm when viewed from Wells Road towards the Royal Crescent, Landown Crescent and Cavendish Crescent;
- The east/west block is higher than the highest point of the Quays South residential building;
- The Quays South buildings are peripheral and would frame rather than block the view;
- The proposed development should be reduced in height and should be no higher than Quays South residential building - if not what was the point in reducing the height of that building;
- The excessive height is driven by excessive ceiling heights on the top floor;
- This is the equivalent of a 6 storey building;
- The proposal will fill and dominate the open area above the Newark Works roofline between the Office Building and the Eastern Residential Building afforded by the lower roof lines of the central residential building.

A second further supporting email from the agent:

- The level of 37.510 is correct – that is the height that has been modelled in the verified views;
- We neither understand, nor concur with, the comments that the building will be higher than the approved South Quay scheme when even the neighbour's own mark-up proves it to be lower than the most significant parts of the development. He refers to the outline approval of the South Quays residential scheme as having a maximum height of 36.19. It is, in fact, 41.7 as shown on his own diagram.
- The majority of 'actual' views of my clients' site from Wells Road are oblique as opposed to the facing elevation he is indicating. This will again place the taller, more significant parts of the approved South Quays development directly behind (and above) my clients' scheme. The section drawing from the Bath Quays South application is not an actual view.

- With regard to the comment that my clients' perspectives of the building are being obscured by foliage etc. – that is simply the reality of the situation, and it therefore again models the 'actual' views.
- The evidence of the independently verified views are that the Crescents etc. to which the neighbour refers to are not affected. It is unfortunate, but maybe also pathological, that the neighbour has not provided any photographic evidence of the alleged views in which my client's proposals will be seen from the Wells Road against the backdrop of the townscape features to which he refers.
- The neighbour's comment re floor levels simply reflect is misunderstanding of construction for this building type.

Further comments from Widcombe Association:

- WA is concerned by the scale of the proposed development and its impact on views of the city from Wellsway, one of the main entrances to the city from the south. Remain concerned that this aspect has not been addressed adequately in the documents provided by the applicant;
- The height and massing of the main block as proposed would predominate in the views across the city, being higher and of greater east-west massing, than the approved residential buildings of South Quays;
- The excessive height of the proposed building is not justified and the design should be revisited;
- members of the DMC are urged to refuse the application on the basis that it would seriously damage the OUV of the WHS;
- Alternatively the application should be deferred for a site visit to enable members to view the site for themselves.

| Item No. | Application No. | Address |
|----------|-----------------|--|
| 09 | 17/00163/FUL | Stonedge Cottage Stoneage Lane Tunley BA2 8AS |

Updated Information:

Since the original report was published an inspector's decision (APP/F0114/D/13/2210633) has been brought to attention which suggests that the proper approach to the proposal is as set out below:

The proposed wall can be described as a building. For example, the term 'building' is defined in s336 TCPA 1990 as follows:

"building" includes any structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in a building;

S55 of the Act states (so far as relevant):

(1A) For the purposes of this Act "building operations" includes—

- (a) demolition of buildings;
- (b) rebuilding;
- (c) structural alterations of or additions to buildings; and
- (d) other operations normally undertaken by a person carrying on business as a builder.

It is agreed that the existing wall and the proposed wall are substantial and therefore there is a good argument that the wall is a building and so the proposed wall can be described as appropriate development in the green belt.

On this basis the increase of the existing wall should be assessed against the disproportionate test. Paragraph 89 of the NPPF states that extensions will be permitted providing that it does not result in disproportionate additions over and above the existing dwelling. The Green Belt SPD (2008) states that additions of about a third would be acceptable.

It must be noted that we are awaiting a scaled plan of the existing wall but visually it is apparent that the proposed alterations would amount to an approximate 50% volume increase of the original wall. Therefore the proposed wall would represent a disproportionate volume increase to a building in the green belt and the recommended decision would still be to refuse the proposal.

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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 3 MAY 2017**

| A. SITE VISIT LIST | | | |
|---------------------------|--------------------------------------|--------------------------|--------------------|
| ITEM NO. | SITE NAME | SPEAKER | FOR/AGAINST |
| 1 | 40 Bloomfield Park, Bath, BA2 2BX | George Howard | Against |
| | | Kit Stokes (Applicant) | For |
| | | Councillor Mark Shelford | Against |

| B. MAIN PLANS LIST | | | |
|---------------------------|--|---|-----------------------------|
| ITEM NO. | SITE NAME | SPEAKER | FOR/AGAINST |
| 1 | 34 – 35 Lower Bristol Road, Bath, BA2 3AZ | Ian Hull | Against |
| | | Tom Rocke (Agent) | For |
| | | Councillor Ian Gilchrist | Against |
| 6 | Hartley Farm Cottage, Hartley Lane, Swainswick, Bath, BA1 8AF | Mrs Breach and Basil Breach (Applicants) | For (To share 3 minutes) |

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BATH AND NORTH EAST SOMERSET COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE

3rd May 2017

SITE VISIT DECISIONS

| | | |
|--------------------------|--|----------------------|
| Item No: | 001 | |
| Application No: | 16/05772/FUL | |
| Site Location: | 40 Bloomfield Park, Bloomfield, Bath, Bath And North East Somerset | |
| Ward: Lyncombe | Parish: N/A | LB Grade: N/A |
| Application Type: | Full Application | |
| Proposal: | Erection of eight apartments with associated parking and landscaping following demolition of existing detached house and garage (Resubmission) | |
| Constraints: | 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, | |
| Applicant: | Juniper Homes (South West) Limited | |
| Expiry Date: | 20th January 2017 | |
| Case Officer: | Chris Griggs-Trevarthen | |

DECISION REFUSE

1 The proposed development, due to its siting, scale, massing and bulk, would have a detrimental impact upon the amenities of the adjoining occupiers, 41 Bloomfield Park and 39 Bloomfield Park contrary to policy D.2 of the Bath and North East Somerset Local Plan and policy D6 of the draft Bath and North East Somerset Placemaking Plan.

2 The proposed development would not provide an appropriate level of on-site parking spaces and would generate additional traffic which would exacerbate highways safety issues associated with on-street parking on Bloomfield Park contrary to policy ST7 of the draft Bath and North East Somerset Placemaking Plan.

3 The proposed development, due to its siting, scale, massing and bulk, would result in overdevelopment of the site and extend significantly beyond the rear building line to the detriment of the character and appearance of the Conservation area. The proposal is therefore contrary to 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 D2, D3 and HE1 of the draft Bath and North East Somerset Placemaking Plan.

PLANS LIST:

- 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. The Local Planning Authority has worked positively and proactively with the applicant in an effort to overcome the previous reasons for refusal by allowing the submission of amendments and agreeing to extend the target date for determination. However, for the reasons given by the planning committee, the application still did not comply with the development plan and was refused.

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

BATH AND NORTH EAST SOMERSET COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE

3rd May 2017

DECISIONS

| | | |
|--------------------------|--|----------------------|
| Item No: | 01 | |
| Application No: | 16/05504/OUT | |
| Site Location: | 34 - 35 Lower Bristol Road, Westmoreland, Bath, Bath And North East Somerset | |
| Ward: Widcombe | Parish: N/A | LB Grade: N/A |
| Application Type: | Outline Application | |
| Proposal: | 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 | |
| Constraints: | Affordable Housing, Agric Land Class 3b,4,5, Article 4, Bath Core Office Area, British Waterways Major and EIA, Contaminated Land, Flood Zone 2, Forest of Avon, Hotspring Protection, LLFA - Flood Risk Management, MOD Safeguarded Areas, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones, World Heritage Site, | |
| Applicant: | Eagle One Estates Limited | |
| Expiry Date: | 5th May 2017 | |
| Case Officer: | Chris Gomm | |

DECISION REFUSE

1 The proposed development by reasons of its height, bulk, massing and external appearance will have a dominating, oppressive and incongruous impact upon the character and appearance of this part of the Lower Bristol Road and the wider World Heritage Site. Accordingly the application is contrary to saved policies D2, D4 and BH1 of the Bath and North East Somerset Local Plan, including minerals and waste policies, adopted 2007, policies DW1, B1, B4 and CP6 of the adopted Bath & North East Somerset Core Strategy, and policies D1, D2, D3, D5, HE1 and BD1 of the draft Bath & North East Somerset Placemaking Plan.

2 The application site is currently occupied by a well-established storage use operating from purpose-built premises. The business has nine employees based at this site. It has not been demonstrated that there is a lack of business demand for the existing building or for the site itself. It is considered that the loss of this business site will have an unacceptable impact on the local economy and as such there are strong economic reasons why its redevelopment for non-business uses is inappropriate. Accordingly the application is contrary to policies DW1 and B1 of the adopted Bath & North East Somerset Core Strategy and policy ED2B of the draft Bath & North East Somerset Placemaking Plan

PLANS LIST:

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, Roche Associates
- o Sustainable Construction Checklist
- o Transport Statement, Transport Planning Associates, November 2016
- o Tree Survey, Aspect Tree Consultancy, July 2016

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

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. Notwithstanding the officer's recommendation, the submitted application was unacceptable to the committee for the stated reasons and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.

| | | |
|----------------------------|--|----------------------|
| 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 |
| 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 | |

Withdrawn from agenda

| | | |
|--------------------------|--|----------------------|
| Item No: | 03 | |
| Application No: | 17/00265/FUL | |
| Site Location: | Techniglaze Ltd, Units 1-2, Fourth Avenue, Westfield | |
| Ward: Westfield | Parish: Westfield | LB Grade: N/A |
| Application Type: | Full Application | |
| Proposal: | Change of use from B1c to a Children's soft play area (D2) and cafe | |
| Constraints: | 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, | |
| Applicant: | Mr Craig Haskins | |
| Expiry Date: | 4th May 2017 | |
| Case Officer: | Tessa Hampden | |

Application Withdrawn

| | |
|--------------------------|--|
| Item No: | 04 |
| Application No: | 17/00652/LBA |
| Site Location: | 14 Union Street, City Centre, Bath, Bath And North East Somerset |
| Ward: Abbey | Parish: N/A LB Grade: II |
| Application Type: | Listed Building Consent (Alts/exts) |
| Proposal: | Conversion to 14 - 15 Union Street 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, |
| Applicant: | 14 Union St Ltd & 15 Union St Ltd |
| Expiry Date: | 2nd June 2017 |
| Case Officer: | Victoria Griffin |

Withdrawn from agenda

| | |
|--------------------------|--|
| Item No: | 05 |
| Application No: | 17/00651/FUL |
| Site Location: | 14 Union Street, City Centre, Bath, Bath And North East Somerset |
| Ward: Abbey | Parish: N/A LB Grade: II |
| Application Type: | Full Application |
| Proposal: | Conversion to 14 - 15 Union Street 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, |
| Applicant: | 14 Union St Ltd & 15 Union St Ltd |
| Expiry Date: | 2nd June 2017 |
| Case Officer: | Victoria Griffin |

Withdrawn from agenda

| | | | |
|-----------------------------|--|----------------------|--|
| Item No: | 06 | | |
| Application No: | 17/00568/FUL | | |
| Site Location: | Hartley Farm Cottage , Hartley Lane, Swainswick, Bath | | |
| Ward: Bathavon North | Parish: Batheaston | LB Grade: N/A | |
| 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 | | |

Defer for site visit – to allow members to understand the context of the site

| | | |
|-----------------------------|---|----------------------|
| Item No: | 07 | |
| Application No: | 17/00944/FUL | |
| Site Location: | Lansdown Golf Club, Lansdown Road, Charlcombe, Bath | |
| Ward: Bathavon North | Parish: Charlcombe | LB Grade: N/A |
| 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 | |

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 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:

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.

Condition Categories

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

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

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

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

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

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

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

Decision Making Statement

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

| | | |
|--------------------------|---|--------------------|
| Item No: | 08 | |
| Application No: | 17/01029/LBA | |
| Site Location: | Ground Floor , 30 Grosvenor Place, Lambridge, Bath | |
| Ward: Walcot | Parish: N/A | LB Grade: I |
| Application Type: | Listed Building Consent (Alts/exts) | |
| Proposal: | Internal alterations to remove part of the modern timber partition walling between the kitchen and living room. | |
| Constraints: | Affordable Housing, Agric Land Class 3b,4,5, Article 4, Article 4, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, Listed Building, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site, | |
| Applicant: | Mr Borel Setten | |
| Expiry Date: | 28th April 2017 | |
| Case Officer: | Caroline Power | |

DECISION CONSENT

1 Time Limit - Listed Building Consent (Compliance)

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

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

2 Plans List (Compliance)

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

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

PLANS LIST:

Drawing 03 Mar 2017 002 BLOCK PLAN
Drawing 03 Mar 2017 100 EXISTING AND PROPOSED PLANS
OS Extract 03 Mar 2017 003 LOCATION PLAN

Condition Categories

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

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

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

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

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

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

Where approval of further information is required you will need to submit a conditions application and pay the relevant fee, details of the fee can be found on the "what happens after permission" pages of the Council's Website. You can submit your conditions application via the Planning Portal at www.planningportal.co.uk 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.

| | |
|----------------------------|--|
| Item No: | 09 |
| Application No: | 17/00163/FUL |
| Site Location: | Stonedge Cottage, Stoneage Lane, Tunley, Bath |
| Ward: Bathavon West | Parish: Dunkerton & Tunley Parish Council |
| LB Grade: | N/A |
| 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) |

| | |
|----------------------|--|
| Constraints: | 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, |
| Applicant: | Mr Christopher Bramwell-Pearson |
| Expiry Date: | 2nd June 2017 |
| Case Officer: | Chloe Buckingham |

Withdrawn from agenda

| | | |
|--------------------------|--|----------------------|
| Item No: | 10 | |
| Application No: | 17/01459/FUL | |
| Site Location: | 53 Milton Avenue, Bear Flat, Bath, Bath And North East Somerset | |
| Ward: Lyncombe | Parish: N/A | LB Grade: N/A |
| Application Type: | Full Application | |
| Proposal: | Loft conversion with rear dormer, single storey rear and side extension, and conversion of existing garage (Revision) | |
| Constraints: | Affordable Housing, Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site, | |
| Applicant: | Mr Mark Shelford | |
| Expiry Date: | 22nd May 2017 | |
| Case Officer: | 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 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:

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

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

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| Bath & North East Somerset Council | | |
|------------------------------------|---|--------------------------|
| MEETING: | Development Management Committee | AGENDA ITEM NUMBER |
| MEETING DATE: | 31st May 2017 | |
| RESPONSIBLE OFFICER: | Mark Reynolds – Group Manager (Development Management) (Telephone: 01225 477079) | |
| TITLE: | SITE VISIT AGENDA | |
| 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.
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 - (i) Sections and officers of the Council, including:
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 - 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
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 - (xvi) Any other document or correspondence specifically identified with an application/proposal
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The following notes are for information only:-

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

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

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

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

Item No: 001
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.

The application was first presented to Development Management Committee on 3 May 2017 and is returning to the Development Management Committee following a Members' Site Visit on 22 May 2017.

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 building was originally constructed in association with the Charmy Down Airfield and was first converted to a dwelling in the 1950s with temporary permission as an agricultural worker's dwelling. The bungalow has received a single storey extension. Whilst there is no planning history to indicate when this was constructed, the historic planning file indicates that it was not in place at the time of the original change of use application. 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 writign 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:
The National Planning Policy Framework adopted March 2012
National Planning Practice Guidance

OFFICER ASSESSMENT

Background

This application was presented to the Development Management Committee on 3 May 2017, when Members voted to defer the application to allow a site visit.

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 225m³. The original building has received a dining room extension with a volume of 71.6m³. The proposed single storey extensions have a volume of approximately 221.2m³. 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.

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| Bath & North East Somerset Council | | |
|------------------------------------|---|--------------------------|
| MEETING: | Development Management Committee | AGENDA ITEM NUMBER |
| MEETING DATE: | 31st May 2017 | |
| RESPONSIBLE OFFICER: | Mark Reynolds – Group Manager (Development Management) (Telephone: 01225 477079) | |
| TITLE: | MAIN AGENDA | |
| WARDS: | ALL | |
| BACKGROUND PAPERS: | | |
| AN OPEN PUBLIC ITEM | | |

BACKGROUND PAPERS

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

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| 01 | 17/00955/FUL 2 June 2017 | CEPF II Bath Limited Wansdyke Business Centre, Oldfield Lane, Oldfield Park, Bath, Demolition of the existing buildings and structures (partial retention of façade fronting/adjoining Monksdale Road) and mixed-use redevelopment to provide 126 student studios (Sui Generis), commercial units (B1, B8), fitness centre (D2), coffee shop (A3), with associated access, parking and servicing space, landscaping and associated works. (Re-submission) | Oldfield | Chris Gomm | Delegate to PERMIT |
| 02 | 17/00504/REG03 1 June 2017 | BANES Council Waste Services Private Parking Area East Of Horstman Defence Building, Locksbrook Road, Newbridge, Bath, Provision of vehicle parking and erection of 2no secure storage containers, office & staff amenity building, road sweeper & street litter bay, waste storage skips, vehicle wash down area and associated landscaping, lighting and security fixtures following demolition of existing buildings on site. | Kingsmead | Tessa Hampden | PERMIT |
| 03 | 15/05152/FUL 1 June 2017 | Batheaston New Village Hall Church Hall, School Lane, Batheaston, Bath, Bath And North East Somerset Erection of a new single storey Village Hall including activity rooms, kitchen, toilets, stores and associated external works following demolition of the existing Church Hall. (Resubmission) | Bathavon North | Sarah James | PERMIT |
| 04 | 16/05845/FUL 2 June 2017 | Mr Clive Setter East Barn, Whitecross Farm, Bristol Road, West Harptree, Bristol Conversion of an existing barn to office accommodation (Use Class B1) | Mendip | Martin Almond | PERMIT |

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| 05 | 17/00652/LBA 2 June 2017 | 14 Union St Ltd & 15 Union St Ltd 14 Union Street, City Centre, Bath, Bath And North East Somerset, BA1 1RR Conversion to 14 - 15 Union Street 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; replacement upper storey windows; and new external door and railings to the Union Passage elevation (re- submission) | Abbey | Victoria Griffin | REFUSE |
| 06 | 17/00651/FUL 2 June 2017 | 14 Union St Ltd & 15 Union St Ltd 14 Union Street, City Centre, Bath, Bath And North East Somerset, BA1 1RR Conversion to 14 - 15 Union Street 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; replacement upper storey windows; and new external door and railings to the Union Passage elevation (re- submission) | Abbey | Victoria Griffin | REFUSE |
| 07 | 17/00299/OUT 2 June 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 |
| 08 | 17/01208/FUL 2 June 2017 | Ms Sarah Lynott Avonlea House, Station Road, Freshford, Bath, Bath And North East Somerset Erection of single storey side extension | Bathavon South | Samantha Mason | PERMIT |

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

| | |
|------------------------|---|
| tem No: | 01 |
| Application No: | 17/00955/FUL |
| Site Location: | Wansdyke Business Centre Oldfield Lane Oldfield Park Bath |



| | | | | | |
|--------------------------|--|----------------|-----|------------------|-----|
| Ward: | Oldfield | Parish: | N/A | LB Grade: | N/A |
| Ward Members: | Councillor Shaun Andrew Stephenson-McGall Councillor W Sandry | | | | |
| Application Type: | Full Application | | | | |
| Proposal: | Demolition of the existing buildings and structures (partial retention of façade fronting/adjoining Monksdale Road) and mixed-use redevelopment to provide 126 student studios (Sui Generis), commercial units (B1, B8), fitness centre (D2), coffee shop (A3), with associated access, parking and servicing space, landscaping and associated works. (Re-submission) | | | | |
| Constraints: | Affordable Housing, Agric Land Class 3b,4,5, Article 4, Contaminated Land, Core Business Area, Forest of Avon, HMO Stage 2 test required, Hotspring Protection, LLFA - Flood Risk Management, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site, | | | | |
| Applicant: | CEPF II Bath Limited | | | | |
| Expiry Date: | 2nd June 2017 | | | | |
| Case Officer: | Chris Gomm | | | | |

REPORT

Reason for referring application to Committee

This application has been referred to committee due to the case officer's recommendation conflicting with the views of both ward members.

This application seeks full planning permission for the demolition and redevelopment of Wansdyke Business Centre in Oldfield Park in order to provide a mixed-use development of student accommodation and various commercial uses.

The Application Site

Wansdyke Business Centre is a former factory which today comprises a collection of late-Victorian/Edwardian buildings with later twentieth century additions on a 0.34ha site. The site sustained heavy bomb damage in 1942 and was partially redeveloped. The factory was originally constructed as an engineering works in 1900 and was later used as factory by Clarks Shoes (for the construction of machinery not shoes). The factory buildings were subsequently subdivided into a number of individual business units.

The site is situated on the corner of Oldfield Lane and Monksdale Road in an area which is primarily residential. The embankment of the former railway line (now Linear Park) is located to the immediate south of the site. To the immediate east are the all-weather pitches of St John's Roman Catholic Primary School which itself is situated further to the east beyond the Church of Our Lady and St. Alphege; this church is Grade II* listed and was designed by the eminent architect Sir George Gilbert Scott. To the north and west of the site are neighbouring dwelling houses which for the most part are Edwardian terraced properties.

The Proposal

The proposed development involves the erection of a three-storey building accommodating some 126 student units (on the first and second floors) with 1,117sqm of both light industry and storage beneath. It is also proposed that a café is provided (178sqm) at ground floor level as well as co-worker space (342sqm) and a gym (484sqm). The proposals include the retention of the existing industrial façade to Monksdale Road.

This proposal was screened for the need for Environmental Impact Assessment (EIA) prior to submission and it was determined that the proposed development did not constitute EIA development, thus an Environmental Statement was not required.

Relevant Planning History

16/02749/FUL: Mixed use redevelopment to provide 178 student studios (Sui Generis), commercial units (B1, B8), fitness centre (D2), coffee shop (A3) following part demolition of existing buildings and structures. REFUSED (appeal lodged). The reasons for refusal were as follows:

1 The proposed development, by reason of a combination of its height, significant massing and dense plot coverage, will be a significant and incongruous intervention into a suburban townscape which is largely residential in scale. The proposal fails to respond to the local context but instead represents poor design quality which will undermine the character and appearance of the area. The attractive qualities of local distinctiveness will not be reinforced or complemented by this proposal. Accordingly the application is contrary to the Bath & North East Somerset Core Strategy, in particular Policy CP6, and contrary to the Saved Bath & North East Somerset Local Plan, in particular saved Policy D2 and D4.

2 The Grade II* listed Church of Our Lady and St. Alphege is situated in close proximity to the east of the application site. This church was designed by the eminent architect Sir Giles Gilbert Scott in the 1920's in the style of an early Christian Byzantine. The church is taller than the buildings surrounding it and it dominates the area. The church is experienced without any other buildings of significant scale impinging upon its setting. The

proposed development by virtue of its height and massing will erode the spaciousness around the church, detracting from its dominance and harming its setting. In addition the excessive height and massing of the proposed development and its resulting incongruous visual impact will also have a wider harmful impact upon the Outstanding Universal Value (OUV) of the Bath World Heritage Site (WHS), its integrity and authenticity. The referenced harm to the aforementioned designated heritage assets constitutes 'less than substantial harm' in NPPF terms but is harm nevertheless. It is acknowledged that the proposal will create some public benefits but these will not outweigh the aforementioned harm to the setting of the church and to the WHS, as such this harm is unacceptable. Accordingly the application is contrary to the Bath & North East Somerset Core Strategy, in particular Policy CP6 and B4, and contrary to the Saved Bath & North East Somerset Local Plan, in particular saved Policy BH2.

3 The application site, on its southern boundary, is bounded by Linear Park, a designated Site of Nature Conservation Importance (SNCI). This park is a known commuting corridor for bats and is of particular note because it provides a route between the Bath and Bradford on Avon Bat Special Area of Conservation (SAC) down to the River Avon. Based on the level/nature of information submitted the local planning authority (LPA) is unable to conclude that the impact of the proposed development on bats using Linear Park will be acceptable. Light spill is known to have an adverse impact upon bats but the information submitted in relation to light spill is inadequate; the LPA is therefore unable to determine whether a harmful level of light spill will occur and if so whether it is possible to mitigate that impact. Accordingly the LPA is unable to conclude that the application complies with the saved Bath & North East Somerset Local Plan in respect of ecology, in particular Saved Policies NE9 and NE10. In addition, it cannot be concluded that the favourable conservation status of the [bat] species will be maintained and as such it is considered unlikely that a European Protected Species License will be granted, at the current time, in relation to the associated destruction of the on-site bat roost. The LPA considers that the development will offend Article 12 of the Habitats Directive.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Ward Member (Cllr Will Sandry): Objection

- o Contrary to emerging Council Policy - In March 2016, Council resolved to consider: "The feasibility, in planning terms, of introducing additional measures which could limit the development of purpose-built student accommodation in areas with already high densities of student accommodation or HMOs."
- o Contrary to existing Council Policy - Core Strategy (CP10 - housing mix) which aims to ensure developments facilitate mixed and inclusive communities which echoes the NPPF's direction to "create sustainable, inclusive and mixed communities."
- o Contrary to saved policies from the Local Plan 2007: D2 - (f) significant harm to the local amenity; D4 - the scale, height and massing of the proposals and over development of the site and visually intrusive to the surroundings; T19 - ensuring that the parking requirements of residents can be met close to their home; T26 - (iii) the environmental capacity of both the site and its surrounding streets to accept parking.

Ward Member (Cllr Shaun Stephenson-McGall): Objection

- o Contrary to emerging Council Policy - In March 2016, Council resolved to consider: "The feasibility, in planning terms, of introducing additional measures which could limit the

development of purpose-built student accommodation in areas with already high densities of student accommodation or HMOs."

- o Contrary to existing Council Policy - Core Strategy (CP10 - housing mix) which aims to ensure developments facilitate mixed and inclusive communities which echoes the NPPF's direction to "create sustainable, inclusive and mixed communities."

- o Contrary to saved policies from the Local Plan 2007: D2 - (f) significant harm to the local amenity; D4 - the scale, height and massing of the proposals and over development of the site and visually intrusive to the surroundings; T19 - ensuring that the parking requirements of residents can be met close to their home; T26 - (iii) the environmental capacity of both the site and its surrounding streets to accept parking.

B&NES Economic Development: Support

The proposed development complies with Local Plan Policy ET.3(2)(a) requirements by providing sufficient business uses as part of a wider mix of uses and that the proposed development is therefore in accordance with the requirements of Place Making Plan policy ED.2A.

It is important to ensure that the replacement employment space is actually delivered and that the mix of employment uses proposed addresses market needs.

The findings of the Market Reviews suggest that the Wansdyke Business Centre site is best placed to deliver flexible B1(c) space with an acceptable element of B1(a) / A3 / D2 space within the mix. It is therefore suggested that an approved scheme should deliver a minimum of 2,187sqm of employment accommodation within which there should be a minimum of 60% of B1(c) space and a maximum of 40% B1(a)/A3/D2 space with no more than 18% of that space allocated to A3 uses.

A targeted recruitment and training obligation will be required.

B&NES Flooding & Drainage Team: No objection subject to a condition requiring the submission and approval of surface water drainage details.

B&NES Urban Design: No acceptable in its current form

- o The bin store should not be in an isolated island location in the middle of the car park, this area should be car parking spaces instead;
- o The pavement car park should be relocated to be on the street rather than within the public realm outside of the café;
- o One large tree should be located within the public realm rather than three small ones;
- o Elevations are improved;
- o The proposals relate better in scale to their context by the reduction in height.

Avon & Somerset Police: No objection

It is recommended that the deer fencing is replaced by weldmesh and tied into the existing school fence on the southern boundary.

B&NES Planning Policy: No objection

Subject to other planning considerations, there is no Planning Policy objection in principle to the redevelopment of this site and the provision of a mix of student accommodation and replacement of employment floor space.

Based on the proposed uses and floor space set out at paragraph 4.3, it is considered that the proposed development complies with Local Plan Policy ET3 (2)(a) requirements by providing sufficient business uses as part of a wider mix of uses.

Local Plan Core Business Areas have been reviewed through the Placemaking Plan process and reclassified into 4 Strategic Industrial Estates and 4 Other Primary Industrial Estates (Policy ED.2A). Wansdyke Business Centre is not identified as either Strategic or Other Primary Industrial Estates, therefore Policy ED.2B (non-Strategic Industrial Premises) would apply.

B&NES Archaeology: No objection

There are no known archaeological sites or monuments in the immediate vicinity that are likely to be affected by the proposed development. No further archaeological investigation or conditions will therefore be required.

B&NES Parks Department: Not acceptable in its current form

- o The student units are level with and to the north of the tree canopy of the Linear Park;
- o The student units will be affected by shading that is likely to minimise natural light levels in these units;
- o Light levels to these units will need to be accepted and there to be no future requirement for the Council to manage the trees for 'right to light' purposes as this will erode the linear nature of the tree canopy in this SNCI designated green corridor.

B&NES Conservation Team: No objection

- o The reduction in scale sufficiently mitigates the impact of the proposed redevelopment on the setting of the grade II* listed St Alphege;
- o The drawing notes brick and stone façade refurbished and repointed which is too general. We need to see a detailed schedule of work marked up on a an elevational drawing identifying areas of pointing and elements of stone repair including materials;
- o The existing windows look to be capable of repair which should be the first option or evidence that they are deteriorated to the point where they cannot be repaired;

B&NES Contaminated Land Officer: No objection subject to conditions dealing with contaminated land.

B&NES Environmental Health: No objection subject to conditions dealing with sound insulation and mechanical plant noise.

Wessex Water: Support the drainage proposals

B&NES Housing: No comment

B&NES Arboriculture/Landscaping: No acceptable in its current form

- o A conflict will arise between motor vehicles, cyclists and pedestrians due to the poor design of landscaping;
- o Poor design and location of proposed tree planting in relation to hard surfaces and building facades;
- o The proposals continue to be unacceptable in their current form because of their potential adverse impact on existing trees that would not be prevented or mitigated by the barrier fencing proposed

Environment Agency: No objection subject to conditions dealing with contamination/remediation.

B&NES Highways: No objection

- o The access arrangements are satisfactory;
- o The provision of swept path drawings demonstrating access and egress for a Long Wheel Base Fire Tender is acknowledged;
- o Increases in vehicular movements, if any, will be negligible as the number of parking spaces serving the proposed development will be similar to the existing number of spaces within the site;
- o A detailed Travel Plan will be necessary to promote sustainable transport patterns;
- o The 'Moving In/Out Procedure' for students has been outlined within the draft Travel Plan and this is acceptable;
- o Having assessed the parking demand against policy T.26 of the Local Plan, the proposed development will result in a demand of up to 35 spaces plus the demand required by the fitness centre;
- o The proposed development will have a shortfall of up to 15 no. spaces;
- o The proposed B1c/B8 and D2 uses will in fact decrease with the extra demand being generated from the proposed co-worker office and the coffee shop;
- o The coffee shop and fitness centre are local facilities and are therefore likely to generate little or no traffic movements to and from the site relative to its existing use;
- o A refusal on the grounds of insufficient off-street parking [for students] may not be sustainable as the BANES Local Plan parking standards do not apply to students;
- o In order to discourage students from owning a private vehicle, parking for University of Bath students is extremely restricted and permits will only be issued in extreme circumstances;
- o It is noted that undergraduates residing in the BA1/BA2 post code areas may not apply for a permit unless they have exceptional circumstances while postgraduates are permitted to apply for a permit as long as they don't reside in university accommodation;
- o Similar controls are also enforced by Bath Spa University;
- o Due to these restrictions, it is highly unlikely that many students residing in the proposed development will possess a private car.
- o Overall, Highways are satisfied with the parking provision proposed but recommend that parking within the development be carefully managed due largely to the pressure on on-street parking in the nearby residential streets which is mainly uncontrolled;
- o Conditions are suggested (Construction Management Plan; Travel Plan; Resident's Welcome Pack; parking and access matters).

B&NES Public Rights of Way Team: No objection

Historic England: No objection

- o This current proposal has reduced the height on the east elevation by approximately one storey, by a similar proportion on the northern elevation, and by a significant extent to the south;
- o On plan form this has given the overall composition a far more tempered, contextual massing which should dominate the corner plot to a lesser degree;
- o It is question whether greater effort could be made to break up the roof line on the east elevation in order to soften the form of this range when viewed along Oldfield Lane in combination with the Church of Our Lady and St Alphege;
- o Whether it can step down towards the north-eastern corner to reduce the impact of built form in what is currently undeveloped car parking, is a further consideration we recommend;
- o We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 61 and 137 of the NPPF

Natural England: No objection.

The proposed light levels are acceptable. Achieving these low levels clearly depends on operating the blinds at the appropriate times and a management plan ensuring that the blinds come down at dusk throughout the year can be secured by condition.

B&NES Ecology: No objection subject to conditions:

Linear Park is a designated Site of Nature Conservation Interest (SNCI). It is a known bat flight and foraging route for a range of bat species associated with the Bath & Bradford on Avon Bats Special Area of Conservation (SAC). The main building at the site is a roost for low numbers of common pipistrelle bat.

The proposal will require an EPS Licence for destruction of roosts for pipistrelle bats. The proposed mitigation will comprise replacement bat roosting provision in the form of bat boxes onto the new build. The recommended bat roost features are in fact required as compensation for the loss of the existing bat roosts. The sensitive lighting scheme referred to will also be a requirement. The mass and height of the proposed building and its proximity to the SNCI gives rise to a risk of light spill from the building onto the adjacent SNCI

The current proposal includes an outline bat mitigation strategy, and up to date light spill modelling that is specific to the current scheme, with written commitments to further measures to minimise light. Subject to conditions to secure their implementation and any outstanding final details, both are considered acceptable and there are no objection to the proposal.

Bath Spa University: Concern

- o The extent of student occupation in Oldfield Park is detrimental to the public image of higher education and inappropriate for a residential neighbourhood;

- o This application takes no account of the impact this has on driving students to rely on HMO properties;
- o Studio apartments are traditionally priced at higher rental rates, and are not considered affordable options for students;
- o The University would not seek to secure this property to accommodate its students;
- o The proliferation of this type of accommodation in the city will not support the Council's vision of a more balanced community;
- o Purpose built accommodation in the right location, and of the right type, could bring about a release of HMOs for return to use by family and key workers

410 third party correspondence have been received of which 408 objection, 1 comment and 1 support the application. Reasons for objecting to the application are summarised as follows:

- o The doctor's surgery (and other services) does not have capacity for more patients;
- o It should be affordable housing not students;
- o There is an excessive number of HMOs in this area;
- o Accommodation should instead be built on campus;
- o It is impossible to park in the street in this area;
- o Existing road junctions in the area are of a poor standard;
- o Students do not put their rubbish out on the correct day;
- o There is a drug problem with some students, cannabis can be seen and smelt;
- o The proposed building is too high;
- o It will loss of light and will cast a large shadow;
- o The building is grossly disproportionate to the existing buildings in the vicinity;
- o There will be an unacceptable impact on the listed church;
- o The proposed building will overlook the church and school;
- o The safety of children will be threatened;
- o Insufficient provision for cycle parking;
- o This is an unsustainable site in respect of transport to campus/bus routes;
- o There is already a parking problem in the area and this will be worsened;
- o During term-time the local streets are already at capacity;
- o It is naïve to believe that restriction on students having a car will be adhered to;
- o There are too many students in this area already;
- o Oldfield Park used to be a quiet family area;
- o Litter would be created as would vomit from a night out;
- o This proposal is too close to the school;
- o What will children at the school witness?
- o Students do not put their rubbish out on the correct day;
- o There will be an increase in the delivery of fast food, ups, yodel etc;
- o Many local businesses will lose their units;
- o The fitness clubs particularly are thriving and are well established assets;
- o The commercial space should be increased not decreased;
- o The site should be re-used as per the Paintworks in Bristol;
- o There will be increased low level lighting to existing houses;
- o There are already multiple coffee shops and cafes in the local area;
- o This site should be providing affordable housing;
- o Safeguarding: the wellbeing and security of school pupils must be maintained;
- o The design is insensitive, bulky and grossly over-scaled for the site;
- o The materials are clearly wrong and do not reflect the local palette;

- o No amount of tweaking is going to alter the fact that the proposals are the wrong building in the wrong location;
- o Over-development on a sensitive and constrained site;
- o Overbearing with excessive bulk and height, lack of flexibility for adaptation of use;
- o Lack of respect for the heritage of the Griffin building;
- o Harmful to the setting of the important St. Alphege's group of buildings

Comments include:

- o The street perspectives do not give an idea of the aesthetics of the building;
- o The applicant should be willing to provide as much information for the committee as possible;
- o The aesthetics of the building are vitally important;
- o A fair representation of the building of the aesthetics should form part of the application.

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 B4: The World Heritage Site and its Setting
 Policy B5: Strategic Policy for Bath's Universities
 Policy CP2: Sustainable Construction
 Policy CP5: Flood Risk Management
 Policy CP6: Environmental Quality
 Policy CP7: Green Infrastructure
 Policy CP12: Centres and Retailing
 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 ET3: Core business area
 Policy S4: Retail development proposals outside the identified shopping centres (sequential approach)
 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 ES15: Contaminated land
 Policy WM.4: Waste recovery and recycling in new development
 Policy NE.9: Locally important wildlife sites
 Policy NE.10: Nationally important species and habitats
 Policy NE.11: Locally important species & habitats
 Policy NE.12: Natural features: retention, new provision and management
 Policy NE.13A: Bath Hot Springs
 Policy BH.2: Listed buildings and their settings
 Policy BH.6: Development within/ affecting Conservation Areas
 Policy BH.7: Demolition in Conservation Areas
 Policy BH.22: External lighting
 Policy T.1: Overarching access policy
 Policy T.6: Cycling Strategy: cycle parking
 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 SCR2: Roof mounted/building integrated scale solar PV
 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 NE5: Ecological network
 Policy NE6: Trees and woodland conservation
 Policy CP7: Green infrastructure
 Policy NE1: Development and Green Infrastructure
 Policy PCS1: Pollution and nuisance

Policy PCS5: Contamination
 Policy PCS7A: Sewage Infrastructure
 Policy PCS8: Bath Hot Springs
 Policy H7: Housing accessibility
 Policy LCR1: Safeguarding local community facilities
 Policy RA3: Community facilities and shops
 Policy LCR2: New or replacement community facilities
 Policy LCR5: Safeguarding existing sport and recreational facilities
 Policy LCR6: New and replacement sport and recreational facilities
 Policy LCR7B: Broadband
 Policy LCR9: Increasing the provision of local food growing
 Policy ED2B: Non-strategic industrial premises
 Policy ST1: Promoting sustainable transport
 Policy ST2A: Recreational routes
 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 CR4: Dispersed local shops
 Policy ST7: Transport requirements for managing development
 Policy B1: Bath Spatial Strategy
 Policy B5: Strategic policies for universities and private colleges

OFFICER ASSESSMENT

Officer Assessment:

The seven main issues are considered to be:

1. The principle of redevelopment and the proposed replacement employment uses;
2. The principle of student accommodation on this site;
3. Design matters;
4. Impact on Heritage Assets
5. The highway impact of the development;
6. Impact of the development on residential amenity;
7. Ecological impact - particularly on bats.

1. The Principle of Redevelopment and Proposed Employment Uses/Mix

Wansdyke Business Centre is currently identified as a 'Core Business Area' by saved Local Plan (LP) Policy ET3. This policy resists proposals which lead to a loss of land or floor space used for non-office business purposes (i.e. uses classes B1c, B2 and B8). At present the site comprises 22 independent units of varying sizes ranging from just 35sqm to 210sqm; the Gross Internal Area (GIA) of the centre is 2113sqm. Some 650sqm of the centre however is currently in non-industrial use including sports/fitness uses.

Members will be aware that the draft Placemaking Plan (PMP) is soon to be adopted; this will entirely replace the Local Plan including therefore saved Policy ET3. Wansdyke Business Centre is not identified as a 'Strategic or Other Primary Industrial Estate' in the PMP. The high level of protection currently enjoyed by Wansdyke Business Centre by virtue of saved LP Policy ET3 is therefore not carried forward to the draft Placemaking Plan (PMP). Draft PMP Policy ED2B will replace the saved Local Plan, in so far as it relates to non-strategic industrial sites, and states that permission for non-industrial uses will normally be permitted unless there is a strong economic reason not to.

For the time being however the site continues to benefit from the high level of protection provided by saved LP Policy ET3 and the application must be assessed on that basis. There continues to be an expectation therefore that an existing (or similar) quantum of industrial floor space be provided. Saved Policy ET3 protects industrial land and floor space, not individual businesses. The redevelopment proposes substantial replacement industrial floor space on the ground floor of the proposed building totalling 1117sqm (use classes B1c and B8) in addition 342sqm of co-worker office space is proposed as is a gym measuring 484sqm and a coffee shop measuring 178sqm (all in addition to the proposed 126 student units on the upper floors).

The redevelopment scheme proposes a comparable quantum of replacement industrial floor space (B1c and B8). At present, noting that 650sqm of the centre is in sports/training use, the site comprises circa 1463sqm of industrial floor space; as stated this application seeks consent for, amongst other things 1117sqm of industrial floor space. Whilst this represents a reduction in industrial floor space this is not considered to be significant given the scale of the proposal itself.

There is no objection to non-industrial employment uses forming a minority element of the redevelopment proposals as is proposed. It is proposed that a gym will comprise 484sqm of the development; as stated above, 650sqm of the centre is currently in a similar sports and fitness use and therefore a use of this scale is already established on the site. The proposed co-worker office space is intended to encourage embryonic enterprises and comprises a very small proportion of the proposal in any case.

The proposed coffee shop is a logical facility to serve the needs of the proposed student/employment uses as well as the wider community; again it comprises a very small proportion of the development as a whole and therefore its presence does not result in an unacceptable loss of industrial floor space. There is no evidence to suggest that a small coffee shop of this nature will undermine the vitality or viability of the nearby Moorland Road District Centre. Draft Placemaking Plan Policy CR1 and CR4 support the provision of town centre uses (such as coffee shops) outside of established centres if they are small scale (<280sqm), within a housing development boundary and aimed at providing for a local need. The proposed coffee shop meets all of these criteria.

Condition 2 below ensures that the relative proportions of light industrial uses, offices and leisure within the development remain within acceptable parameters and broadly as proposed. The Economic Development Team have recommended that B8 uses (storage and distribution) do not form part of the mix in order to maximise the economic benefits of the proposal. The application accords with the objectives of saved Policy ET3 and the demolition and replacement of the industrial accommodation with the mix and quantum of employment uses proposed is supported in principle.

2. Principle of Student Accommodation

The Council recognises that the city's universities are growing and that it is one of the roles of the Council's Development Plan to facilitate and steer that growth where possible. Core Strategy (CS) Policy B5 is the Council's strategic planning policy relating to the city's universities. This policy resists student accommodation within the designated Central Area, within the designated Enterprise Area and on the city's former MoD sites but it does not resist purpose-built student accommodation elsewhere. The application site is outside of the aforementioned designated areas.

There is no policy justification in resisting student accommodation on the Wansdyke Business Centre site provided that it forms part of an appropriate mix of replacement commercial/industrial uses (which it does); as such student accommodation on this site is acceptable in principle and in accordance with CS Policy B5.

The ward members have mentioned previous Council resolutions to investigate the feasibility of further restrictions on student accommodation in those parts of the city which already have a high density of student accommodation. For the avoidance of doubt however there are currently no Council policies restricting purpose-built student accommodation on this site or within Oldfield Park generally.

3. Design matters

The application site is located in Oldfield Park, an Edwardian and Victorian inner-suburb of Bath. The area is characterised by two-storey terraced development albeit with some exceptions including the adjacent railway embankment, the adjacent church and the existing industrial buildings on the application site itself.

Members will note that the previous application was refused under delegated authority due to the combined impact of the building's height, significant massing and dense plot coverage. The previous scheme would have had an unacceptable impact on the character and appearance of the surrounding area and would have also harmed the setting of the aforementioned Grade II* listed church and World Heritage Site by virtue of its incongruous, dominating nature. This resubmitted application seeks to overcome the previous reason(s) for refusal.

The scheme has been significantly revised since the previous refusal, the key changes to the building's design include:

- o A reduction in height to 3 storeys (the refused scheme was up to six storeys in places);
- o A flat roof to the southern elevation reducing the impact on Linear Park and views;
- o The large expanse of flat roof to the eastern elevation replaced with conventional pitched roof and eaves;
- o The north gable of the Monksdale Rd factory building reconstructed to 'book end' the new building (the original industrial façade and southern gable are retained as previously);
- o Feature glazing/entrance added to this northern gable;

- o The palette of materials has been significantly simplified - it is now primarily red brickwork;
- o The entrance is reconfigured to give prominence to the public café (rather than student accommodation);
- o The layout has altered in respect of the car parking and public realm,

It is considered that the amendments to the scheme overcome the previous design concerns. The scheme has now been reduced to a scale and form such that it will no longer form an unacceptable incongruous feature within the street scene.

The scheme follows an industrial design approach to reflect the industrial and former manufacturing history of the site. The existing factory façade to Monksdale Road is to be retained (albeit with four bays reconstructed as well as new roof structure) as is the southernmost gable end; the northern gable is to be reconstructed such that the two gables together 'book end' the new building. It is considered that the development will have a positive impact on the street scene of Monksdale Road particularly now that the much taller southern range of the building no longer looms above it (because it has been significantly reduced in height). The north elevation of the building incorporates a saw-tooth style roof which again is a nod to the site's historic industrial use. This elevation includes a curved element which will provide a focal point on the building and provide a connection between the contemporary northern elevation and the Monksdale Road elevation, this is welcomed.

The eastern elevation of the proposed building faces St Alphege's Church (which is beyond the adjacent school sports pitches and church hall). It is acknowledged that this elevation is substantial in length but positive steps have been taken by the developer to break-up its impact through the use of differing materials and other measures; it is also noted that the proposed ground floor level is 1.5m lower than the level of the adjacent sports pitches which will reduce its impact further. The detailing of this elevation is successful in respecting the original historic façade with features such as structural bays, the use of red brick work, welsh slate, Bath stone dressings/banding, and heritage style windows. The style and form of the southern elevation reflects that of the aforementioned eastern elevation (albeit with a flat, green roof) both in terms of its style and materials; this design approach is supported. As stated this particular elevation has been significantly reduced in height and is now considered to be appropriate to its context in respect of its scale.

The Council's urban designer has stated that the proposal now relates better in scale to its context by a reduction in height and has also stated that the elevations are improved. In addition it has been highlighted by the urban design team that the car parking spaces (forward of the café) should be on-street rather than part of the public realm. Furthermore the isolated nature of the bin store in the centre of the car park is not favoured by the urban design team. Whilst these concerns are noted, they constitute preferences rather than significant design concerns. The central bin store will not have a significant adverse impact in design terms nor will the layout of the car parking spaces significantly harm the public realm; these elements of the proposal are therefore accepted.

CS Policy CP6 seeks to promote, protect, conserve or enhance the distinctive character, quality and diversity of the district. This is to be done through high quality and inclusive design which reinforces and contributes to its specific local context, creating attractive, inspiring and safe places. Saved LP Policy D2 is clear that schemes are only to be

permitted if well connected; the character of the public realm is maintained; the development is of a high quality design; buildings relate positively to the public realm; highway arrangements do not dictate design; schemes are safe and secure; there is no harm residential amenity and; the public realm is attractive, enjoyable and legible. Saved Local Plan Policy D4 requires development to respond to the local context as well as reinforce or complement attractive qualities of local distinctiveness or improve areas of poor design and layout.

Policy D1 and D2 of the emerging Placemaking Plan require development, amongst other things, to enrich the character and qualities of places, and contribute positively to local distinctiveness. Policy D2 in particular requires development to respond to the site context and local character, improve areas of poor design, and consider building heights, massing, scale and local vernacular. It is also a requirement of PMP Policy D2 that development reflects the materials, colours, textures landscape and boundary treatments appropriate to the area. PMP Policy D3 requires development, amongst other things, to avoid blank and inactive frontage, and that careful consideration should be given to corner plots and that street frontages should be continued/maintained. Policy D5 sets out detailed requirements in respect of the design detailing of proposed development.

The draft Bath Design Policy (PMP BD1) requires all significant or sensitive proposals within Bath to be informed by the Bath design values; demonstrate how the height and scale of the development respects, responds and positively contributes to character, heritage and values of the city; maintain the significance, integrity and authenticity of the World Heritage Site and; preserve or enhance the character or appearance of the conservation area.

It is considered that the proposed development complies with the design requirements of the Core Strategy, saved Local Plan and the draft Placemaking Plan. The proposed development, as a result of the significant post-refusal amendments, is now of an acceptable scale, height and massing for its context. The development is successful in reinforcing the established and historic industrial context of the site through the application of a contemporary interpretation of the site's industrial history and through the retention of existing historic fabric where possible. The local distinctiveness of Oldfield Park will not be eroded by the proposed development. Whilst the proposal is very different to the two-storey terraced development which characterises the area, the existing industrial site (which pre-dates the Victorian residential development surrounding it) is an important component of the area's character; as stated above the proposed development successfully respects the site's industrial heritage.

6. Impact on Heritage Assets.

The application site is located within the Bath World Heritage Site (WHS) but outside of the Bath Conservation Area. The Grade II* listed Church of Our Lady and St. Alphege is situated nearby to the east beyond the school playing courts and church hall. The WHS and adjacent church are designated heritage assets. The Victorian elements of the Wansdyke Business Centre itself are considered to be undesignated heritage assets as are the Victorian and Edwardian terraced properties which surround the site.

CS Policy B4 states that there is a strong presumption against development that will harm the Outstanding Universal Value (OUV) of the WHS, its authenticity or integrity. The public

benefits of a proposed development are to be weighed the level of harm to the OUV of the WHS.

CS Policy CP6 states that the Council will conserve and seek opportunities to enhance the historic environment including the character and setting of designated and other heritage assets. Of particular relevance Policy CP6 also states that in regeneration areas the imaginative integration of new development with the historic environment will be promoted. As Policy B4; the policy also requires any harm to the significance of a heritage asset to weighed against any public benefit.

Paragraph 132 of the NPPF states, "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be". Paragraph 134 of the NPPF states that, "where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use".

Saved LP Policy BH2 requires development affecting a listed building or its setting to, amongst other things, preserve the building's special architectural or historic interest and not adversely affect the building's contribution to the local scene. Furthermore 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.'

In respect of the existing buildings on site, many are in a poor state of repair and most are of no architectural or historic value; only the Monksdale Road facade (of the former workshop building) is considered to be an undesignated heritage asset worthy of retention. The Monksdale Road façade adds positively to the street scene of Monksdale Road and is an important reminder of the site's industrial heritage. There will be no unacceptable harm caused by the wholesale demolition and clearance of the site (subject to the retention of the aforementioned façade) and as such in this respect the application is acceptable.

Members will note that the previous application was refused (see planning history above), amongst other things, due to the impact that the very significant building would have had on the setting of the aforementioned Grade II* listed church. The church is taller than the buildings around it and it dominates the area; it is currently experienced without any other buildings of significant scale impinging upon its setting. One of principal concerns in respect of the previous scheme was that the proposed development by virtue of its height and massing would have eroded the spaciousness around the church, detracting from its dominance and thus harming its setting. It was concluded that this harm was 'less than substantial' in NPPF terms but harm nonetheless; the public benefits did not outweigh this harm.

A key consideration in respect of the current application is whether the proposed changes have overcome these aforementioned concerns and as such whether the impact of the proposed development on the setting of St Alphege's is now acceptable.

As stated in the design section above, significant revisions have been made to the proposed development including a substantial reduction in its height; this has resulted in a corresponding reduction in the overall scale, bulk and massing of the building. In accordance with NPPF Paragraph 132 it is considered that very great weight should be given to this Grade II* listed building's conservation. Historic England has opined that the reduction in scale will minimise the development's presence in views of the church. They have questioned however whether greater effort could have been made to break up the roof line on the building's eastern elevation, and step down on the north-eastern corner, to soften its impact when viewed with the church along Oldfield Lane. Whilst these comments are noted, the Council's Conservation Officer does not share this view and is keen that further design changes are not made which will reduce the overall integrity of the design. Ultimately the Conservation Team are content that the changes made to the design since the previous refusal (namely the reduction in scale) sufficiently mitigates the impact of the proposal on the setting of the church. The proposed development, whilst still substantial in size, will not impinge upon the setting of the church to an unacceptable degree nor visually compete with it. Special regard has been had to the desirability of preserving the setting of St Aphege's (in accordance with S.66 of the Planning (Listed Buildings and Conservation Areas) Act) and here, for the reasons set out above, it is considered that the setting of the church will be changed but nevertheless preserved.

Members will also note from the planning history section above, that the previous application was also refused due to concerns in respect of the impact that such a substantial building would have on the wider World Heritage Site. In accordance with NPPF Paragraph 132 it is considered that very great weight, indeed the greatest weight, should be given to the conservation of the World Heritage Site and its Outstanding Universal Values, integrity and authenticity. It is considered that the proposed development will have an acceptable impact upon the WHS and will no longer (following its reduction in height/scale) undermine the WHS' OUVs, integrity and authenticity. The reduction in height and scale significantly reduces the impact of the building within the cityscape; it is no longer considered to represent an incongruous feature within the street scene and wider built form. The application is considered to be compliant with those development policies, set out above, which ultimately require development to respect and not be unacceptably harmful to heritage assets.

4. Highway Matters

Saved LP Policy T24 requires a high standard of highway safety including for pedestrians and cyclists. Saved LP Policy T26 requires the provision of an appropriate level of on-site servicing and parking having regard to the maximum parking standards set out in the Local Plan. Draft Policy ST7 of the Placemaking Plan is the principal policy dealing with the transport requirements of new development; it has a number of requirements including that highway safety not be prejudiced, suitable vehicle access be provided as well as an appropriate level of cycle and vehicle parking. Of particular relevance to this application it is also states that there should be no increase in on-street parking in the vicinity of the [development] site which would affect highway safety and/or residential amenity.

It is proposed that 21 parking spaces are provided as part of this development; 18 are to be provided within the central courtyard area and 3 spaces are to be provided forward of the proposed building's principal elevation (i.e. adjoining the highway). These parking

spaces will serve the industrial/commercial uses on the site not the student occupants. The Highways Team are content that no car parking is required to serve the student accommodation on the basis that it is unlikely that most students will bring a car to university (because of on-campus parking restrictions) and because the Council's adopted (and draft) Parking Standards do not require any car parking provision for student accommodation. Should members be minded to grant permission, it is recommended that a S.106 Agreement be in place to prevent student occupants bringing a car to the site or within 2 kilometres of it (excluding disabled blue badge holders and excluding those days that students move in and out of the accommodation). In the majority of cases such measures are successful; provision will be made within the S.106 Agreement to enable the on-going monitoring of this matter, this will inform the enforcement process going forward (in the event that enforcement be necessary). Should the car-free measures in the S.106 Agreement not be entirely effective, it remains the case that car owners will be obliged to obey any parking restrictions applicable locally and park sensibly. The Highway Team are satisfied that any residual parking in the locality will not cause a severe impact on the network

It should be noted that should permission be granted a detailed Travel Plan will be required to encourage staff and students to use more sustainable modes of transport; this will be secured by condition (see below). A Student Management Plan has been submitted with the application. This confirms that student arrivals will be spread throughout the month of September reducing pressure on the transport network. The Accommodation Pack issued to students will allocate a specific arrival slot to prevent large numbers of students arriving at the same time. It is recognised however that a large number of students will seek to arrive in the last few days prior to term commencing and as such the Student Management Plan confirms that comprehensive details in respect of parking and loading provision in the locality will be provided including restrictions and times to avoid. Temporary signage will also be provided as will additional members of staff to assist. The moving out procedure will in effect operate in reverse. No concerns in respect the submitted Student Management Plan have been raised by the Highway Team; it is considered to be acceptable.

The provision of 21 on-site parking spaces is considered by the Highways Team to be an appropriate level of provision to serve the employment elements of the scheme. This represents a 'shortfall' of up to 15 spaces with the extra demand for those spaces being generated by the co-worker office and coffee shop; it must be noted however that this 'shortfall' is in relation to the Local Plan's maximum standards not minimum requirements. The so-called shortfall however is considered to be adequately off-set by virtue of the coffee shop and fitness centre being local facilities and as such likely to generate little or no traffic movements to and from the site relative to its existing use. It should also be noted that the draft Placemaking Plan gives a maximum figure for non-residential which is less than that prescribed the local plan (50 up to 235sqm and then 1 space per 250sqm thereafter).

The application is considered to accords with Saved LP Policy T24 and T26 as well as Polict ST7 of the draft Placemaking Plan on the basis that the level of car parking is appropriate and policy compliant (i.e. zero for student accommodation) and there are no highway safety concerns.

5. Residential Amenity

Saved LP policies ES9, ES10 and ES12 seek to restrict development which, amongst other things, leads to unacceptable risk of pollution, unacceptable levels of air pollution and unacceptable levels of noise respectively. Saved LP Policy D2 states that development will only be permitted if, amongst other things, the proposed development will not cause significant harm to the amenities enjoyed by existing and proposed occupiers. Policy D6 of the draft Placemaking Plan states that existing and proposed development must achieve appropriate levels of privacy, outlook and natural light; it also states that development should not cause significant harm to the amenities of existing or proposed occupiers.

The application site is situated in a predominantly residential area and therefore the proposed development has the potential to have an adverse impact upon the amenity of neighbouring residents. The Victorian era terraced properties located opposite the site on Monksdale Road are situated approximately 13m to the west of the site; similar properties directly opposite the site across Oldfield Lane are approximately 14m to the north. Properties in Second Avenue are situated approximately 30m to the north east of the site.

It is inevitable, given the scale of what is proposed that there will be an impact upon neighbouring residential properties. Be that as it may, it is not considered that this impact will be so significant so as to adversely affect the living conditions of those properties to a significant or unacceptable degree.

The aforementioned distances involved are sufficient to ensure unacceptable levels of loss of privacy will not result. The development will generate a degree of noise associated with the usual comings and goings and activities associated with student life as well as the commercial activities but it is not considered that disturbance will be significantly greater than the existing industrial use of the site.

Given the scale of the proposal and the proximity of neighbouring residential properties, it is inevitable that the proposed building will shade a number of neighbouring dwellings for some of the day. A Daylight Assessment has been submitted with the application and this includes a shadow analysis exercise. The analysis predicts that adjacent buildings are likely to be shaded during some periods of the year but none of the adjacent buildings elevations are totally shaded by the proposed development with the shading affecting the early morning periods mainly; the building location and position does not block off natural light to any adjacent building's only reduces direct sunlight for short periods of the day. The conclusions of the shadow analysis are accepted and it is accepted that the proposed development will not cause unacceptable harm to residential amenity through loss of light.

For these reasons the application is considered to accord with Saved LP policies D2 (in respect of residential amenity only), ES9, ES10 and ES12 as well as Policy D6 of the draft Placemaking Plan and as such the proposal is acceptable in respect of its impact on neighbouring properties and the living conditions of such.

6. Ecology and Arboriculture

No formal ecological designations are applicable to the application site but the vegetated former railway line to the immediate south is of notable ecological value. The former railway line, which is now the publically accessible 'Linear Park', is designated as a Site of

Nature Conservation Importance (SNCI). It is known that bats commute along Linear Park from the Bath and Bradford on Avon Bat Special Area of Conservation (SAC) down to the River Avon. Bats are a European Protected Species (EPS).

Saved LP Policy NE9 seeks to avoid development that will adversely affect the nature conservation value of SNCIs unless there are overriding factors, the harm is minimised and equivalent compensatory provision is made. Saved LP Policy NE10 does not permit development which would adversely affect species (including their habitats) of national or international importance. Saved LP Policy NE11 resists development which would adversely affect locally important species (including their habitats) unless the importance of the development outweighs the value of the species, harm to the species is limited and there is compensatory provision of at least equivalent value.

Policy NE3 of the draft Placemaking Plan seeks to resist development that would adversely affect internationally or nationally protected species and/or their habitats except in certain exceptional circumstances. In the case of internationally important sites (such as the aforementioned SAC) for an adverse impact to be accepted PMP Policy NE3 is clear that there must be no alternative solution, there must be imperative reasons of overriding public interest and mitigation must prevent any significant adverse effect. Policy NE3 states that any adverse impact on SNCIs (such as the adjacent Linear Park) must be outweighed sufficiently by other material considerations to be accepted. Policy NE5 of the draft Placemaking Plan requires development proposals to contribute to ecological networks through habitat creation, protection, enhancement, restoration and/or management.

The proposed building includes a substantial amount of glazing/fenestration on its southern elevation directly facing the Linear Park SNCI; there is a risk that a certain degree of light from the development will spill from the windows across Linear Park - illuminating it. This has the potential to disrupt the commuting and foraging activities of the bats using Linear Park, this is unacceptable and must be avoided. The local planning authority must be satisfied therefore that there will be no unacceptable levels of light spill onto Linear Park; this is assessed by scrutinising lux plans demonstrating a worse-case scenario and then determining the mitigation/design changes necessary to overcome and address that scenario.

The issue of light spill has taken some time to resolve but it is now accepted by Natural England and the Council's ecologist that the levels of light cast onto Linear Park will be within acceptable parameters - subject to conditions. A variety of mitigation measures are proposed (and will be secured by condition) including:

- o The use of timing switches within the commercial areas and shared space;
- o Tinted glass to be used on the southern (Linear Park facing) elevation;
- o Automated blinds on the southern elevation windows/glazing (centrally operated);
- o A management plan to control the above.

Subject to the provision of the above mitigation measures and compliance with the relevant conditions the proposed development will not unduly interfere with or harm those bats using Linear Park for foraging and/or commuting purposes and in this respect the development is acceptable. The applicant has offered these matters to be included within the S.106 Agreement but it is considered that conditions suffice. The Council's Ecologist is

content that these matters are enforceable; the blinds will be centrally managed and only overridable in emergencies.

An updated extended Phase 1 Habitat Survey and Bat Emergence & Re-Entry Survey have been submitted with the application. The survey report confirms that three common pipistrelles were seen emerging from three points on the north-east side of Building 2 during one of the surveys. Building 2 is therefore a confirmed roost and a European Protected Species Licence will be required to enable the demolition works to commence. The application is also accompanied by a Bat Mitigation Strategy which sets out how bat issues will be dealt with during the demolition and construction phase and thereafter.

Article 12 of the Habitats Directive as well as the Conservation of Habitats and Species Regulations 2010 prohibits the deliberate capturing, killing or disturbance of a European Protected Species as well as prohibiting the damage or destruction of a breeding site or resting place of such an animal. The Habitats Directive provides for the derogation from these prohibitions for specified reasons and providing certain conditions can be met. Those derogations are transposed into the Regulations by way of a licensing regime that allows what would otherwise be an unlawful act to be carried out lawfully.

Natural England is responsible for considering and issuing European Protected Species (EPS) licences however the local planning authority, as 'competent authority', must also consider whether the development will be likely to offend Article 12 as well as whether the development is unlikely to be licensed. The three 'derogation' tests are dealt with as follows:

1. There must be imperative reasons of overriding public interest (IROPI) or for public health and safety

There are wider public benefits in redeveloping this site including the provision of high quality replacement employment space and student accommodation; it is considered that these benefits are sufficient to override the loss of a single bat roost in this case; this test is therefore passed.

2. No satisfactory alternative

There is no satisfactory alternative to the demolition of the buildings on-site and thus the destruction of the roost. The buildings have reached the end of their economical, serviceable life and are known to be in a poor state of repair. The retention and long-term reuse of the buildings is not a reasonable option; there is no satisfactory alternative to the redevelopment of the site and therefore this test is passed.

3. Favourable conservation status of the species must be maintained

As set out above the proposed development will not have an unacceptable adverse impact, through light spill, on the local bat population using the adjacent Linear Park; the impact of light spill will not therefore undermine the favourable conservation status of the bats in question. In respect of the roost itself, it is of limited importance and it is not considered that its loss alone will fail to maintain the favourable conservation status of the species - subject to mitigation. A Bat Mitigation Scheme has been submitted with the application; this proposes a number of measures including certain working methods during

construction/demolition and the provision of a bat box/tube close to the south-east corner of the building. The application is acceptable in ecological terms and compliant with the ecological policies of the development plan summarised above as well as the draft Placemaking Plan.

Other Issues

o The Council's Arboricultural Officer has concluded that the proposed paved area on the southern boundary will encroach into the Root Protection Areas of a number of trees on neighbouring land to the south. Furthermore the Tree Protection Plan continues to show that it is proposed to erect a barrier fence on the site's southern boundary, this barrier fence will extend beneath the canopies and within the RPAs of trees 2, 3, 4 5, 6, 7, 8 and 11. In addition the Tree Protection Plan does not address the protection of the beech tree at the north eastern corner of the site and it is unclear how the changes in this area namely the demolition of the wall and the installation of the paving would be achieved without adverse impacts on this tree

The Arboricultural Officer has stated that whilst the proposals do not involve the removal of any trees within the site boundary they are nonetheless likely to have a detrimental impact on trees on the northern and southern boundaries that will not be mitigated by tree protection measures. The Arboricultural Officer has not objected however and has stated that replacement tree should be secured by means of S.106 Agreement and specifically on the southern boundary in the area between the cycleway and this boundary. It is considered that replacement tree planting at the applicant's expense and secured by the S.106 Agreement will adequately mitigate any harm caused to existing trees.

o The Council's Parks Officer has raised concern that the windows on the southern elevation may be overshadowed by the trees within Linear Park minimising natural light within rooms. There is concern that the Council may be under pressure (in its capacity as land owner of Linear Park) to manage these trees to prevent loss of light. Whilst this concern is noted, this is not a defensible ground to refuse a planning application. There is no evidence to suggest that there will be unacceptably low levels of light within the student accommodation and should future maintenance be requested it will be for the Council to consider it at that time (rather than speculate now).

o Concerns have been raised in respect of the overlooking of the school grounds. It is not considered however that the overlooking of school grounds would constitute defensible grounds for refusing the application. It is not considered that the overlooking of school grounds, which are already visible from publically accessible vantage points, will have a harmful impact.

o Members will be aware that Core Strategy Policy CP2 requires sustainable design and construction to be integral to new development. This includes; maximising energy efficiency and integrating the use of renewable/low carbon energy; minimising waste and maximising recycling; conserving water; efficiency of materials; flexibility and adaptability and climate change adaption. A Sustainable Construction Checklist has been submitted with the application. This confirms that sedum roofs will be provided on a number of roof tops. The flat roof of the southern block is also available for mounting photovoltaic panels. It has been confirmed that the building has been designed to maximise natural light and natural ventilation. The building has been designed using heavy weight materials to

absorb heat and keep the building cold. It has been confirmed that water efficient measures will be employed including low flush WCs. Furthermore energy efficient glazing is to be installed as are low-energy LED lighting. The student accommodation will utilise CHP. Efficient means of managing waste and recycling will be utilised. The proposal, for the reasons set out above, accords with Policy CP2 of the Core Strategy.

Overall Summary, Conclusion and Planning Balance

The buildings at Wansdyke Business Centre are of some age and are in a deteriorating condition. None of the buildings on the site are listed and with the exception of the former workshop building fronting Monksdale Road, none are worthy of retention. Given the poor condition and low quality of the buildings it would be unreasonable to resist the principle of the site's redevelopment.

The site is an existing employment site with high levels of occupancy. The employment use of the site is currently protected by planning policy and as such any redevelopment of the site must incorporate similar levels of replacement employment floor space; the proposed development indeed provides a comparable, albeit slightly lower, level of employment floor space (but better quality) and in this respect is acceptable. The proposed development also includes student accommodation on the upper floors; this is not objectionable, there are no planning policies explicitly restricting purpose-built student accommodation in Oldfield Park. The principle of redeveloping the site with a mixed-use scheme of replacement employment uses and student accommodation is therefore acceptable.

The design and form of the proposed development, including its scale, height, massing and architectural style/detailing is acceptable. The contemporary 'industrial' style of the proposed building is considered appropriate to its context. This industrial design approach, together with the retention of certain elements of the historic workshop building, is considered an appropriate manner in which to address the site's historic industrial use and legacy. The amendments that have been made to the scheme following the previous refusal are substantial and significantly alter (positively) the relationship of the proposed development with its surroundings including its impact on the World Heritage Site and its impact upon the setting of the Grade II* listed St Alphege's Church. The proposed development will not harm the character of the streetscene and will cause no harm to the World Heritage Site or the setting of the nearby church.

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, its impact on residential amenity and its impact on ecological interests. The proposed development accords with adopted development plan policy and there are no overriding material considerations (including those minor design preferences raised by the the Urban Designer, Historic England and the Landscape Officer) suggesting that a decision contrary to the development plan should be taken. According it is recommended that the application be permitted.

RECOMMENDATION

Delegate to PERMIT

CONDITIONS

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

- a) measures to deliver a car-free development;
- b) a financial contribution towards off-site replacement tree planting;
- c) 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 Standard Time Limit (Compliance)

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

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

2 The composition of the development hereby approved (excluding the student accommodation) shall be as follows:

- o A minimum of 60% of commercial floor space used for purposes defined as B1c (light industrial) of the Use Classes Order 1987 (as amended);
- o A maximum of 40% of commercial floor space used for purposes defined as B1a (office) and A3 (café) of the Uses Classes Order 1987 (as amended) as well as indoor sports purposes;
- o The A3 (café) shall not exceed 18% of the total commercial floor space.

Reason: To ensure that the final development meets the needs of the local economy and that non-industrial uses are delivered and appropriately managed.

3 Prior to the installation of any surface water drainage system associated with the development hereby approved, details of that system shall be submitted to and approved in writing by the local planning authority. Development shall thereafter proceed in accordance with the approved details.

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.

4 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.

5 No construction of the roof of the development shall commence until a sample of all external roofing materials has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

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

6 Contaminated Land - Investigation and Risk Assessment (Pre-commencement)

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

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

(ii) an assessment of the potential risks to:

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

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

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with section 11 of the National Planning Policy Framework. This is a condition precedent because the works comprising the development have the potential to uncover harmful contamination. Therefore these details need to be agreed before work commences.

7 Contaminated Land - Remediation Scheme (Pre-commencement)

No development shall commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment, has been submitted to and approved in writing by the Local Planning Authority, unless the findings of the approved investigation and risk assessment has confirmed that a remediation scheme is not required. The scheme shall include:

- (i) all works to be undertaken;
- (ii) proposed remediation objectives and remediation criteria;
- (iii) timetable of works and site management procedures; and,

(iv) where required, a monitoring and maintenance scheme to monitor the long-term effectiveness of the proposed remediation and a timetable for the submission of reports that demonstrate the effectiveness of the monitoring and maintenance carried out.

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

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

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with section 11 of the National Planning Policy Framework. This is a condition precedent because the works comprising the development have the potential to uncover harmful contamination. Therefore these details need to be agreed before work commences.

8 Contaminated Land - Verification Report (Pre-occupation)

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

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

9 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.

10 On completion of the development but prior to any occupation of the approved development, the applicant shall submit to and have approved in writing by the Local Planning Authority, an assessment from a competent person to demonstrate that the

development has been constructed to provide sound attenuation against external noise. The following levels shall be achieved:

- o Maximum internal noise levels of 35dBLAeq,16hr and 30dBLAeq,8hr for living rooms and bedrooms during the daytime and night time respectively.
- o For bedrooms at night individual noise events (measured with F time-weighting) shall not (normally) exceed 45dBLAmax.

Reason: To protect future occupants of the development from exposure to noise from road traffic.

11 The development shall be designed so as to achieve a rating level of 10dB (LAeq) below the typical background (LA80) level at the nearest noise sensitive location.

Reason: To protect neighbouring residents from noise associated with mechanical plant.

12 No development shall be commenced until a detailed hard and soft landscape scheme has been first submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include details of all walls, fences, trees, hedgerows and other planting which are to be retained; detail drawings and specifications of materials and construction of all new walls, fences and other boundary treatment and finished ground levels and tree planting; a planting plan and specification to include numbers, density, size, species and positions of all new trees and shrubs; details of the 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.

13 All hard and soft landscape works shall be carried out in accordance with the approved details. These works shall be carried out in accordance with a programme for implementation 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.

14 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.

15 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.

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

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

17 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 so vehicles can enter and leave the site in a forward gear in the interests of amenity and highways safety in accordance with Policy T.24 of the Bath and North East Somerset Local Plan.

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

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

19 All windows and glazing on the south elevation (facing Linear Park) of the development hereby approved shall be fitted with tinted glass the details of which shall be submitted to and approved in writing prior to its installation. The glass on the south elevation shall be fitted in accordance with the specification so approved and shall be retained thereafter as an integral part of the development hereby approved for the lifetime of the development. Should glass fitted to the south elevation require future replacement, it shall be replaced by glass which is at least equally efficient in reducing light spill as compared to the original glass to be replaced.

Reason: To minimise light spill and the effect of light spill on the local bat population for the life time of the development.

20 The development hereby approved shall be constructed only in accordance with all measures to minimise light spill as committed to in the email of 10th May 2017. All ground floor windows and glazing on the southern elevation (facing Linear Park) of the development hereby approved shall be fitted with automated blinds which are closed at dusk each evening. All artificial lighting of all areas of the development, with the exception of within the student accommodation shall, shall operate on timers. Prior to first occupation of the development hereby approved a Management Plan shall be submitted to and approved in writing by the local planning authority demonstrating how the aforementioned blinds and timers will operate - including timings of operation. The development shall thereafter operate in accordance with the Management Plan so approved.

Reason: To minimise light spill and the effect of light spill on the local bat population for the life time of the development.

21 The development hereby permitted shall be carried out only in accordance with the approved Outline Bat Mitigation Strategy by Ecosulis dated 24th February 2017. Where an offence under Regulation 41 of the Habitat and Species Regulations 2010 is likely to occur in respect of this permission hereby granted, no works of site clearance, demolition or construction shall take place which are likely to impact on bats unless a licence to affect such species has been granted in accordance with the aforementioned Regulations. Prior to occupation of the development:

- o the final details of the bat mitigation scheme (which can take the form of a licence application method statement if appropriate)
- o a copy of the EPS licence granted by Natural England
- o information including photographic evidence to demonstrate incorporation of the replacement bat roost into the building in accordance with approved specifications, and written confirmation from a licenced bat worker that all necessary mitigation has been implemented shall be submitted to and approved in writing by the local planning authority. The development shall be carried out only in accordance with the approved bat mitigation scheme.

Reason: to safeguard bats and their roosts

22 Details of all external hard surfacing within the development hereby approved shall be submitted to and approved in writing by the local planning authority prior to the installation and any external hard surfacing. The hard surfacing shall be installed in accordance with the details so approved.

Reason: To ensure a high quality development.

23 Prior to the commencement of any demolition work in respect of the building(s) adjoining Monksdale Road, a Schedule of Refurbishment Works relating to those elements of the building to be retained shall be submitted to and approved in writing by the local planning authority. The retained elements of the building shall be refurbished in accordance with the Schedule so approved.

Reason: To ensure that features such as windows are retained rather than replaced wherever possible.

24 Prior to occupation, a proposed 2 year Programme for Monitoring of Operational Light Spill Levels to collect lux level data at times when peak bat activity and light usage coincide, shall be submitted to and approved in writing by the LPA. The Light Spill Monitoring Programme shall provide data to the LPA showing operational post-occupancy light levels adjacent to the south elevation and onto adjacent trees and vegetation at heights and positions that enable comparison with the light spill levels predicted in the approved Light Spill Report reference 4195 E 001 by Wilson Gray Consulting, dated 28th February 2017. The Light Spill Monitoring Programme shall include proposed reporting to the LPA and specify timescales and frequency of monitoring. The programme shall also include proposed further mitigation and remedial action should operation light spill levels exceed the predicted light spill levels. Any necessary remedial action or further mitigation required shall be implemented in accordance with specifications to be agreed in writing with the LPA and a further light spill monitoring report shall be produced and approved in writing by the LPA 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 demonstrate the effectiveness of light spill minimisation and mitigation required to avoid harm to wildlife and bats which are protected species

25 Prior to first occupation of the development hereby approved a Marketing and Delivery Strategy (in respect of the non-student accommodation aspects of the development) shall be submitted to and approved in writing by the local planning authority. The commercial units shall subsequently be marketed and delivered in accordance with the Marketing and Delivery Strategy so approved which shall be implemented in full.

Reason: To ensure that opportunities to deliver the employment space are maximised.

26 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any other order revoking or reenacting that order with or without modification), that part of the development hereby approved not in use as student accommodation shall only be used for purposes falling within Use Classes B1 (a), B1 (c) and A3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) as well as for indoor sports purposes (excluding uses involving motorised vehicles or firearms) and for no other purpose whatsoever, including any other use defined as Use Class D2.

Reason: The local planning authority wishes to exercise control over future changes of use of this building due to the predominately residential nature of the area and limited car parking provision. This condition must be read in conjunction with Condition 2 which prescribes the relative proportions of these approved uses.

27 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 The following plans and documentation are hereby approved:

- o Technical Note (Clarke Bond), 17 August 2016, Ref: WB04187-FR02 Rev V3
- o Daylighting Report (WGC), March 2017, Project No. 4195 Rev 2
- o Design Stage Part L Compliance Report (WGC), March 2017, Project No. 4195 Rev 2
- o CCTV Survey (Clearview Surveys Ltd), 13 July 2013, Ref 9610
- o Design & Access Statement (Greenwell Design), February 2017, Ref: 15040
- o Heritage Impact Statement (Nash Partnership), February 2017
- o Noise Assessment (Entran) 28 February 2017
- o Phase 1 Geo-environmental Desk Study (Clarke Bond), February 2017, Ref: WB04187 - R1
- o Outline Bat Mitigation Strategy Ref: J006106
- o Bat Emergence and Re-entry Survey (Ecosulis), June 2016, Ref: J006008/J006090/J006106
- o Framework Travel Plan (Entran), February 2017
- o Extended Phase I Habitat Survey, November 2015 (Issue 4, 9 May 2016) Ref: J005932
- o Economic Statement (Turley), February 2017
- o Evidence Need for Student Accommodation in Bath (Turley), July 2016
- o Light Spill Report (WGC), Ref: 4195 E 001
- o Planning Statement (Turley), February 2017
- o Proposed Materials Schedule, Ref: 15040 - 100
- o Statement of Community Engagement Update (Creatrix PR), February 2017
- o Residences Management Plan (Collegiate ac)
- o Draft Travel Plan (Entran), February 2017
- o SUDS Proof of Concept Report (Clarke Bond), Feb 2017, Ref: WB04187 - FR01
- o Sustainable Construction Checklist
- o Transport Statement (Entran), February 2017
- o Arboricultural Method Statement & Arboricultural Implications Assessment (Atworth Arboriculture Ltd)
- o BS5837 (2012) Survey (Atworth Arboriculture Ltd) 7 March 2016 Ref: AA/5837-07.03.16
- o Utilities Report (Clarke Bond) February 2017 Ref: WB04187 - R003
- o External Lighting Drawing No. 4195_DR_E_60_801 Rev P3
- o Tree Protection Plan Drawing No. AA/TPP-25.01.17
- o Tree Survey Plan Drawing No. AA/5837-27.02.17
- o Light Spill Diagram (Level 2 illustrated) Ref: 15040 VS066
- o Light Spill Diagram (Ground Floor Illustrated) Ref: 15040 VS067
- o Existing Plan Location; Drawing No. 001 Rev C
- o Proposed Plan Location; Drawing No. 018 Rev F
- o Proposed Plan Block Plan; Drawing No. 019 Rev E
- o Proposed Plan Level O; Drawing No. 020 Rev N
- o Proposed Plan Level 1; Drawing No. 021 Rev M
- o Proposed Plan Level 2; Drawing No. 022 Rev L
- o Proposed Plan Level 3; Drawing No. 023 Rev K
- o Proposed Plan Roof Level; Drawing No. 026 Rev L
- o Proposed Sections/Courtyard Elevations; Drawing No. 032 Rev H

- o Proposed Sections (colour); Drawing No. 033 Rev F
- o Proposed Sections; Drawing No. 034 Rev G
- o Proposed Section A (east wing); Drawing No. 035 Rev D
- o Proposed Section A (west wing); Drawing No. 036 Rev E
- o Proposed Section B & E (north wing); Drawing No. 037 Rev D
- o Proposed Section D (south wing); Drawing No. 038 Rev D
- o Proposed Refuse Store; Drawing No. 040 Rev D
- o Proposed South Elevation; Drawing No. 041
- o Proposed North Elevation; Drawing No. 052 Rev C
- o Proposed East Elevation; Drawing No. 053 Rev C

2 Condition Categories

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

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

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

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

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

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

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

3 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.

Item No: 02
Application No: 17/00504/REG03
Site Location: Private Parking Area East Of Horstman Defence Building Locksbrook Road Newbridge Bath



Ward: Kingsmead **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Chris Pearce Councillor Andrew Furse

Application Type: Regulation 3 Application

Proposal: Provision of vehicle parking and erection of 2no secure storage containers, office & staff amenity building, road sweeper & street litter bay, waste storage skips, vehicle wash down area and associated landscaping, lighting and security fixtures following demolition of existing buildings on site.

Constraints: Affordable Housing, Agric Land Class 3b,4,5, Article 4, Article 4, Article 4, Bath Enterprise Area, British Waterways Major and EIA, British Waterways Minor and Householders, Conservation Area, Contaminated Land, Core Business Area, Floodplain Protection, Flood Zone 2, Flood Zone 3, Forest of Avon, Hotspring Protection, LLFA - Flood Risk Management, MOD Safeguarded Areas, River Avon and Kennet & Avon Canal, Sites of Nature Conservation Interest, SSSI - Impact Risk Zones, World Heritage Site,

Applicant: BANES Council Waste Services

Expiry Date: 1st June 2017

Case Officer: Tessa Hampden

REPORT

Reason for referring this to Planning Committee

The application has been referred to committee at the request of the Local Ward Councillors, Cllr Pearce and Cllr Furse.

Site description and proposal

The development site comprises a parcel of hardstanding and associated buildings situated on Locksbrook Road. Previous uses of the site include use as a council depot and a coach depot. The site is bounded to the west by a parking area utilised by the VW car garage and showroom which is located to the north of the site, to the south by the River Avon, and to the east by an industrial unit.

The proposed development is within the World Heritage Site and the Bath Conservation Area, a Core Employment Area, Flood Zone 2 and 3 and adjacent to the River Avon, which is a designated Site of Nature Conservation Value (SNCI). Within the emerging Place Making Plan the site is within the Twerton and Newbridge Policy Area.

The application relates to the relocation of the street cleansing depot which would be relocated from an existing site in Midland Road in Bath. Planning permission is sought for the provision of vehicle parking and erection of 2no secure storage containers, office and staff amenity building, road sweeper & street litter bay, waste storage skips, vehicle wash down area and associated landscaping, lighting and security fixtures following demolition of the existing buildings on the site.

Relevant planning history

DC - 00/01339/FUL - PERMIT - 18 July 2001 - Use of land for the parking of coaches

DC - 09/01136/FUL - PERMIT - 26 May 2009 - Change of use (permanent) of an area of land at Locksbrook Road formerly occupied by lock-up garage to use for parking of coaches

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Highway Development - no objection to the development subject to the inclusion of conditions on any permission.

Ecology - no objection to the development subject to the inclusion of conditions on any permission.

Environmental Monitoring (air quality) - no objection to the development

Environmental Protection - no objection to the development

Planning Policy - no objection to the principle of development but advises that the design of the modular buildings is not appropriate within the Conservation Area.

Natural England - no objection to the development subject to the inclusion of conditions on any permission.

Environmental Agency - no objection to the development subject to the inclusion of conditions on any permission.

Cllr Pearce requests that this application is to be heard at committee. Locksbrook road is overwhelmed by the impact of the Volkswagen garage and it is felt that more cars and

large vehicles will seriously effect the area. There are, I believe, good planning reasons for this Application to be referred to the DMC and for it to be rejected. I am also concerned regarding the parking for the adjoining residents. Not enough parking has been allowed for the development

Cllr Furse - In addition to the number of objections being raised, as this is a council planning application it should also come to committee to demonstrate transparency. This would be in the democratic interest of B&NES

Bath Preservation Trust - Given the proximity to the nearby Edwardian terrace and Locksbrook Place, we question whether the position and utilitarian portacabin styling of the depot office is optimum and whether a better location and design to this building could be achieved which would be less visually discordant and therefore less harmful to the setting of the nearby residential quarter

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

- Impact upon health
- Noise and disturbance
- Highway safety issues
- Impact upon parking availability
- Lack of consultations
- Vermin/seagulls
- Air quality issues
- Dust and pollution
- Impact upon trees
- Out of keeping with character and appearance of the Conservation Area
- Cumulative impact with other approved development

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 B1: Bath Spatial Strategy
- o Policy B3: Strategic policy for Twerton and Newbridge Riversides
- o Policy CP6 - Environmental Quality
- o Policy CP2 - Sustainable Construction
- o Policy CP5: Flood risk management
- o Policy CP6 - Environmental Quality
- o Policy CP7 - Green Infrastructure
- 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 ES5 Foul and surface water drainage
- o BH.6: Development within or affecting the Conservation Area
- o Policy BH12 - Archaeology
- o Policy NE.4: Trees and woodlands
- o Policy NE.9: Locally important species and habitats
- o Policy NE.10 Nationally Important Species and Habitats
- o Policy NE.11 Locally Important Species and Habitats
- o Policy NE.15: Character, amenity and wildlife value of water courses
- o Policy ES9 Pollution and noise
- o Policy ES10 Air quality
- o Policy ES15 - Contaminated Land
- 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 T24: General development control and access policy
- o Policy T25 - Transport assessment and travel plans
- o Policy T26 On-site parking and servicing provision
- o Policy WM1 Development of Waste facilities

Draft Place Making Plan

Polices to be given substantial weight at this stage

- o Policy SRC1 - On site renewable energy requirement
- o Policy SU1 - Sustainable drainage
- o Policy D1, D2, D3, D4, D5, D6 - General design policies
- o Policy NE1 - Development and green infrastructure
- o Policy NE3 - Protected Species
- o Policy NE5 - Ecological networks
- o Policy NE6 - Trees and woodlands
- o Policy PCS1 - Pollution and nuisance
- o Policy PCS2 - Noise and vibration
- o Policy PCS3 - Air Quality
- o Policy ST1 - Sustainable Travel
- o Policy ST2 Sustainable Transport Routes
- o Policy ST3 Transport infrastructure
- o Policy SCR5 - Water Efficiency
- o Policy CP7 - Green Infrastructure
- o Policy PCS5 - Contamination
- o Policy PCS7A - Foul sewage infrastructure
- o Policy ED2(A): Strategic and other primary industrial estates
- o Policy B3 Strategic Policy for Twerton & Newbridge Riversides
- o Policy CP2 Sustainable Construction

- o Policy SCR2 Roof mounted building/integrated scale solar pv
- o Policy CP5 Flood Risk Management
- o Policy B4: The world heritage site and its setting
- o Policy SU1 Sustainable Drainage Policy

Polices to be given significant weight at this stage

- o Policy B1 Bath Spatial Strategy
- o Policy D8 - Lighting
- o Policy HE1 - Historic environment
- o Policy NE2 and NE2A - Landscape character and setting
- o PCS2 Noise and vibration
- o Policy ST7 - Transport requirements for development

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

OFFICER ASSESSMENT

Principle of development

The site is located on an existing brownfield site within a Core Business Area as designated within the Local Plan, where this type of business use can be supported in principle. The proposed development site is also located within the strategic policy area for Twerton and Newbridge Riversides (Core Strategy Policy B3). This again highlights that the focus of area is to retain non office business uses and the development therefore accords with this objective. The use of the site as the outer Bath street cleansing depot would be an appropriate use in this location, retaining a non office business use in an area where such loss is resisted.

It is recognised that the relocation of the use is required to meet another strategic objective i.e. developing Bath Western Riverside for residential development. The existing street cleansing depot site is identified for regeneration in the Bath Western Riverside Supplementary Planning Guidance (2008).

The use can therefore be supported in principle.

Highway safety/parking related matters

The application is supported by a Transport Statement (TS) which addresses the key highway related issues.

In relation to traffic generation, the TS uses an approach based on the operation of the existing street cleansing depot to assess the impact of the proposal. There is an assumption that all 27 employees would arrive to site before the traditional AM peak period, therefore no formal assessment of the traffic generation of private staff trips has been conducted. Officers accept that the vast majority of traffic generated by staff will

occur outside of the traditional peak periods and will not lead to a perceptible increase in localised traffic volumes.

No PM peak hour assessment has been conducted given that the majority of fleet vehicles will arrive back to site by 16:00pm. The impact of fleet vehicle traffic generation and distribution in the AM peak, indicates that the development is likely to generate 12 additional heavy or light goods vehicle movements in the AM peak hour leaving the development site. The previous and extant use of the site which would have led to the generation of heavy vehicles during the peak hour, particularly coaches needs to be considered. The proposal is considered unlikely to generate a significant increase in heavy goods vehicle movements in the peak hour over and above the extant and historic uses of the site.

The distribution of the forecast development traffic on to the highway network has been calculated in accordance with the proportions of the base line traffic survey data. The applicant has completed a junction assessment of the Locksbrook Road / A4 Upper Bristol Road junction. The modelling indicates that with proposed development traffic added, the junction will operate within theoretical capacity. As such, the development is not considered to have an adverse impact on the safe operation of the junction.

The TS provides a review of the injury accident data obtained for the period 2010 - 2015. It is noted that concerns have been raised by third parties with regards to the safe operation of the Locksbrook Road / A4 Upper Bristol Road junction. One slight accident has been recorded during the five year period at this junction. No accidents involving HGVs have been recorded during this period within the entire study area. Based on the relatively low levels of traffic generated, the proposal is not considered likely to adversely impact localised highway safety.

An approximately 7m wide gated access with 6m radii would be provided with a sliding gate set back 9m from the boundary with the highway. A number of vehicle tracking plots have been provided which demonstrate that the proposed site access is acceptable in highways terms. The vehicular access to the VW parking site is located adjacent to the east of the proposed access, segregated by an approximately 3.5m section of footway. A tracking plot demonstrates that HGV manoeuvres into the adjacent access will not adversely impede the development site access. A gated pedestrian access will be provided to the west of the vehicular access which is considered appropriate.

The public transport schedules and frequencies have been provided for the AM period for the nearest bus stops which are located approximately 300m walking distance from the site. There are a number of bus services serving these stops which could be utilised to enable staff to arrive at the site before the working day begins. Further, the site is well connected with regard to the local pedestrian network.

No specific parking standard applies to the proposed sui generis use of the site as a street cleansing depot. However, the TS references that the parking standard for B8 use is applicable (The emerging Place Making Plan specifies a maximum parking standard for B8 use in the Bath Outer Zone as 1 space per 30m² provided for up to 235m² B8 area and 1 space per 200m² for subsequent B8 floor space). On this basis, a maximum of 14 parking spaces could be required based on the site area provided. Plans indicate provision of 6 parking spaces for staff including 1 disabled space. Parking for up to 13

street cleansing fleet vehicles is also provided. Further, the application indicates that 6 cycle parking spaces will be provided with motorcycle parking located to the eastern site boundary.

Local Plan Policy T.26 allows for consideration of parking provision below the maximum parking standard where it can be demonstrated that the site is accessible via sustainable means. As previously discussed, the site is considered to be highly accessible with ease of access via foot, cycle and public transport. Furthermore, Policy T.26 states that developments with good accessibility will be expected to provide less than the permitted maximum level of parking. As such, a reduction in the maximum parking requirement is considered applicable to the site.

It is noted that concerns have been raised with regard to the existing on street parking demand on Locksbrook Road by local residents. Whilst recognising that this issue exists and observing relatively high on street parking levels on Locksbrook Road, officers have to be mindful that the site has extant and historic use as a storage facility which will have generated a parking demand locally, albeit not at present given that the site is currently vacant.

The proposed planning layout is considered to maximise the available space for parking on site and the accessible location is considered to limit the demand for any additional on street parking that may be generated by the proposal. Furthermore the National Planning Policy Framework advises that; "Developments should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe". Whilst officers would not seek to endorse development which would lead to a detrimental increase in localised on street parking demand, it is considered unlikely that the proposal based on its likely scale and operation would have a severe cumulative impact on localised parking conditions.

Overall, the development is considered to be acceptable on highway grounds subject to a number of conditions which would include the submission of a Travel Plan.

Character and appearance

The site is located within the City of Bath Conservation Area and the wider World Heritage Site. There are limited wider views into the site as demonstrated by the viewpoints which have been provided within the submission. The site fronts Locksbrook Road, in an area that is commercial in nature but relatively close to residential properties. The site does not currently contribute particularly positively to the character and appearance of the Conservation Area, but it is compatible with the industrial nature of this area. The site contains two existing structures and there is objection to their demolition.

The development comprises a number of parts including two storage containers, road sweeper and street litter bay, waste storage skips, and a vehicle wash down area. Give their use, these all have a functional appearance and this is considered to be acceptable in this context. The modular buildings for the staff amenity/office buildings will be located towards the front of the site and will therefore occupy a relatively prominent position in the street scene. Whilst it would be preferable if they were located further within the site, the site constraints are noted and it is recognised that this, in particular the Environment Agency requirements has dictated the position of these buildings. Pre application advice

was given recommending that these buildings should be of a more permanent nature and have a more robust appearance given the location of the site within the Conservation Area. However, these modular buildings have come forward within the submission and the decision must be made based on the scheme submitted. The Planning Statement explains that the building has a 60 year structural design and will meet building regulations for energy efficiency. Whilst a more robust design would be encouraged, on balance, given the existing buildings in the site and the industrial nature of the area, the proposal is not considered to have a detrimental impact upon the character and appearance of the City of Bath Conservation Area.

Current ground levels at the proposed location of the office, waste bays and wash bay are to be raised to allow for the Environment Agency requirements to be met. This is considered to be acceptable in terms of its impact upon the character and appearance of this part of the Conservation Area.

Whilst improved public access to the river would normally be encouraged, it is noted that open pedestrian access through the site would not be appropriate given the use of the site. The relationship between the site and the river corridor has been enhanced by the landscaping proposals along the southern boundary. Further details of this and the other means of enclosure can be secured through condition.

There is a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character of the surrounding Conservation Area. Here it is considered that for the reasons set out above, the development is considered to preserve the character and appearance of the Conservation Area.

Landscape/Arboricultural Issues

The protection of existing mature trees on the sites southern boundary needs to be considered and addressed in terms of the demolition and construction. These trees are an important element in the landscape and visual quality of the surrounding area and the character and appearance of the Conservation Area. This can be secured through the inclusion of a condition on any planning permission.

Residential amenity

Policy B3 of the Core Strategy recognises that a risk of this policy area is the conflict between industrial activity and residential areas. Although the site is not bound by any residential properties, there are a number in relatively close proximity to the site. The relationship between the application site and the neighbouring residential properties needs to be given careful consideration.

Given the above a Noise Assessment has been submitted as part of the application which assesses the impact of the development upon the most noise sensitive properties. These were the residential properties on Locksbrook Road to the north-east of the site and the student accommodation building to the south-west of the site.

The submission explains that the main operating hours of the site would be between 06:00-16:00 Monday to Friday with some limited activity from 07:00-16.00 at the

weekends and bank holidays (two caged tippers entering and leaving only for the weekend rounds). It is anticipated that there would be some limited operations outside of usual operating hours;

- one vehicle will return to the site at around 21:00 Monday to Friday and at 20:00 on a Saturday and Sunday; and

- staff will be on call 24/7 to deal with incidents, such as road traffic accidents (therefore, irregular activities from the site could occur over night albeit very occasionally).

The Noise Assessment concluded that:

- Predicted rating levels from operations associated with the proposed cleansing facility would be well below the derived background sound levels at both the nearest noise-sensitive locations considered during the midweek period between 06:00 and 07:00 and on a weekend; consequently it is considered there would be a low impact during these periods; and

- During the midweek daytime period predicted rating levels from operations associated with the proposed cleaning facility would be +3dB and +4dB above the background sound levels at Locations 1 and 2 respectively. However considering the rating level exceeds the background sound level by a maximum of 4dB and both locations are already subject to sounds which have some impulsive and intermittent content it is considered that there also would low be a low impact at both locations during this period.

Third parties have raised concerns with regards to the noise emitted from reversing alarms. The agent has confirmed that there will be no reversing alarms active during the unsociable hours (06:00 am—07:00 am) with any vehicles leaving the site simply driving in a forwards motion before exiting the site; consequently the impact from alarms during this period does not need to be considered.

During the normal daytime period there will be reversing alarms active on the site, particularly from the telehandler, the noise from these has been taking into account within the noise assessment in the form of penalties for both intermittent and impulsive noise which have been added to the predicted noise levels to determine the rating level at each of the noise-sensitive receptors. Given the findings of the above noise assessment, the development is not considered to have any significant adverse impact in term of noise and disturbance.

Third party comments have also raised concerns with regards to dust, and associated health impacts. This will be dealt with in the Air Quality Section below. With regards to odours, the Council's Environmental Health Officer does not consider that this will give rise to any issues in this regards. If any odours arise that have not been anticipated, this can be covered by other primary legislation.

Overall, whilst the level of activity will increase on the site, this is not considered to result in an unacceptable impact upon the nearest neighbouring occupiers. Overall the residential amenity of the neighbouring occupiers is not considered to be unduly compromised by this development.

Flooding

The site falls within Flood Zone 2 and 3. A site specific Flood Risk Assessment has been submitted which has aided in informing the site layout. The Environment Agency has reviewed this and is satisfied that the development will not increase flood risk and will remain safe though the lifetime of the development. With reference Flood risk vulnerability classification as outlined in the National Planning Policy Framework, the proposed development is classified as a 'Less Vulnerable' use. This can be considered to be an appropriate use in Flood Zone2/3.

The application is also accompanied by a Sequential Test to demonstrate that there are no preferable sites which are at a lower risk of flooding than the proposed development site. The aim of this test is to ensure that a sequential approach is followed to steer new development to areas with the lowest probability of flooding. The National Planning Practice Guidance explains that the area to apply the Sequential Test across will be defined by local circumstances relating to the catchment area for the type of development proposed. In this instance, the area tested, and the size of the site is considered be appropriate. Given the use of the site it is considered appropriate to test existing sites within the Core Employment Area or existing industrial sites. Further, it is appropriate to test sites only within the area of Bath which the operation would serve.

The Environment Agency has also commented on contaminated land issues and has raised no objection on this basis subject to conditions to secure measures such as a remediation strategy.

Ecological considerations

The river including its banks and open land at the western section of the area are an important wildlife resource and are recognised as an asset of the Twerton/Newbridge policy area within Core Strategy policy B3. When looking at new development, measures should be incorporated

to restore and enhance the biodiversity value of the river and the river edge, including the retention of a dark corridor for bats, and the riverside as a green setting and context for the area.

The site itself does not support any significant habitats or wildlife value. Its position adjacent to the River Avon, which is a designated Site of Nature Conservation Value (SNCI) of importance to a range of wildlife, is the primary ecological consideration here. During the application process further information was submitted including an updated lighting strategy. Subject to the development being undertaken in line with this, and the appropriate mitigation measures being in place, the development is not considered to have an adverse impact on the SNCI, and overall is considered to be ecologically acceptable.

Air quality

The planning application is supported by an Air Quality Assessment. Based on the vehicle movements proposed in the report the development will not have significant impact on the air quality. The report recommends mitigation to minimise potential dust arising from the

construction and operational phases of the development, it is recommended that these best practise measures are incorporated into the operation of the site.

Other issue

Whilst the third party comments have been noted, on balance, the development is considered to be acceptable. The development will result in the re-location of the existing depot which supports the strategic objectives of the Development Plan. Sufficient information has been submitted which demonstrates that the development would not have an unacceptable impact upon the residential amenity of the neighbouring occupiers, highway safety and has not raised any other significant issues that have not been addressed. Further, the submission includes a study of alternative sites concluding that this site is the most deliverable and available site.

RECOMMENDATION

PERMIT

CONDITIONS

1 Standard Time Limit (Compliance)

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

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

2 Highways - Parking Plan (Pre-occupation)

No occupation of the development shall commence until a Parking 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.

3 Highways - Travel Plan (Pre-occupation)

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.

4 Highways - Construction Management Plan (Pre-commencement)

No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority and shall include details of deliveries (including storage arrangements and timings), contractor parking, traffic management, working hours, site opening times, wheel wash facilities and site

compound arrangements. The development shall thereafter be undertaken in accordance with the approved details.

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

6 Flood Risk Assessment (Compliance)

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) January 2017 by SLR Global Environmental Solutions Ref: 402.00934.00027 and the following mitigation measures detailed within the FRA:

1. Raising the office on legs to allow a floodable void underneath and a finished floor level of 18.75mAOD.
2. Providing an 8m strip of land parallel to the river bank within the Environment Agency flood consent zone to be used as a conveyance strip.
3. The overall volume of flood storage on site will be increased due to the proposed development.

The measures shall be implemented prior to the development coming into operational use and shall be maintained for the lifetime of the development

Reason

1. To reduce the risk of flooding to the proposed development and future occupants
- 2 and 3. To prevent increased flood risk elsewhere as a result of this development by ensuring that compensatory storage of flood water is provide

7 Contaminated land - remediation (Pre-commencement)

No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
-all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be3. A verification plan providing

details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To protect controlled waters undertaken.

8 Unexpected contamination (Compliance)

If during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reasons To protect controlled Waters.

9 Flood Warning Evacuation Plan (Pre-occupation)

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

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

10 Lighting Monitoring Scheme (Bespoke trigger)

Prior to site operation, a proposed 2 year Programme for Monitoring of Operational Light Spill Levels to collect lux level data at times and during seasons when bat activity and light usage coincide, shall be submitted to and approved in writing by the LPA. The Light Spill Monitoring Programme shall provide data showing operational light levels above and adjacent to the river Avon at heights and positions that enable comparison with the light spill levels predicted in the approved lighting reports dated 7th April 2017 by Smith Consult entitled "Locksbrook Road New Street Cleansing Depot" "Full Output Results" and "50% Output Results" and demonstrate compliance with the operational hours and light spill control measures as detailed in the email from John Palmer to Tessa Hampden dated 3rd May and on the approved drawing Dwg 160079.E.600.4 . The Light Spill Monitoring Programme shall include proposed reporting to the LPA and specify timescales and frequency of monitoring. The programme shall also include proposed further mitigation and remedial action should operation light spill levels exceed the predicted light spill levels. Any necessary remedial action or further mitigation required shall be implemented in accordance with specifications to be agreed in writing with the LPA and a further light spill monitoring report shall be produced and approved in writing by the LPA 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

11 Lighting scheme implementation (Compliance)

The development hereby approved shall be constructed and operated thereafter only in accordance with the approved lighting specifications detailed in drawing Dwg 160079.E.600.4 dated 23rd January 2017 and predicted light levels detailed within the approved lighting reports by Smith Consult dated 7th April 2017 and within the operational hours and light spill control measures as detailed in the email from John Palmer to Tessa Hampden dated 3rd May, unless alternative specifications that meet equivalent standards of minimising light usage and light spill levels onto the river Avon have first been submitted to and approved in writing by the Local Planning Authority

Reason: to avoid excessive light spill and harm to ecology including bats and the River Avon

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

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

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

13 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 (minimum maintenance height of 2.6m for hedgerow); 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.

14 Surface Water Discharge (Pre-commencement)

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

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

15 Surface Water Drainage Strategy (Pre-commencement)

No development shall commence, except ground investigations, until a detailed surface water drainage strategy has been submitted to the Local Planning Authority for written approval. The strategy is to include plans and supporting calculations demonstrating the performance of the drainage system at the 1:1, 1:30 and 1:100+climate change events.

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

16 Air Quality (Compliance)

The development shall be carried out in accordance with the mitigation measures outlined within the Development of a Street Cleansing Facility - Air Quality Assessment by SLR, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of air quality

17 There shall be no use of reversing alarms between the hours of 1900hrs and 0700hrs.

Reason: In the interests of residential amenity

18 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 07 Apr 2017 015 PROPOSED FENCING LAYOUT

| | | |
|-------------|-----------------|--------------------------------|
| 07 Apr 2017 | 004 REV A | SITE LAYOUT |
| 07 Apr 2017 | 005 REV A | CAR TRACKING 12M RIGID VEHICLE |
| 07 Apr 2017 | 006 REV A | TRACKING SWEEP WASH OFFLOADING |
| 07 Apr 2017 | 007 REV A | TRACKING SWEEPER PARKING |
| 07 Apr 2017 | 011 REV A | SITE SURVEY SECTION AA |
| 07 Apr 2017 | 012 REV A | PLANTING PLAN |
| 07 Apr 2017 | 013 REV A | PROPOSED DRAINAGE LAYOUT |
| 02 Feb 2017 | 160079.E.601.P1 | EXTERNAL CCTV LAYOUT |
| 02 Feb 2017 | DWG-002.0 | SITE CONTEXT PLAN |
| 02 Feb 2017 | DWG-003.1 | SITE SURVEY |
| 02 Feb 2017 | DWG-009.1 | MODULAR BUILDING LAYOUT |
| 02 Feb 2017 | DWG-010.2 | MODULAR BUILDING ELEVATIONS |
| 02 Feb 2017 | DWG-001.0 | SITE LOCATION PLAN |

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.

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 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.

4 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

5 The applicant should be advised to contact the Highway Maintenance Team on 01225 394337 with regard to securing a Licence under Section 184 of the Highways Act 1980 for the construction of 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.

6 The applicant is advised to contact the Environment Agency on 0345 988 1188 to sign up for the free Floodline Warnings Direct service.

7 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>.

Item No: 03
Application No: 15/05152/FUL
Site Location: Church Hall School Lane Batheaston Bath Bath And North East Somerset



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 a new single storey Village Hall including activity rooms, kitchen, toilets, stores and associated external works following demolition of the existing Church Hall. (Resubmission) |
| Constraints: | Agric Land Class 3b,4,5, Conservation Area, Forest of Avon, Hotspring Protection, Housing Development Boundary, MOD Safeguarded Areas, SSSI - Impact Risk Zones, |
| Applicant: | Batheaston New Village Hall |
| Expiry Date: | 1st June 2017 |
| Case Officer: | Sarah James |

REPORT

Reason for calling this application to committee

The application has been brought to Development Management Committee as the Development Manager considers that the application should be considered by Committee due to the planning history of the site.

Proposal

Erection of a new single storey Village Hall including activity rooms, kitchen, toilets, stores and associated external works following demolition of the existing Church Hall. (Resubmission)

Description of Site and application

The application relates to the site of the existing Church Hall and an area of land surrounding it. The site is located on School Lane between the existing Youth Club to the west and an area of open space to the east. The site is within Batheaston Conservation Area whereby special attention should be paid to the desirability of preserving or enhancing the appearance of the Conservation Area as per the duty set out in Section 72 Of the Planning (Listed Buildings and Conservation Areas).

The proposal is for the erection of a Village Hall to replace the existing Church Hall. The existing hall comprises a main hall with a fixed stage, two activity rooms, a small kitchen and toilets. It has an inflexible layout and the fixed stage compromises the useable floor space. The new facility is to be a multi-use hall that includes flexible spaces such as smaller meeting rooms and larger multi-functional spaces. It would have raked seating that could be folded away instead of a fixed stage. A kitchen and plant room are also included.

The existing building is estimated to be approx. 221 square metres gross internal area. The new scheme proposes a gross internal area of 347 square metres. The new scheme proposes a parapet (and roof) height of approx. 3m to 3.5m. The proposed finished floor level is shown to be 28.30 which is 100mm below the existing church hall level.

The existing hall is used for a range of uses and these and other uses are intended to take place in the new hall. The main uses are set out in the applicant's submission with the application. As discussed below it is considered that that the use class of both halls (existing and proposed) will be the same and consequently the uses that 'could' take place would also be the same for both.

The new scheme proposes 2 main elevation treatments; natural stone, Bath stone rubble and timber cladding over an engineering brick plinth. The pitched roof is to comprise natural slate, with some visible areas of the flat roof finished in a sedum, it is proposed that other flat roof areas are covered with a single ply membrane.

2 no. disabled parking spaces are proposed near the front entrance. 4 no. cycling bays will also be provided.

The application is accompanied by the following information :-

Arboricultural Assessment and update letter of 17th April 2015 to confirm its conclusions still apply and further updates August 2012, Bat Search Survey report dated December 2013 and update letter October 2015 to confirm the report as valid and relevant, Bat survey detector report dated May 2016, Noise Impact Assessment (incorporating mechanical plant assessment), Operation Statement, Planning Design and Access Statement Revision M, Heritage Statement, Transport Statement, Travel Plan, Transport Statement Update Note. Supplementary Submission by the applicant providing further information on planning history, CIL, Sustainable Construction checklist (v2) and Supplementary Sustainable Construction Report, email from freehold owner of site, Proposed Tree Plan, Capacity Letter - White Design Associates June 2016 Second Supplementary Statement - Summary of Community Consultation Undertaken 2007-2016, Drainage report

Relevant planning history

DC - 12/04653/FUL-QUASH - 21 June 2013 - Erection of a new single storey village hall building including multi-use main hall, activity rooms, kitchen, toilets and stores and associated external works to provide accessible access to the hall and fields following demolition of the existing Church Hall - pending consideration

DC - 12/04654/CA -QUASH - 21 June 2013 - Demolition of the existing Church Hall

DC - 13/04349/FUL -QUASH - 16 January 2014 - Erection of a new single storey village hall building including multi-use main hall, activity rooms, kitchen, toilets and stores and associated external works to provide accessible access to the hall and fields following demolition of the existing Church Hall. (Resubmission)

DC - 14/00399/NMA - PCO - - Non-material amendment to application 13/04349/FUL. (Erection of a new single storey village hall building including multi-use main hall, activity rooms, kitchen, toilets and stores and associated external works to provide accessible access to the hall and fields following demolition of the existing Church Hall. (Resubmission)

DC - 16/03617/TPO - Consent 6th September 2016- - Works to 1x Robinia, 1x Hawthorn and 1x Evergreen Oak as detailed in submitted documents

16/04872/FUL - PCO - Erection of new single storey Church Hall, activity rooms, kitchen, toilets, stores and associated car park/landscaping and external works following demolition of existing Church Hall.

Officer note (this is an alternative scheme proposed by different applicant)

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

It is advised that the comments below represent a summary only and full comments are available to view on the Council website.

Highway Development Officer

The hall is served by a vehicular access off School Lane, and this will be retained to provide for pedestrian and cycle access, together with access to two disabled parking spaces. The access also serves the existing Youth Club. The proposed hall would be an overall increase on the current size, and that would allow for a variety of uses, and potentially an increase in use. The additional rooms within the building would also allow for a number of users to occupy the building at the same time. As the hall is obviously well established, I have considered the potential impacts of the proposal in the context of the number of users that it could attract (the submission states up to 155 people) (officer note - see additional comments on numbers below), and the different type of events that the hall could accommodate.

The site has been visited on a number of occasions, and it has been observed that the level of on street parking does vary depending on the demands from the local school, hall, church and nearby residential properties. The submission is accompanied by a Transport Statement, Travel Plan and an Operation Statement, all of which provide a review of the potential transport impacts and how the use of the hall would be managed in the future. The Transport Statement adequately considers the baseline transport conditions and includes an examination of the local access routes, road safety history and presents a variety of parking surveys that have been undertaken on local streets.

My own site observations (visits have been undertaken in the day and in the evening) indicate that the baseline parking surveys are an accurate reflection of the local conditions. A survey of existing hall users is also included, and this considered how users travelled to the site and where the users journey originated. Given the scale of development proposed, the scope of the Transport Statement and level of detail provided within the document is considered to be appropriate. The submission states that the number of people that can currently be accommodated within the existing hall is approximately 130 users. The submission also confirms that the proposal would be able to accommodate up to 155 users (as noted above), and it is understood that the hiring conditions would limit the number of users to this level regardless of the hall use. This change represents a potential 19% increase in hall users at any one time, and given that the hall capacity will be limited (the submission states up to 155 people), this is considered to be a reasonable basis to assess the increase of the hall size.

The applicant's baseline survey results confirm that the majority of regular users originate from the local area, although some activities do attract users from outside of the Batheaston area. However, the evidence suggests that the level of on-street parking associated with these existing uses can be accommodated and is unlikely to have a significant impact on the availability of parking or the operation of the local highway.

The baseline surveys also considered a pantomime event that occurred in early 2015. The results show that the average audience numbers were 70, with a maximum of 94 in the audience on a Saturday evening. It is noted that there would have been another c.30 cast and crew members in addition to the audience. An on-street parking survey of the local area was undertaken on the afternoon and evening of Friday 6th February 2015 to review

the impact of the audience on the local network. The impact of school parking is also shown by a comparison survey that was undertaken on Friday 20th February 2015 (within the school holiday period). The survey work demonstrates the impact of the cast / crew and audience arriving by car and parking on the local streets close to the site. The surveys indicate that the parking availability in the evening can accommodate the demand generated by this level of users attracted to the hall, although it is clear that certain parts of the street network will have no free spaces when the hall is being used for a significant event. The total baseline evening parking demand as a result of a pantomime event is presented as approximately 20 cars, and the submitted evidence does support this estimate. It is reasonable to assume that the additional number of cars attracted to the hall would correlate with the change in hall users, and this being the case, it is unlikely that the additional parked cars would have a significant impact across the local area. The results do not indicate that inconsiderate / illegal parking would be a likely outcome, and no such parking has been observed on my own visits to the site.

As previously noted, there is no evidence that replacing the existing Church Hall will result in road accident casualties increases or add significantly to existing traffic delays, as most of the increased travel demand will take place outside of the peak hours. It should be also noted that the scale of development is well below that which would normally be required to have a Transport Statement assessing local traffic impacts, although local issues make it appropriate in this case.

The hall could be used for other events that would attract a large number of users, for example, a wedding or birthday celebration. It is noted that the total number of users (as proposed by the applicant) would not exceed 155 people, and there will be limits on the number of times a year that certain events could occur. The Operation Statement provides details of how future uses of the hall will be controlled, and how bookings will be taken / assessed. The application states that there would be no more than 12 wedding functions per year that would be available for clients that have no local connections. When considering the impacts on such weddings, it is acknowledged that there would be no restriction on the existing building (possibly refurbished) from holding such weddings, and there is no planning condition that would limit the number of such events or the number of guests attending. For a wedding or birthday party celebration I would also expect the number of people per car to be high (with several people travelling within each vehicle), and there is likely to be a percentage travelling by taxi. This should limit the total number of cars being parked near the site.

A proposed Travel Plan has been submitted with the application. Previously, little weight was given to the Travel Plan and, given the scale of the development and the type of events that are and could be held in the future, it is recognised that there would be limited opportunities to reduce existing car use levels. The Plan does include targets and a monitoring approach. However, it is unclear how the specific measures will help to contribute towards the targets that are identified. The suggested modal shift targets would also only have a limited impact on the number of car trips that were associated with hall activities. There are also no suggested remedial actions should the targets be missed in future years.

Whilst monitoring of hall activities is welcomed, when considering the overall impacts of the proposal, only limited weight can be given to the potential benefits of the proposed Travel Plan as currently presented. However, the contents of the Travel Plan should be

used by the hall committee to ensure that any future booking can accord with the principles, including the need to submit supporting information for "large events" (i.e. those with over 100 users / guests). It is recommended that the content of the travel information leaflet is reviewed and that this could be secured by condition. It is recommended that the detail of the condition is agreed with the planning authority. Finally, it is also reasonable to assume that the committee will continue the management of bookings to minimise clashes with other peak time parking demands that could occur in the local area (it is noted that this already occurs).

There are four cycle parking spaces proposed, and it is possible that there could be additional demand in the future. Space has been allowed for if extra cycle parking is required, and there is no objection to this arrangement. Two disabled car parking spaces will also be provided, and there is also no objection to this provision. Given the site location and limited site access opportunities for larger vehicles, it is recommended that a comprehensive Construction Management Plan is approved by the authority before any works are undertaken. This will need to minimise the potential impacts on local residents and the local school during construction.

In summary, I consider that the applicant has provided sufficient information within the application to demonstrate how the committee can continue to manage the bookings and use of the hall to avoid any significant detrimental impact on the highway. Having reviewed the application, I do not consider that a replacement hall, with a moderate increase in the number of potential users / visitors, would have a significant impact on the operation of the local highway network. The site will remain highly accessible for local residents. The proposal therefore accords with the relevant Local Plan policies, and the residual cumulative impacts of development cannot be considered severe in accordance with Paragraph 32 of the NPPF, subject to appropriate conditions. I recommend that no highway objection is raised subject to the conditions. (Officer note conditions sought are as shown on the consultation response)

Further comments from the Highway Development Officer:-

Following recent discussions relating to potential occupancy and use of the proposed hall, the applicant's consultant has provided a technical note (dated January 2017) which considers this issue further. Although the highway authority has not raised an objection to the scheme, there have been further discussions relating to the total number of people that could be accommodated within the hall (a figure of 155 has previously been stated as noted above) and the use of the hall for different types of event, such as a dance / disco. Based on a Building Regulations design factor, a maximum of 224 persons has been identified as the total number of people that could be accommodated within the hall, although the applicant has stressed that this is a theoretical number and they have no intention of permitting more than 155 persons at any one time. Based on the same factors, it is noted that the existing hall has a theoretical occupancy of 180 persons, and there is no evidence to suggest that this level of occupancy has previously occurred. The submission makes reference to another established hall (New Oriel Hall at Larkhall), and the common uses and occupancy of this hall has been considered to develop a further assessment of the development impacts, and this is presented within Table 1 of the technical note. The table considers occupancy levels, likelihood and the potential impact of scenarios on local parking availability. The table demonstrates that sufficient car parking would be available in the local area for all types of event, apart from three scenarios where the aforementioned "theoretical" occupancy factor is applied. There is

one scenario within Option 3 where a shortfall of 23 parking spaces is noted, however, this scenario is not considered to realistic as there is no obvious use of the hall in this format (this option considers that the whole floorspace would be used to accommodate guests, with no allowance for any music to be provided and / or catering within the building). Options 4 and 5 also show a more moderate shortfall in spaces.

When assessing the potential impact of the scheme, the highway authority has to consider the likelihood of these events occurring on a regular basis at the scale presented within the technical note. Having reviewed these potential scenarios and whether they would realistically occur. The applicant suggests that the occurrence would be NIL. That may be so, if not the worst case would in any event be in my view that such scenarios would be unlikely to occur other than infrequently. If such an event were to occur on an infrequent basis there does not appear to be any reasonable prospect of a severe highway impact occurring, and given this, there is no reason to alter the original recommendation made in the response made in February 2016.

Drainage and flooding (LLFA)

No objection to the proposals but note that School Lane is vulnerable to surface water flooding and recommend against lowering floor levels as is proposed in the application. Additional comments note that the applicant intends to manage surface water by discharge to Wessex Water Sewers as per the existing hall and request conditions to confirm this.

Arboricultural Officer

No objection subject to conditions and a contribution toward replacement planting is sought.

Further comments of the Arboricultural Officer

I note the submission of details relating to replacement tree planting which I consider acceptable. I have no strong opinion on the three species options for the location behind the hall.

Ecologist

Updated bat surveys were sought along with an assessment of the bat roosting potential of trees that are to be removed.

Further comments of the ecologist confirm that there are no objections subject to conditions (officer note conditions are as shown in the consultation response).

Further comments of the ecologist

The submitted bat survey report by Simecology dated May 2016 is considered to be still valid. It comprised satisfactory and completed update bat survey of the building, including summer emergence and dawn surveys. No further survey is necessary. No objection subject to conditions.

Environmental Health Officer

There are residential premises in close proximity to this site whose amenity could be affected during any construction or site clearance. Accordingly planning conditions or informatives are suggested. (Officer note these are as shown in the consultation response).

The acoustic report submitted as part of the application, indicates the potential improvement of the sound insulation performance of the proposed building over the existing building resulting from the use of certain materials and fabrics combined with a natural ventilation attenuator. This suggests that a significant improvement of 36dB overall attenuation could be achieved, compared to the existing building.

No Objection in principle with suggested conditions and /or informatives provided. (Officer note as set out in the consultation response)

Landscape Officer

I understand the proposal is to remove the existing hall and replace it with a new building, albeit with a slightly larger footprint. As a building already exists in this location, to replace it would not cause a change in character per se. There might be a change in building style but this would be a more subjective judgement.

In respect of visual effects, I do not think that the actual building would cause any substantive, direct adverse effects. The key aspect, therefore, would be the physical impact and the resulting effects. I understand that the scheme would necessitate the removal of T8 and T9. I consider that the loss of T8 and T9 would cause some harm as it would further accentuate a gap that is already forming. Having said that, it would be possible to plant new, longer term replacement trees in this general location. It would also be a valuable exercise to consider longer term legacy planting for the overall site as many of the existing trees will need to be replaced in due course. A fully detailed and comprehensive scheme of tree planting should therefore be submitted to include the whole site even if this needs to be brought forward in stages.

Overall, whilst the loss of trees and the resulting increase in the gap would cause some harm, a carefully considered scheme of longer term tree planting across the wider site should be considered in the wider planning balance.

No objection subject to conditions (Officer note these can be seen in the consultation response).

Further Comments of the landscape officer

The current iteration includes Drawing 6186/D/0102 Rev D Proposed Site Plan and 6186/D/7900/Rev B Proposed Tree Plan which includes replacement tree planting. In line with the Arboricultural Officer comments, I have no objection to the replacement planting and no further comment in regard to the layout.

Conservation Officer

No Objection -

Full regard has been given to the relevant policy background when considering this proposal, including national planning policy. At the local level Core Strategy Policy BH6 (Development within or affecting Conservation Areas) applies, together with Policy HE1 (Historic Environment) in the Council's draft Placemaking Plan, currently of limited weight (planning officer note - since these comments the weight of HE1 has increased to significant and that has been taken into account).

The Heritage Statement submitted with the application is thorough and confirms my previous view that historically the site formed part of the mid C18 Vicarage gardens. I do not intend to specifically identify the relevant heritage assets affected which includes the grade II* listed St John the Baptist Church and several other grade II listed buildings in

close proximity to the site, as they are clearly itemised in the Statement. It does not however appear to mention the important stone boundary wall along School Lane which is a significant heritage asset in the conservation area, creating enclosure and defining the original garden boundary (Officer note this has been considered by the Conservation Officer as below). The impact of the proposed development on the settings of these designated and undesignated assets, which includes the conservation area, has been fully addressed and is not considered to cause harm.

Assessment of the scheme:

I have previously welcomed the opportunity this development provides to enhance the character and appearance of this part of the conservation area. The existing building has no historic or architectural merit and together with the adjacent youth club structure detracts from local character and appearance. It is unfortunate that there is no overall design brief for the site to ensure that any future replacement of the youth club has synergy and harmony with the currently proposed new hall.

I welcome the retention of both the important stone boundary wall on School Lane in its entirety and the open green space to the east, as both significantly contribute to local character. Reinstatement of the section of wall previously removed for construction access purposes will result in further improvement. Details of this, together with details of the entrance and hard surface treatment(s) should be covered by condition. It will be important to maintain the rural village character and avoid any suburbanising effect.

It is considered that the contemporary design approach which reflects traditional forms and proportions, together with use of natural slate and stone with timber cladding, will complement the appearance of this part of the conservation area. Only a small section of roof is higher than existing, and a large proportion is lower which will assist in improving local views.

In principle the design and proportions of external doors and windows appear to be satisfactory, but more details are required and should be conditioned. The use of Velux roof-lights on the highly visible south elevation sweep of roof is however unacceptable. These would significantly project above the roof plane and be visually obtrusive in the street scene. They should be replaced with types that lie flush with the slates - patent fixed glazing or 'conservation' type roof-lights without bars for example may be more acceptable.

Overall the design and layout is considered sympathetic to the conservation area setting and will result in improvement to local character and cause no harm.

Further comments :-

I note that the revised plans now show 'conservation' type roof lights which would lie flush with the roof profile, overcoming the concern I previously expressed.

Air Quality Officer

I have reviewed the information sent and my guidance shows that an air quality assessment would not be required in this case (hall size less than 1000m² floor space) and the traffic flows would not increase the AADT (annual average daily traffic flows) by more than 500 cars (100 inside the AQMA). (EPUK & IAQM Land Use Planning and

Development Control: Planning for Air Quality). There is unlikely to be a significant change in air quality due to the hall being expanded.

Batheaston Parish Council

Supports the application and comments as follows:-

This Parish Council welcomes the new Application from the Trustees of the Batheaston New Village Hall. The replacement of the old Church Hall is long overdue and will provide attractive, modern, sustainable facilities for a wide variety of social, artistic, educational and recreational facilities. The Applicants are to be congratulated for undertaking detailed studies into the impacts of traffic and parking and noise breakout, and on bat habitats and trees. We commend the Application for approval by the Bath and North East Somerset Council at the earliest opportunity.

St Catherines Parish Council

Supports the application and comments as follows:-

St Catherine Parish Meeting SUPPORTS this planning application and has supported all previous applications to replace the existing Village Hall with a new building. The Village Hall is an important amenity to local residents, and now is the time to replace a substandard building with one that will serve residents well for many years to come. We give the proposal our full support.

Other Support

74 supporting comments (including multiple letters from the same person in some cases) and a petition with 287 signatories has been received generally they seek that the existing dilapidated hall is replaced with the proposed hall and identify the needs for improvements to make the buildings facilities more accessible for wheelchairs

3 letters have been received making general comments

Objections

42 objection comments have been received (including multiple comments from the same objectors in some cases) which can be summarised as follows:

The larger hall will increase difficulties of parking and traffic flow

The transport assessment submitted is flawed

The hall usage proposed is too intense in a residential area

The operators have a poor record of managing noise

More trees would be removed than was expected and this includes trees outside of the site and ownership of the applicant

Loss of trees would harm the conservation area

The proposed hall is too large for the location

Noise and disruption

Environmental damage

The design is out of scale

Community enagement has not been properly undertaken

Consideration should be given to a community process that is currently considering the size and location of the hall

Overlooking

Impact on conservation area

Impact on historic environment and listed buildings

Projected occupancy
Imprecise unenforceable management measures
Heritage setting and visual impacts
Highway safety and associated air quality
Validity of the application
Inadequacy of supporting information
Need for conditions to make the application acceptable
Landscape impacts
Loss of privacy
Loss of light
Hours of Use
Excessive tree loss
Impact on wildlife including protected wildlife

Other comments

A third party submitted correspondence referring to objections from the local school however no representations on the application have been made by the school. The context of that correspondence is not clear and therefore it has not been considered as an objection as such. It should be noted however that the concerns raised in respect of parking have been fully taken into account in consideration of this proposal.

POLICIES/LEGISLATION

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

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

The following policies should be considered:

Core Strategy Policies
RA3 - Community facilities and shops
CP2 - Sustainable construction
CP5 - Flood Risk
CP6 - Environmental Quality
CP7 - Green Infrastructure
SD1 - Presumption in favour of sustainable development

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

D2 General Design and public realm considerations
D4 Townscape considerations
BH.2 Listed buildings and their settings
BH.6 Conservation Areas
BH.7 Demolition in the Conservation Area
BH.15 Visually important open spaces
BH22 Lighting
CF.2 Community facilities
ES.2 Energy consumption
ES.5 Foul and surface water drainage

- ES.9 Pollution and nuisance
- ES.10 Air quality
- ES12 Noise and vibration
- NE.1 Landscape Character
- NE.4 Trees and Woodland Conservation
- NE.10 Nationally Important Species and Habitats
- NE.12 Natural Features
- T.1 Over-arching access policy
- T.3 Promotion of walking and use of public transport
- T.5 Cycling Strategy: improved facilities
- T.6 Cycling Strategy
- T.24 General development control and access policy
- T.25 Transport assessment and travel plans
- T.26 On-site parking and servicing provision
- SR.1A Protection of playing fields & recreational open space

Emerging Local Policy

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:

- NE1 - Development and green infrastructure
- NE2 - Conserving and enhancing the landscape and landscape character
- NE4 - Ecosystem Services
- NE5 - Ecological networks
- NE6 - Trees and woodlands
- CP7 - Green Infrastructure
- PCS1 - Pollution and nuisance
- PCS3 - Air Quality
- PCS7A - Foul Sewage Infrastructure
- SCR1 - On-site renewable energy requirements
- SU1 - Sustainable drainage policy
- D1, D2, D3, D4, D5, D6 - General design/amenity policies
- ST1 - Promoting sustainable travel
- RA3 (as modified) - Community Facilities and shops
- LR5 - Safeguarding existing sport and recreational facilities
- SCR5 - Water Efficiency

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

- NE2A - Landscape setting of settlements
- NE3 - Protected Species
- HE1 - Historic environment
- ST7 - Transport requirements for managing developments
- D8 - Lighting Significant
- PCS2 - Noise and vibration

The following Core Strategy Policies are carried forward into the Placemaking Plan and consequently have full weight.

RA3 - Community facilities and shops
CP2 - Sustainable construction
CP5 - Flood Risk
CP6 - Environmental Quality
CP7 - Green Infrastructure
SD1 - Presumption in favour of sustainable development

SPD Sustainable Construction & Retrofitting adopted 2013

National Planning Policy Framework

National Planning Policy Framework - March 2012 (NPPF) key relevant paragraphs include (but is not limited to) :-

Para 32 - Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Para 103 - Flood risk

Para 126 - Assessing the significance of a heritage asset

Para 135 - The effect of an application on the significance of a non-designated heritage asset

Para 186 - 187. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

Para 215 - 216 - weight to be given to development plans

Planning Practice Guidance

Planning Practice Guidance Flood Risk and Coastal Change 2014

Statutory Provisions

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise (section 38(6) of the Planning and Compulsory Purchase Act 2004 and see paragraph 11 of the NPPF).

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

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

Given the statutory provisions that apply to heritage assets, any harm to the significance of a heritage asset, even if less than substantial, should be given considerable weight (see

e.g. East Northamptonshire DC v Secretary of State for Communities and Local Government [2014] EWCA Civ 137).

Batheaston has been designated as a neighbourhood plan area and work is being undertaken on their evidence base. However this is at the early stages and has no planning status that needs to be taken into account in this application.

OFFICER ASSESSMENT

Background Information

Members will recall considering a proposal for the erection of a new single storey village hall building at this site on 5 June 2013 (ref: 12/04653/FUL). At that time Members resolved to Permit the proposal and planning permission was duly granted subject to conditions.

However, the Council then received a claim for Judicial Review challenging the lawfulness of the permission on a number of grounds. On considering this the Council was of the view that the challenge was likely to succeed on some, but not all, of the grounds. Specifically, the Council accepted that one of the conditions discriminated on the basis of age and therefore breached the Equality Act 2010 and that this condition, along with another were not enforceable, not sufficiently precise and unnecessary. The Council therefore agreed to the quashing of the planning permission.

A subsequent application planning reference 13/04349/FUL was then considered afresh and members resolved to Permit that application also subject to conditions. However, a second claim for Judicial Review was made against the second application on 5 grounds. The Council accepted one of the grounds raised i.e. that the Council had allowed by planning condition a more extensive use of the site than had been applied for and that the more extensive use had not been properly consulted upon either with statutory consultees or the public and therefore their views had not been taken into account. The claimant maintains that the 4 other grounds raised were also valid, however these were not accepted by the Council and it was not necessary for these to be adjudicated upon by the Court.

Supporting documentation and Community Engagement

It is acknowledged that third party representations have raised the need for various reports beyond the scope of what has been sought here. It is suggested that there are inadequacies in the supporting documentation with regard to Traffic & Parking Impacts/Layout/Travel Plan, surveys of existing conditions, Landscape and Visual Impacts/Heritage Impacts, Noise/Air Quality Impacts, a lack of community engagement and a call for community planning of the site. In that regard careful consideration has been given to the supporting information that should be required taking account of the proposal. Supplementary information has been sought in relation to some aspects of the application, including further transport assessments and landscaping information and additional consultations have been undertaken with specialist advisors including the Air Quality Officer. However a proportionate approach has been taken having regard to the existing site conditions and the nature and scale of the proposal. This is in line with the advice in the NPPF para 193 "Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question".

There is evidence of community engagement submitted with the application and control over the nature and extent of that is beyond the scope of the authority. The application

has been consulted upon in accordance with statutory guidance. It is considered therefore that the application meets with the statutory requirement for validation and the requirements of the Council's Local List of validation requirements as far as applies to the development proposed and that the supporting information is sufficient and proportionate to properly inform the decision taking on this proposal.

Principle of development

The application proposes to demolish the existing Hall and replace it with a larger modernised flexible community facility. The application form indicates that the applicant considers both the existing and proposed halls are within the D1 Use Class. For clarity, the Town and Country Planning (Use Classes) Order 1987 (as Amended) identifies Use Class D1 as:

Non-residential institutions - Clinics, health centres, crèches, day nurseries, day centres, schools, art galleries (other than for sale or hire), museums, libraries, halls, places of worship, church halls, law court. Non residential education and training centres.

The current building is said to be in a poor state of repair and its appearance would indicate that to be the case. The application proposes to use the new hall in a similar way as existing. However, it would offer increased opportunities for wider community use than previously the case such as for wedding parties which could take place in the existing building but it does not currently lend itself to such use due to its condition. It is noted that there would be some use for theatrical productions including a pantomime event which would take place in the building and which takes place in the existing building, and that theatres are a sui generis use (i.e. they do not fall within any of the Use Classes). However, that would not be the building's primary function and, based upon the range of uses that would take place, the building could not be properly described as a theatre. The same could apply to other activities - dance halls for example may be a D2 use however the proposed hall might be used for dancing. The potential for the activities described to fall within other uses has been considered in this case. However, officers are satisfied, based upon the information submitted, that both the existing hall and proposed use of the new hall are likely to fall within Class D1 of the Use Classes Order, and, notwithstanding that the building would be larger and occupy a larger footprint no material change of use would take place. In any event, whatever the classification of the use in terms of the Use Classes Order careful account has been taken of the particular activities that are proposed and could take place.

Core Strategy Policy RA3 supports the provision of new community facilities of appropriate scale in villages such as Batheaston. The proposal is considered to comply with Policy RA3 as it will meet the needs of the parish and surrounding parishes albeit it will not be solely for such users. Saved Policy CF2 of the adopted local plan is permissive of the development of community facilities in settlements such as Batheaston. The proposal complies with Policy CF2 and is acceptable in principle.

Placemaking Plan Policies are at an advanced stage and are now considered to carry substantial or significant weight as identified in the report above. Most relevant to the principle of development is Policy RA3 which should be attributed substantial weight and which is carried through from adopted Core Strategy RA3 which as advised above the development is compliant with.

Increased use and capacity

It is key to the consideration of this proposal that the proposed hall would be larger than that which currently exists and that this would increase the capacity of the hall. In addition, the redevelopment of the site with a high quality flexible space will inevitably mean that it is more attractive and this is likely to result in more regular usage than the current situation. It is acknowledged therefore and taken into consideration in this report that the existing hall is unlikely to be an attractive venue as it stands for events such as wedding receptions or other such celebrations. It is said to have been used for such events in the past, but on limited occasions whereas the new hall will likely attract such uses more frequently. It is also relevant that the 'theoretical' occupancy of the existing hall by 180 persons has never been known to occur and is highly unlikely to occur. Any comparisons between the capacity of the existing and proposed hall in the following assessment are made on that basis. The level of the use would be a consequence not only of the increased frequency but also the increased capacity. The resultant impacts of any increased use are a material consideration and development plan policies including D2, ES9, ES10, ES12 and T24 are particularly relevant to these considerations and this impact is considered further in this report. Some local residents are very concerned about the implications of this in terms of in particular congestion, highway safety and additional noise disturbing the residential amenity. Members can see this from the objections and supporting information some of these.

The issue of numbers of hall users has been explored in detail with the applicants. The application proposes within its Operation Statement submitted with the application a cap of users. However, the management of that cap was of concern to officers'. The applicant was therefore asked to identify the maximum capacity of the hall - referred to within this report as a theoretical capacity. The applicant's response is set out in letter dated 8th June 2016. This advises that there are broadly 4 possible scenarios for the buildings use however this assessment focuses on the scenario which would potentially result in the highest number of users identified to be dance based events. In the absence of any planning guidance the applicant has used a space factor taken from Building Regulations document Part B. The approved document states a floor space factor of 0.5 sqm per person for clubs dance floors or halls. Using this figure the following was concluded.

The proposed main hall is 132msq with the fixed seating pulled back. Allowing a minimal stage of 20sqm for a DJ/band this results in an effective floor area of 112sqm maximum and a theoretical occupancy therefore of 224 people.

On the basis that the stage in the existing hall could be removed without requiring planning permission the main hall in the existing building is 110sqm. Allowing a minimal stage of 20sqm for a DJ/band area this results in an effective floor area of 90sqm maximum and a theoretical occupancy of 180 people.

The applicant further points out that both the existing and proposed hall have further ancillary spaces that could be used but are unlikely to be used at the same time as a dance event in the main hall.

This is considered a reasonable conclusion to reach in my view. Consideration of the possible effects of a dual letting is none the less made below in the highway assessment.

The applicant also points out that they have no intention to allow more than 155 people to use the building. Be that as it may, the Local Planning Authority may find it difficult to enforce such a restriction and so that cap is not relied upon in this assessment. It is reasonable to consider how likely a maximum theoretical capacity is to be reached and if it

were reached how frequently that might occur. This point is given further consideration in the report below.

It is to be acknowledged that the applicant has submitted an Operation Statement with the application. Some measures within that Statement such as hours of use are able to be controlled by condition and such conditions are included within this recommendation. Other measures would be difficult for the Local Planning Authority to control and are a consideration that has been afforded no weight in this assessment as a consequence. Those matters are not covered by planning conditions.

Planning Officer Assessment of highway issues

There is an existing access to the hall with a small area of hardstanding. The proposal would introduce 2 disabled parking bays onto the site. Whilst this would make a formal on site provision, there are no existing restrictions on site that would prevent 2 cars entering and parking and it is confirmed by the applicant that as many as 4 cars can and do currently park in this area (the use of the parking area being left to the discretion of those hiring the hall). Therefore, the proposal would not create any additional movements onto or off the site and there are no highway objections to this arrangement.

The key change in highway terms will be the additional cars attracted to the larger and more attractive hall arriving and parking in the vicinity of the site and the resultant impact of those movements on the highways surrounding the site. As noted above, it may not be possible to effectively control the number of users by planning condition as this would be difficult to control and monitor. As discussed above the applicant was asked to assess the maximum theoretical capacity of the hall and consider the potential impacts that this may have as a consequence of additional vehicles attracted to the vicinity. The applicant's transport consultant submitted additional transport updates to take account not only of the applicant's intended operation of the hall but also the effect on the highway network if the maximum theoretical capacity of the hall were to be reached (see Entran Transport Update Note 2017). An analysis of the vehicles that might be generated by various capacities being reached alongside commentary on the likelihood of that capacity being reached, which draws upon evidence from previous hall usage and the use of other similar venues, has been referred to in the analysis. In that regard reference is made to a nearby hall (i.e. The New Oriel Hall at Larkhall). This assessment of the applicant's consultant suggests that the New Oriel Hall is directly comparable to the proposed hall and is considered by the consultant as such. It is of note that the Local Planning Authority recognise that there are similarities between the two halls however do not conclude they are directly comparable and consider the submission in that light. The applicant's highway consultant has considered the likely demand for parking based upon where those hall users may come from and their mode of travel (travel characteristics) and has also utilised surveys taken in relation to the existing hall and then has also related this assessment back to various possible events. Notwithstanding the reference to theoretical capacities of the building elsewhere in this report, the applicant's highway consultant has concluded that an allowance of 1.0sqm per person is a reasonable one and this is made clear in the Entran Transport Update Note. Nonetheless in Table 1 Appendix A, which assesses the impact on parking capacity (which is attached to that Entran update), they consider the impact of 3 sets of potential usage figures on parking capacity over a range of potential activities in the Village Hall i.e

1) the 0.5 sqm per person based on the theoretical maximum based on a building control design factor,

2) the 1.0 sqm they think is actually reasonable

3) A mid point ratio of 0.75 sqm per person.

It is acknowledged that there are some judgements being made in this assessment however it is considered inevitable that this should be the case and the approach for the assessment exercise is evidence based and robust and is undertaken by a suitably qualified expert. Consequently it is deemed as a sufficient basis from which the decision taker can make a rational assessment of the impacts of the development.

Applying the worst case scenario of 0.5 sqm per person, the applicant's highway consultant has made the following assessments using survey information submitted in the Transport Statement;

1. Based upon the building being fully utilised on the basis of 0.5sqm per person with no stage, no tables and no chairs, 267 people could be present (including 3 serving staff) (Option 3). In this scenario there would be a shortfall of 23 spaces representing the worst case scenario in terms of impact. The highway consultant suggests that the likelihood of that happening is Nil. This is a very high bar to reach. However, I would agree that the likelihood of 264 people standing in proximity so as to have 0.5sqm each is Nil or close to Nil. On that very unlikely basis, any harm from such an event which is unlikely to arise would not warrant refusal of the application.

2. Based upon the building being fully utilised with no seating or tables but with a 20 sqm stage for band / DJ, 231 people could be present (Option 4). The shortfall of available on street parking in the survey zones in that scenario would be 9. The highways consultant also suggests that the likelihood of that happening is Nil because he doesn't consider 0.5sqm is realistic for this proposed use. I would agree that it is highly unlikely to occur given the nature of the proposed hall and its use.

3. Based upon the building being fully utilised with 8 tables and 8 chairs at each and no stage, 219 could be present - 64 seated 148 standing and 7 serving staff. This scenario would result in a shortfall of 5 spaces and again is assessed by the highway consultant as a Nil likelihood of occurrence. In my view whilst such an occasion is possible, it is improbable in my view as it is based on people standing in such close proximity as would be unusual at such an event.

Therefore, based upon the information provided on the basis of 0.5sqm per person it is acknowledged that there could be some highway impacts if there were to be a shortfall of on street parking and that shortfall if it occurred would have some impact on the highway and the area. On 3 occasions a parking shortfall is identified and this is shown in Table 1 and this shortfall is discussed in more detail below. However, I consider these circumstances are unlikely to occur as in agreement with the highway consultant I consider it highly improbable that the building would be utilised at a ratio of 0.5 sqm per person as explained above. This is a village hall not a nightclub or similar venue whereby people standing in such close proximity may have potential to occur which would be unlikely to be the case here.

All other scenarios and occupancy levels show adequate parking availability.

Consideration has been given to all supporting information including proposals set out in the applicant's travel plan. However, with regard to these it has been recognised that

some measures are not within the control of the local planning authority and as such these measures have been not been given weight in this assessment.

On the basis of the information provided, the view of the highway officer is that the proposals accord with the relevant local plan policies and the residual cumulative impacts of the development can not be considered severe in accordance with Paragraph 32 of the NPPF subject to appropriate conditions. Even without any express restriction on the numbers of occupants and controls to require the added reassurance that would come from the booking and other intended arrangements set out in the Operation Statement 2015, it is my view that the Transport Update Note from Entran in January 2017 assists in ensuring that there is a high level of confidence that the maximum number of people on the site at any one time would not cause a shortfall of parking or impact on the highway so as to warrant refusal on highway grounds. As indicated above I also agree with the applicant and their consultant that maximum occupancy at 0.5 persons per sqm is a highly improbable scenario for a village hall given the type of activities proposed and likely to take place

Having regard to all the information provided, it is not considered that any such impact from the traffic generated by the proposal would be unacceptable or warrant refusal. The application is in accordance with the relevant development plan policies key of which to highway safety is policy T24 and the advice in the NPPF. Placemaking Plan Policy ST7 carries forward broadly the requirements of T24. The Policy carries significant weight and the application is considered to comply with ST7.

This conclusion is reached fully accepting that it is not possible or reasonable to control all large events or ancillary lettings (which may result in the capacity and therefore occupancy being greater than assessed in the Transport Update Note) neither in my view is it necessary. It is necessary to consider if the harm arising from dual use over and above the assessed theoretical maximum use would be so great so as to warrant refusal. In my view it would not warrant refusal. Such dual use when a large event is taking place seems unlikely. In any event any increased activity either from users of the hall or in terms of parking impacts as a consequence of dual letting of the main hall and ancillary rooms, even if they were to exceed that set out within the transport technical note, would be restricted in number by the limited space available. It is of note that parking shortfalls only occur when the building is occupied at an intensity of 0.5 persons per metre square, which I don't consider would occur, and when occupied at a lower intensity which is more likely to take place i.e. at the 0.75 sqm as assessed by the applicant's highway consultant or less there is adequate parking capacity for the number of users that might be in attendance with some capacity to accommodate any dual use increases. Such circumstances would be occasional and take effect over a short term and would not warrant refusal.

Air Quality

Third parties have raised the need for an air quality assessment and formal consultation with the air quality monitoring officer has been undertaken. However, and as has been confirmed by the expert, given the scale of the building an air quality assessment is not required to assess the impacts of the development and given the relatively modest daily traffic flows that would arise (even when based on theoretical maximums) the development would be unlikely to have any significant air quality impacts. The effect of air quality has been considered with regard to the cumulative effects of air quality and

although there are some potential major traffic generating developments coming forward in the wider area East of Bath, taking account of the location of the proposal the existing use of the site and the additional amount of traffic generated by the proposal the impacts are not considered to have an unacceptable impact on air quality so as to refuse the application. The application taking account of both the applicant's intended use and the maximum theoretical occupancy and associated parking of both existing and proposed building as identified within the submitted documents, is in accordance with the relevant development plan policy ES10 and the advice in the NPPF. Placemaking Plan Policy PCS3 carries forward broadly the requirements of ES10. The emerging Policy carries substantial weight and the application is considered to comply with PCS3.

Impact on Residential Amenity

The proposal has the potential to impact upon residential amenity. Key potential impacts are considered to be as a consequence of vehicles and the use itself causing noise and disturbance. Third parties have also referred to loss of privacy, overlooking and loss of light. Each of these is dealt with below.

The effect of vehicle movements and parking impacts:

There has been detailed evaluation in the highways section of this report as to the likely occupancy of the hall and the associated vehicles that are likely to be generated by that occupancy.

As indicated above, a robust assessment of maximum potential vehicle movements associated with a variety of occupancies has been made by the applicant and their highway advisors (see - Transport Update Note submitted by the applicant by Entran and referred to above) and this is considered a reasonable basis upon which to assess any potential impacts. Appendix A Table 1 of that document considers a range of activities and predicted cars associated with such an event. It can be seen that it is unlikely that car movements would exceed 102 even at the highest indicated occupancy.

Cars will not be entering the grounds of the hall and will by nature of the availability of parking be dispersed in the surrounding area. It is also the case that arrivals will be potentially concentrated at start and finish times but will also be unlikely to happen simultaneously. It is accepted that this additional level of activity and increased use will inevitably have some impact on occupiers nearby. It is also recognised that the existing hall has been subject to some complaints on grounds of disturbance and this point has been made by third parties. However, there is nothing unusual or untypical of this hall and its activities compared to other village halls which sit within residential areas such as the New Oriel Hall where such events do take place. Such uses and their associated activities are not considered incompatible with residential locations. The proposed hall, whilst bigger by around a third, is for a use that is usually compatible with a residential location in land use planning terms although any impacts on the locality must be carefully considered and are in this assessment. It is assessed that the level of harm associated with such activities will not be such so as to warrant refusal on these grounds.

Impacts of noise and other activities associated with the use of the hall:

The potential sources of noise and disturbance are from both inside the hall as well as outside and both are discussed below.

Internal noise

A detailed noise assessment has been submitted with the application and this has been taken into account in the consideration of the effect of noise arising from the use. It is clear that the existing building performs poorly in terms of its noise retention capabilities. It is the case that there have been some complaints made to the Council with regard to noise arising from use of the existing building. The proposed building has been designed to reduce noise arising from internal activity through consideration of its layout and construction. This includes locating other rooms / ancillary spaces around the main hall creating "buffer zones" to maximise the acoustic insulation of the building, creating "sound lobbies and locating natural ventilators on the east and west side of the building, away from neighbouring noise sensitive receptors. The report suggests that a significant improvement of 36dB overall attenuation could be achieved, compared to the existing building. On that basis it is considered that there would be no harm arising and that the proposal would be an overall benefit in terms of internal noise leakage. Measures to ensure that the building will be constructed to provide the stated level of attenuation can be controlled by condition.

External noise

It is acknowledged that not all noise can be contained within the building and there may be some overspill activities and noise from arrivals and departures, and from people gathering outside for example to smoke etc. There could be noise and disturbance from people returning to their cars, doors slamming, people talking and similar such noise. However the same is considered to apply in relation to the existing hall (although for reasons already identified in this report it is accepted that it is a less attractive and less used venue and is not directly comparable as a consequence). Any increase in numbers and therefore potential disturbance is not considered unacceptable in terms of the effect on nearby residents taking account of what is being proposed. It is also of some relevance that there are no limitations as to what activities can take place in the external areas now. The proposed hours of use, as set out in the applicants' operational statement are noted, and these are considered within the parameters of what might be reasonable in the context of a village and could be controlled by condition. For clarity, these hours are stated as 8.00am to finish 'normally' no later than 11.00 pm (10.30 Sundays) with 26 events on Saturdays and Sundays ending no later than midnight and a 1.00 am finish on the morning following New Year's Eve. It is acknowledged that bottle clearance can be particularly noisy and it is proposed that this is controlled by a planning condition.

Noise from traffic and associated arrivals and departures.

This is discussed above.

Machinery and Plant will be required in connection with the development. However conditions can be applied to control noise arising from any such equipment in order to ensure that there is no unacceptable impact arising from its use.

The development will accord with policy ES12 of the adopted Local Plan. Placemaking Plan Policy PCS2 carries significant weight and the application is considered to comply with PCS2.

Lighting impact.

The existing hall has external lighting in the form of two external lights operated from inside the building. PIR (passive infrared sensor) activated external lighting is in operation at the adjoining Youth Club and at Batheaston School which is located nearby. The

application does not include lighting details however it is confirmed that there will be a need for external lighting to the east, south and west sides of the building for safety and security reasons and some of that may be PIR activated for security reasons. In the context of a community facility this is not considered an excessive or unacceptable level of lighting and does not generate a requirement for a full lighting assessment. The broad location and type of lighting has been clarified and details can be required by planning condition to ensure that this level of lighting is appropriately located to minimise impact on neighbours and visual effects. The development will accord with policy BH22 of the adopted Local Plan. Placemaking Plan Policy D8 carries significant weight and the application is considered to comply with D8.

Loss of privacy / Overlooking / Loss of light

Whilst overlooking, loss of privacy and loss of light have been raised by third parties in objection to the scheme, it is not considered that the new hall will have any significant impacts on these aspects compared to the existing position. Whilst the proposed hall will be larger and higher at its highest point of the roof which is sloping, both are single storey in nature and similar in height. Furthermore, the nearest residential property is around 15m distance (depending on the point from which the measurement is taken) and therefore the building is not considered as being in such close proximity as to render it unacceptable in terms of loss of privacy, overlooking or loss of light given its size, scale, mass, design and orientation. The application indicates that the high level windows directly facing the nearest residential property will be fixed shut, glazed with obscured glass and fitted with blinds. A condition is suggested to be applied to ensure that the windows are fixed shut and obscure glazed. With these measures in place it is not considered necessary to require blinds to be included by condition.

There are for the reasons set out above considered to be no unacceptable impacts upon residential amenity subject to appropriate planning conditions. The application is in accordance with the relevant development plan policies key of which to residential amenity is policies D2, ES9 and ES12 and the advice in the NPPF. Placemaking Plan Policies PCS1, PCS2 and D6 carry forward broadly the requirements of D2, ES9 and ES12. The Policies PCS1 and D6 carry substantial weight and PCS2 carries significant weight and the application is considered to comply with these policies.

Effect on trees and landscape

The proposal will result in the loss of three false acacias T8, T9 and T10 and this has been taken into account in the consideration of this proposal. The submitted Arboricultural report identifies them as being category B2 i.e. Trees of moderate quality with an estimated remaining life expectancy of at least 20 years which are downgraded from category A due to significant defects or lacking the necessary quality to merit category A designation. The trees are identified by the Landscape Officer as being tall and thin, their main value being in their contribution as a group along with other trees adjacent. Officer note - The Landscape Officer omitted to refer to T10 in the formal response however T10 was included as part of the assessment. These three trees as part of that wider group are recognised as part of the landscape character within the village. Whilst it is not considered that the actual replacement building would cause any substantive, direct adverse effects to that character, it is acknowledged that the tree loss itself would impact upon the landscape character as it would further accentuate a gap that is already forming. It is the case that other trees that form part of that group are themselves in poor condition. T11 and T13 for example are noted as category C2 trees i.e. described as Unremarkable trees

of very limited merit or such impaired condition that they do not qualify in higher categories. It is anticipated therefore that a gap will form in either event. Whilst that gap formation may be unfortunate it is none the less concluded that the harm would not be significant given the quality of the trees existing and the contribution they make in the landscape as a whole. Furthermore the harm if any could be satisfactorily mitigated by the replanting of an alternative group which would have the potential in the medium to longer term to improve the overall landscape quality of trees within that general location. In order for the Council to be satisfied on this point, the applicant has submitted replacement planting proposals. However these are to be planted on land within the curtilage of the site and near the hall but not within the application site. This land is owned by the Diocese of Bath and Wells. The applicant has however submitted confirmation from the landowner that they would accept this planting taking place on the field within its ownership subject to it being in accordance with a condition on this planning consent. It is considered that whilst in the short term there would be some landscape impact by the removal of three trees its harm if any would be limited to localised views that would not harm the landscape character or the landscape setting of the settlement and this limited and localised impact would be adequately mitigated by the replacement planting as proposed in the medium to longer term. This is particularly so given the condition of the existing trees.

Additionally it should be noted that there are 4 trees that could be affected by the development that sit outside of the application site boundary in close proximity. These are identified within the submitted Arboriculture Impact Assessment June 2012 (Revision August 2012) as trees T4, T5, T6, and T7. Protection measures for trees on and off the site are proposed and trial trenching has been undertaken to ensure that trees shown for retention including those on adjoining sites will be retained. The submitted report confirms that trees on adjoining sites will not suffer adversely from this development subject to protection measures identified. This is confirmed as accepted by the Arboricultural Officer who has no objection to the scheme.

The application is in accordance with the relevant development plan policies key of which to trees and landscape character are policies from the Core Strategy CP6 and CP7, Saved Local Plan policies NE1 and NE4 and the advice in the NPPF. Placemaking Plan Policies NE1, NE2, NE6 and CP7 carry substantial weight and NE2A carries significant weight and the application is considered to comply with these policies.

Impact on the Conservation Area and other heritage assets and street scene

The character of this part of the conservation area is semi-rural, located on the edge of the built area with the green backdrop setting of the field and mature trees to the east of the village hall. Several listed buildings are in close proximity (as shown on the plan on page 25 of the Heritage Statement accompanying the planning application), forming attractive groupings of built form with other local heritage assets. The site abuts the green space and is set at a lower level than the adjoining Youth Centre, respecting the topography of this part of Batheaston where the land levels drop away to the east. The existing building, due to its deteriorating condition and 1950's design (see the photographs within the Heritage Statement), is considered to be unattractive. It is described within the submitted Heritage Statement as showing its age having a shabby exterior and a cold bleak interior. The existing building is considered to have a negative impact on the character of this part of the Batheaston Conservation Area and street scene. Policy BH.7 of the local plan is a consideration however it is not considered to be applicable in this case because the

existing hall does not contribute positively to the character or appearance of the Conservation Area

The proposed building is of a contemporary design that due to its design and scale would be distinct as a functional rather than domestic building commensurate with its intended community use (as explained in the Design and Access Statement and see the application plans). The building would use both natural Bath stone and timber cladding to the walls and a mixture of flat and pitched roofs. The use of traditional and natural materials respects the local vernacular and timber cladding and in this semi-rural location is appropriate. The roof form helps to alleviate the overall bulk of the building and the overall height of the single pitched roof has been kept to a minimum. This has ensured that, whilst the building would increase in height in part over the existing, any consequential impact on the street scene and Conservation Area is limited. I therefore conclude this impact is neutral when taking into account mitigation and in considering the development as a whole it is considered that the development would not be harmful to the Conservation Area but would be an enhancement. The submitted Heritage Statement suggests that the proposal will have some adverse impact on three of the listed buildings identified within proximity of the hall as a consequence of the increased height and loss of three trees but that impact would be mitigated by the more in keeping vernacular of the design and materials. The building would occupy a larger footprint than the existing hall, resulting in a larger building overall, but this, due to its overall design and location, is not considered to be harmful to the street scene or surrounding area or the setting of listed buildings.

When viewed from public viewpoints, from School Lane as well as from the adjacent recreational field, the proposed building, particularly the ridge of the roof, would be visible in views across the site from the higher level at Northend. However, such a small protrusion is not considered to cause harm. Other longer distance views of the building from the Conservation Area street scene would be partly restricted by its set-back positioning from the lane frontage, and short distance views will benefit from a visual improvement by removing the existing building and its replacement by the proposed higher quality building.

It is therefore considered that the development overall would not cause any harm, significant or otherwise to local views and would enhance the character and appearance of this part of the Batheaston Conservation Area. The proposed building is considered to be of a high quality design that would fit well within the street scene and, whilst the majority of buildings adjoining the site are of a more traditional or historic form and design, the introduction of a contemporary community building in this location is considered to be acceptable. This is also the view of the Conservation Officer who considers that the existing building (along with the youth club) detracts from local character and appearance whereas the new contemporary design building with its form and materials will complement the appearance of this part of the Conservation Area.

The Council's Conservation Officer has considered the scheme and assessed the impact of the development on designated heritage assets including the Conservation Area and several listed buildings which are itemised within the submitted Heritage Statement and undesignated heritage assets including the stone boundary wall along the sites boundary. It has been concluded that the impact of the proposed development on the settings of these assets, which includes the conservation area has been fully addressed and is not considered to cause harm.

Taking account of the Conservation Officer's comments it is recognised that some detailed matters require additional details submitted and these are listed within the Conservation Officers response and include large scale drawings of fenestration details, entrances and external surfaces. However these are matters of detail which are capable of being agreed and which can be appropriately conditioned. In my view the proposed development will preserve the character and appearance of both this part of the conservation area and the settings of other designated and undesignated heritage assets.

The application is in accordance with the relevant development plan policies key of which to Heritage assets designated and undesignated are Saved Local Plan policies BH2, BH6 and BH7 and the advice in the NPPF. Placemaking Plan Policy HE1 carries significant weight and the application is considered to comply with these policies.

Drainage and flooding

The application site is located within Flood Zone 1 and the proposal constitutes less vulnerable development. As qualified within PPG flood risk and coastal change, this Zone has low probability of flooding from sea or river however there remains the need to consider the flood risk posed by surface water flooding. The applicant proposes to reduce floor levels by 100mm compared to existing and this is not advised by the drainage officer due to potential surface water flooding. However, taking account of the site's location, which is on high ground with limited hard surfacing around, and the existing and proposed use, the application is not unacceptable on those grounds so as to warrant refusal. The applicant had proposed that surface water would be managed by discharge to wessex sewers as is the existing hall. A supplementary drainage report submitted however confirms that it will be possible to discharge into a culverted watercourse within the site. Guidance within paragraph 103 of the NPPF requires that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere. In this case the new village hall would be located on the site of the existing hall and hardstanding. As with the existing hall, the new hall would be located on high ground at the top (west) of School Lane. Whilst there may on occasion be some surface water flooding at the bottom (East) of School Lane any run off from the hall is highly unlikely to be discharged to a rate that it could increase flood risk. The submitted report confirms this position advising that "although the EA surface water flooding map shows the site to be vulnerable to surface water flooding, this is not realistic due to the presence of the boundary walls and fall of the land from west to east. The route for runoff is via the open space". There are small areas of hardstanding which are not proposed as SUDs but in the context of the site where there is a limited extent of hard surfacing, this is not considered unacceptable so as to refuse the application. A condition to ensure that surface water is acceptably managed can be applied.

The application is in accordance with the relevant development plan policies key of which to flood risk are Core Strategy Policy CP5 Saved Local Plan policy ES5 and also the advice in the NPPF and PPG. Plan Policy PCS7A carries substantial weight and the application is considered to comply with this policy.

Ecology

Bat detector activity surveys of Batheaston Church Hall, as well as a preliminary ground-level roost assessment of three trees marked for removal were carried out and findings submitted as part of application documents. The majority of activity recorded was by

commuting and foraging serotine and common pipistrelle bats. The trees marked for removal showed low potential with no evidence to suggest they were being used as a roost. As no evidence of use by bats was found, and the building generally is considered to have negligible to low potential, it was recommended that lighting be kept to a minimum, ridge tiles are stripped under supervision and compensatory planting for the trees proposed for removal is provided. All of these can be acceptably secured by planning condition. The original report was updated with bat surveys in 2016 which confirm that no use of the building by bats had been found. There is no objection on ecology grounds to the proposals subject to conditions. Updated comments from the ecologist confirm that the bat surveys submitted are sufficiently up to date to assess the effects of the development on bats. The development of the site which is confined to the building and its immediate surrounds has no ecological impacts. As noted above, some trees will be lost, however these would not have any significant effect on foraging opportunities and would not adversely affect wildlife including protected species given the extent of retained trees in the area and the limited potential for bats found.

The application is in accordance with the relevant development plan policies key of which to ecology are Saved Local Plan policy NE10 and the advice in the NPPF. Placemaking Plan Policy NE5 carries substantial weight and policy NE3 carries significant weight and the application is considered to comply with these policies.

Energy Consumption / Sustainable construction

The Planning and Design and Access Statement explains how the design envelope of the building has been considered with regard to energy efficiency. Sustainable construction measures have also been incorporated into the building design as identified in the sustainable construction checklist which was revised and supplemented by an additional supporting sustainable construction document. Whilst some measures will not be secured by the planning application as they will be subject to detailed design, the measures secured are considered proportionate and demonstrate that the hall follows a sustainable approach to design and construction. The development is consequently considered to accord with Policy ES2 of the Placemaking plan and Core Strategy Policy CP2 carried forward into the Placemaking plan and the adopted Sustainable Construction & Retrofitting Supplementary Planning Document adopted 2013.

Environmental Impact Assessment

The proposed development has been screened under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The site is considered to be an urban development project under paragraph 10b of Schedule 2 of the Regulations but the site is not within a sensitive area and falls below the 0.5 hectare threshold and a negative Environmental Impact Assessment screening opinion has been adopted.

Equalities Impact Assessment

An Equalities Impact Assessment pursuant to the Equality Act 2010 has been undertaken and there were no adverse findings.

Other issues

As noted above under the Planning History, there is another live application by a different applicant for a similar albeit smaller hall with on site parking under current consideration. Given the footprint of both, it would not be possible for both to be implemented together.

However, if this application were found acceptable, it would not prejudice the acceptability or otherwise of the alternative scheme and one permission, if granted, would not exclude or prejudice the granting of another permission, if that was also to be considered acceptable in its own right. Each should be assessed on its own merits. If both were to be granted planning permission, it would therefore be for the controlling parties of the land to determine which should proceed to implementation.

It is not considered necessary in the circumstances to determine these applications together. The application the subject of this Report was made as long ago as November 2015 and all aspects have been carefully considered since then and the LPA has a responsibility to determine applications in an expeditious manner. As indicated above, it is considered that sufficient information has been provided to enable determination of this application now, and the Applicant is entitled to this.

Planning balance

It is considered that the proposal brings forward a significant number of benefits. These include an enhanced more accessible building, better community facilities, improved energy efficiency, visual / conservation area benefits and a reduction in noise emissions arising from inside the building. The Conservation area would be preserved by the proposals and in my view enhanced.

It is accepted that there may be some dis-benefits, key of which would be the existing tree loss. However, the harm created by the tree loss if any is considered to be low and short term and sufficiently mitigated by the replacement planting which will provide longer term benefits. There would also be some increased traffic impact and some additional disturbance as a consequence of the increased use of the building including some external activities such as smoking and arrivals and departures to and from the hall. However, the impacts associated with these activities, is not considered to be unacceptable. This is taking account of the increased number of users which the new building would likely attract.

In weighing these harms against the benefit and having regard to the development plan as a whole it is considered that the proposals accord with the development plan and statutory provisions relating to conservation areas and heritage assets and the benefits of the proposal outweigh the harm by a considerable amount and the application is as a consequence recommended for permission.

RECOMMENDATION

PERMIT

CONDITIONS

1 Standard Time Limit (Compliance)

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

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

2 Plans List (Compliance)

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

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

3 Demolition materials (Compliance)

No materials arising from the demolition of any existing structures, the construction of new buildings or any material from incidental and landscaping works shall be burnt on the site.

Reason: In the interest of residential amenity

4 Asbestos (Pre-commencement)

No demolition of the existing hall shall take place until a scheme to deal with the management and/or safe disposal of asbestos and asbestos containing materials has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of, where necessary, an asbestos identification survey by a qualified contractor, measures to be adopted to protect human health and the preferred asbestos disposal route. Development shall take place in accordance with the submitted scheme unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the health of site workers and future occupiers of the site

5 Plant Noise (Compliance)

Noise from associated plant and/machinery in connection with the development should not exceed -5dB of the identified background levels as detailed in the acoustic report submitted (35dB LA90,5min) to be measured at the closest noise sensitive receptor as indicated in the submitted noise report as north west dwelling P1.

Reason: In the interest of residential amenity

6 Entertainment noise (Compliance)

The noise emissions attributable from within the building shall be limited to a level not exceeding 37dB (LAeq, 1 Hour) during the operational periods as stated in the operational statement to be measured at the closest noise sensitive receptor as indicated in the submitted noise report as north west dwelling P1.

Reason: To protect the amenity of the locality, especially for people living and/or working

7 Tree replacement (Compliance)

No construction of the hall above ground floor level shall take place until the tree(s) to be felled are replaced by another tree(s) in accordance with details shown on drawing 6186D 7100 B. If, within a period of two years from the date of planting, the tree(s) (or any other tree planted in replacement for it) is removed, uprooted or destroyed or dies, another tree of the same size and species shall be planted at the same place.

Reason : In the interests of the appearance of the area.

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

No ground preparation, demolition or construction activities shall take place until a Detailed Arboricultural Method Statement with a scaled Tree Protection Plan has been submitted to and approved in writing by the Local Planning Authority.

The Method Statement shall:

- (1) Incorporate a programme of works; supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and certificates of completion.
- (2) Include measures for 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.
- (3) Include details of the method of tree removal to avoid the use of herbicides on tree stumps to avoid any transfer to adjacent trees and construction details to ensure that no ground works extend beyond the position of the tree root trial trenches.
- (4) Be implemented in full and the development shall be carried out in accordance with that approval but not prior to the local planning authority being notified in writing 2 weeks before development commencing that the tree protection measures as approved are in place and available for inspection.

A signed certificate of compliance with the approved Method Statement shall be provided by the appointed arboriculturist to the local planning authority prior to the first occupation of any of the dwellings hereby approved.

Reason: To ensure that trees to be retained are not adversely affected by the development proposals in accordance with Saved Policy NE4 of the Bath and North East Somerset Local Plan and Policy 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.

9 Hours of Use (Compliance)

The development hereby approved shall not be used outside of the hours of 8.00am to 11.00 pm Monday to Saturday and 8.00am to 10.30 pm on Sunday with the exception of a maximum of 26 events on Saturdays and Sundays which shall end no later than 12.00 am other than the morning following New Years Eve on whichever day that may fall when the hall shall close at no later than 1.00 am on the following morning. The applicant shall keep a log of each occasion that the development is open until 12.00am and that log shall be made available for the Local Authority to inspect upon request.

Reason : In the interests of the amenity of residential amenity.

10 Parking Spaces (Compliance)

The area allocated for the parking of vehicles for disabled users on the submitted plan shall be provided prior to the hall being first brought into use and thereafter kept clear of obstruction in perpetuity and shall not be used other than for the parking of vehicles for disabled users in connection with the development hereby permitted.

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

11 Cycle Parking (Bespoke Trigger)

The cycle parking on the submitted plan shall be provided prior to the building being first brought into use, in accordance with details of the cycle hoops which shall have been first submitted to and approved in writing by the Local Planning Authority. The cycle parking shall thereafter remain available for the parking of cycles in perpetuity.

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

12 Construction Management Plan (Pre-commencement)

No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. It 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 the safe operation of the highway and in the interests of protecting residential amenity in accordance with Policies T.24 and D.2 of the Bath and North East Somerset Local Plan. This is a condition precedent because any initial construction or demolition works could have a detrimental impact upon highways safety and/or residential amenity.

13 Travel leaflet (Bespoke Trigger)

Prior to the village hall being first brought into use, details of a sustainable travel information leaflet detailing the various travel options available shall be submitted to and approved in writing by the Local Planning Authority. The leaflet shall include :-

- a) bus route information with reference to bus operators websites,
- b) details of the provision and facilities made available to cyclists,
- c) details clarifying taxi and minibus drop off points
- d) walking routes to the site from within a 1 mile radius

A log of bookings shall be kept and the approved leaflet shall be provided to the key contact responsible for the hire of the hall or any part of it at the point of booking. The log with contact details for the person(s) to whom the leaflet was provided shall be made available for inspection by the Local Planning Authority.

Reason: In the interest of encouraging sustainable travel methods in accordance with Policy T.1 of the Bath and North East Somerset Local Plan.

14 Bat Recommendations (Bespoke Trigger)

The development hereby permitted shall be carried out only in accordance with the recommendations in section 6 of the approved Bat Detector Survey Report dated May 2016 by Simecology. Demolition works shall not commence until a suitably experienced ecologist (licenced bat worker) has undertaken all necessary ecological pre-commencement checks to include re-inspection of all features of the building identified as having roost potential for bats. All demolition works with potential to affect concealed spaces identified as having bat roost potential, such as dismantling of the roof, shall

thereafter proceed only under ecological supervision by a suitably qualified ecologist. Works shall not commence until the appointed ecologist has notified the Local Planning Authority in writing of the outcome of the pre-commencement checks.

Reason: 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.

15 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 first 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.

16 Sensitive Lighting design (Bespoke Trigger)

No new external lighting shall be installed without full details of proposed lighting design being first submitted and approved in writing by the Local Planning Authority; details to include lamp specifications, positions, numbers and heights; details of predicted lux levels and light spill, and details of all necessary measures to limit use of lights when not required and to prevent light spill onto nearby vegetation and adjacent land; and to avoid harm to bat activity and other wildlife. The lighting shall be installed in accordance with the approved details and thereafter no lighting shall be installed other than in accordance with the approved details.

Reason: To avoid harm to bats and wildlife in accordance with policies NE.10 and NE.11 of the Bath and North East Somerset Local Plan.

17 Surface Water Disposal (Pre-commencement)

No development shall commence, except demolition and ground investigations, until details of a scheme for the disposal of surface water have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to occupation of the building hereby approved.

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

18 Materials (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.

19 Materials and details (Bespoke Trigger)

No construction of the external walls of the development shall commence until :-

1. a sample panel of all external walling materials to be used has been erected on site, approved in writing by the Local Planning Authority.
2. Large scale details of all external doors and windows (including roof lights) have been submitted approved in writing by the Local Planning Authority.
3. Full details of the entrance treatment, including any proposed treatment of the stone wall, gates have been submitted to and approved in writing by the Local Planning Authority.

All of the materials approved by this condition shall be retained 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 BH6, D.2 and D.4 of the Bath and North East Somerset Local Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

20 Recycling (Compliance)

No external recycling of bottles or other waste products or use of the external refuse facilities shall take place within the site outside the hours of 8.00 am to 11.00pm Monday to Friday and 9.00 am to 11.00 pm on Saturdays, Sundays and Bank Holidays.

Reason : In the interests of protecting residential amenity.

21 Obscure Glazing (Pre-occupation)

Prior to the first occupation of the approved development the high level windows (i.e. those above ground floor level) to the main hall on the north elevation shall be obscure glazed and fixed shut and shall remain so in perpetuity.

Reason: In the interests of residential amenity.

PLANS LIST:

1 130307 - BVH - TPP - REV B-LI&AM
6186D 0101A
6186D 0102D
6186D 0104F
6186D 0105B

6186D 0201B
6186D 0301G
6186 D 0103
6186 D 0303 A
6186D 0001A
6186 D 7900 B
6186D 0302F

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

Informatives

1. 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/cilo

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.

3. The developer shall comply with the BRE Code of Practice to control dust from construction and demolition activities (ISBN No. 1860816126). The requirements of the Code shall apply to all work on the site, access roads and adjacent roads.

o The requirements of the Council's Code of Practice to Control noise from construction sites shall be fully complied with during demolition and construction of the new buildings

2 Condition Categories

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

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

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

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

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

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

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

Item No: 04
Application No: 16/05845/FUL
Site Location: East Barn Whitecross Farm Bristol Road West Harptree Bristol



Ward: Mendip **Parish:** West Harptree **LB Grade:** N/A
Ward Members: Councillor T Warren
Application Type: Full Application
Proposal: Conversion of an existing barn to office accommodation (Use Class B1)
Constraints: Affordable Housing, Airport Safeguarding Zones, Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Flood Zone 2, Greenbelt, LLFA - Flood Risk Management, SSSI - Impact Risk Zones, Water Source Areas,
Applicant: Mr Clive Setter
Expiry Date: 2nd June 2017
Case Officer: Martin Almond

REPORT

This application is being determined at Development Management Committee due to the officer recommendation being contrary to the consultation response received from West Harptree Parish Council.

Planning permission is sought for the change of use of an existing barn to office accommodation within use class B1. The existing building is a large stone built building with a dual pitched roof located within its own plot. The site is located between an agricultural field to the east and the residential curtilage of Old Bittern Barn to the west. The building is accessed via a private access drive off the B3114 Bristol Road which also serves residential properties.

The application was initially submitted as a mixed use application for office use and holiday accommodation. The holiday accommodation proposal has now been removed from the application. Planning permission was granted in 2008 for the change of use of the building to holiday accommodation however this permission lapsed and is no longer extant.

The site is located within the Bristol and Bath Green Belt and is also within the Mendip Hills Area of Outstanding Natural Beauty.

Relevant planning history:

DC - 05/03133/FUL - WD - 7 December 2005 - Conversion and alterations of barn with extension to form a dwelling

DC - 08/00478/FUL - WD - 14 May 2008 - Change of use of existing barn to holiday cottage

DC - 08/03779/FUL - PERMIT - 17 December 2008 - Change of use of existing barn to holiday cottage (Resubmission)

DC - 09/02833/FUL - RF - 14 October 2009 - Change of use of barn to dwelling

DC - 10/02769/REM - RF - 23 August 2010 - Removal of condition 2 of application 08/03779/FUL (Change of use of existing barn to holiday cottage (Resubmission))

DC - 11/01991/FUL - WD - 13 July 2011 - Change of use of existing barn to holiday cottage (Material amendments to existing permission 08/03779/FUL).

DC - 12/00147/FUL - WD - 14 February 2012 - Change of use of existing barn to holiday cottage (Material amendments to existing permission 08/03779/FUL) (Resubmission)

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

West Harptree PC object for the following reasons:

- Limited visibility from vehicle access
- Small plot size makes vehicle turning difficult
- Size of building could accommodate many staff
- Business use on a private residential drive and in the AONB is not acceptable.

Highways: No objection subject to conditions.

Ecology: No objection subject to condition requiring provision of ecological habitat.

5 letters of objection and 7 letters of support received summarised as follows:

- Property is outside housing development boundary
 - Building is unsuitable for any use other than storage
 - Proposal does not meet local or national policy
 - Previous approval was not considered properly
 - Level of potential office accommodation is too high
 - Development will impact on landscape
 - External alterations and use will impact upon Green Belt
 - No evidence has been provided to show other possible re-use of the building
 - External alterations are visually detrimental
 - Impacts residential amenity (overlooking, disturbance)
 - Ecology concerns
 - Parking and amenity areas are not large enough
 - Unsustainable location
 - Highway safety
-
- The development is acceptable
 - Allows local employment
 - The existing building is attractive
 - Development is in line with planning policies
 - No significant impact upon highway safety
 - Provides small office lets.

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)
- Chew Valley Neighbourhood Plan

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

ET.9: Re-use of rural buildings
GB.2: Visual amenities of the Green Belt
T.24: General development control and access policy
T.26: On-site parking and servicing provision

The Chew Valley Neighbourhood Plan has been 'made' by B&NES and is now a part of the Council's development plan which is in accordance with section 38A(4) of the Planning and Compulsory Purchase Act 2004. Due consideration of this Neighbourhood Plan has been taken in this decision and in particular policies:

- HDE7 - Traffic Impact
- HDE15 - Dark skies policy
- BF6 - Parking for non-residential developments

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 weight can now be given to policies:

Substantial weight:

GB1: Visual amenities of the Green Belt
D2: Local character and distinctiveness
D3: Urban Fabric
D5: Building design
D6: Amenity
RE6: Re-use of rural buildings

Significant weight:

ST.7: Transport requirements for managing development

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

OFFICER ASSESSMENT

PRINCIPLE OF DEVELOPMENT

The building is located outside of the housing development boundary and is within the Green Belt. The proposal has been amended from a mixed use of holiday accommodation and office accommodation to be solely for the conversion of the building to office accommodation (use class B1).

Saved policy ET.9 of the Local Plan 2007 prescribes the requirements that the conversion of a building to a new use must meet in order to be acceptable.

In respect of ET.9, the building subject to the application is considered to be in keeping with its surroundings and respects the style and materials of the existing building. The appearance of the building will not be adversely affected or significantly altered by the

proposed use and the external alterations are minimal. The building is of substantial construction and requires no reconstruction or extension. The use of the building for office space will not result in the dispersal of activity which would prejudice the vitality of nearby villages given the size and proposed use of the building and the use of the building will not have a materially greater impact upon the openness of the Green Belt than its current use.

Placemaking Plan Policy RE6 also identifies the requirements that the re-use of rural buildings must meet in order for the proposed development to be acceptable. In this regard, the building is in keeping with its surroundings and is not of temporary construction. The proposal will not impact upon visual amenity and ecological mitigation measures will be conditioned. Given the scale of and the type of use proposed it is considered that the proposal will not disperse activity which would prejudice the vitality or viability of nearby villages. Whilst the building is considered to be isolated from public services it remains related to an established group of buildings and the proposal will not result in the need for replacement agricultural buildings. As identified previously, the re-use of the building will not have a materially greater impact upon the openness of the Green Belt and will not conflict with the purposes of including land within the Green Belt.

The re-use of rural buildings for office is in accordance with Local Plan Policy ET.9 and draft Placemaking Plan RE6.

GREEN BELT

The building is pre-existing and is not being extended. Paragraph 90 of the National Planning Policy Framework identifies that the re-use of buildings provided that they are of permanent and substantial construction is appropriate development within the Green Belt.

The building is a large stone built building of substantial and permanent construction. The changes to the external appearance of the building through the insertion of doors and rooflights does not affect the openness of the Green Belt and does not increase the size of the building. The building already contains openings along the side and front elevations, these will largely remain with some new doors inserted.

The proposed use of the building does not conflict with green belt policy and openness will be unhindered by the works. Overall the proposed use and works are in accordance with prevailing green belt policy.

DESIGN, CHARACTER AND APPEARANCE

The appearance of the building will be largely unaltered save for the insertion of doors and rooflights to the building. These alterations are not considered to negatively impact the appearance of the existing building. The use of the building as an office is not considered to be harmful to the predominately residential character of the area surrounding the application site.

Area of Outstanding Natural Beauty

The building is located within the Mendip Hills AONB. Saved policy NE.2 states that development which adversely affects the natural beauty of the landscape of the designated Areas of Outstanding Natural Beauty will not be permitted. As previously

mentioned the building is pre-existing and has been in situ for many years. The changes proposed to the boundary fencing and the use of the land surrounding the building along with the use of the building are considered to not adversely affect the natural beauty of the surrounding AONB. The proposed does not conflict with the prevailing policy.

HIGHWAY SAFETY

The building is accessed from Bristol Road by a private access drive serving the application site and the residential properties surrounding it. The submitted plans identify that a total of four parking spaces will be provided within the site boundary with turning space. The fence currently surrounding the site is proposed to be extended to allow for the parking and turning spaces as shown on the submitted plan and this is considered adequate for the proposal under consideration. The provision of four spaces is acceptable and appropriate for the proposed use of the building.

Concern has been raised regarding the safety of the private access lane where this meets Bristol Road. Whilst it has been noted by Highways that the access is sub-standard it is considered that given the limited number of additional vehicle movements to and from the premises and the limited operations taking place within the building that a refusal on highway grounds would be difficult to substantiate.

It is noted that an objection was initially provided from the Highways department in respect of this application however the objection conflicted with earlier advice provided by the same department and was based on an assessment of the proposal when it was for a mixed holiday and office use. The Highway department revised their comments stating "Having re-assessed this application, Highways DC feel that an objection would not be sustainable on the grounds of the access being substandard. It has been noted that the trip movements associated with this proposal are insignificant in the larger context plus there is no record of any collisions at this location".

Following the revision to the application to remove the proposed holiday let use the Highways department were reconsulted and raised no objection to the B1 use stating "It has been noted that the trip movements associated with this proposal will be insignificant in the larger context plus there is no record of any collisions at this location. It has been specified in the supporting documentation that it's anticipated that the site will only be accessed by up to 3 no. people in addition to deliveries which are likely to occur between 8am and 6pm Mon to Fri...While it's acknowledged that the access does not satisfy current guidance, it would be difficult to demonstrate any harm based on this information...With regard to the provision of on-site parking, Highways DC are satisfied with the provision of 4 no. spaces plus an adequate area for turning within the site".

The Chew Valley Neighbourhood Plan policy HDE7 requires that developers of any residential development that is not infill, or any non-residential development, will be required to complete a Traffic Impact Assessment. The assessment that has been submitted identifies that the proposed use will not have significant vehicle movements and will provide sufficient parking for the proposed level of use. This is in-line with the consultation response received from Highways.

The Chew Valley Neighbourhood Plan policy BF6 requires that for business parking spaces the boundary treatment is in accordance with the character of the area and the design incorporates surface water disposal.

Whilst changes are proposed to the position of the boundary and the gate position the use of timber fencing for the boundary treatment is consistent with the character of the area. The surfacing of the car park area is noted as being gravel on the submitted site plan, water falling on this surface will soak away or be directed towards the agricultural field given the fall of the land and it is not considered that the proposal will result in an increase in surface water flow.

RESIDENTIAL AMENITY

The roof lights proposed to the roof elevation facing Old Bittern Barn are shown on plan as being within WC's and their size and position is unlikely to result in significant levels of overlooking being caused as is the small window to the south elevation. These will be conditioned to be obscure glazed. The larger rooflights will overlook the agricultural field. The majority of the windows and doors at ground floor level are existing with new doors proposed to the elevation facing the agricultural field. It is not considered that the additional glazing will impact upon residential amenity. It is noted that the proposed rooflights are broadly consistent with the position of rooflights on the unimplemented previous planning permission, the principle of rooflights therefore has previously been established and whilst the earlier permission has now lapsed, the prevailing policies concerning residential amenity are largely unchanged.

Government guidance confirms that B1 Office use can be appropriate within a residential setting as the type of business use class B1 covers tend to be quiet. The proposed use of the building for an office is considered to therefore be an appropriate use at this location given the position of the proposed office in relation the neighbouring residential buildings. Use class B1 also allows for the use of buildings for research and development use and any industrial process which can be carried out in a residential area without causing detriment to the amenity of the area and for this reason it is not considered necessary to condition that the building only be used for a purpose within use class B1 (a).

With regard to levels of disturbance caused by the proposed use of the building or from vehicle traffic to and from the building this is not considered to be a level detrimental to existing residents. The current use of the building as storage by the applicant already attracts a number of vehicle movements per day with no restrictions and the proposed use is considered acceptable in this regard. The applicant has provided days and hours for deliveries which can be conditioned if planning permission is granted.

The use of the building as an office is considered to be acceptable in relation to its impacts upon neighbours. As set out in the operational statement the offices are to be used by the applicant/the applicant's business and two other people. The side boundary of the site with Old Bittern Barn is adjacent to the parking and garaging for this property and the rear of the application site is adjacent to a small section of private garden in the north-east corner to the rear of East Barn. Due to the level of activity proposed at the site along with the position of the building within the wider group of buildings it is not considered that the proposed use will have a significant impact upon levels of residential amenity to neighbouring properties.

Whilst concerns have been raised regarding the occupation of the building by more people than identified within the submitted operational statement the Council has to consider the proposal as submitted. A personal permission is considered acceptable in this situation so that any change to the occupier of the building and any likely impact can be assessed to ensure that levels of residential amenity are preserved.

ECOLOGY

An ecological survey has been submitted and this has been assessed by the Council's ecologist. As external works have already taken place to the building the current proposal requires incorporation of ecological habitat value to replace that which is likely to have been removed or lost as a result of the proposal, and would have been expected to be incorporated into the scheme had planning consent been applied for prior to works.

Conditions requiring a scheme that provides details of proposed ecological measures to be incorporated into the development, retrospectively are suggested to be attached to any eventual approval to mitigate the impact upon wildlife, this would most likely take the form of a bat box.

CONCLUSION

Given the content of the above report the application is recommended for approval subject to conditions.

RECOMMENDATION

PERMIT

CONDITIONS

1 Standard Time Limit (Compliance)

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

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

2 Personal Permission (Compliance)

The use hereby approved shall enure for the benefit only of AED Locator (E.U.) Ltd, Mr Clive Setter and his relatives or dependants.

Reason: The development hereby approved is only acceptable in this location because of the nature of the business undertaken by the applicant and his relatives and dependants. Further consideration of a new business to be undertaken in the development hereby approved would be required by the Local Planning Authority due to potential effects on residential amenity or highway safety.

3 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.

4 Wildlife Protection and Enhancement (Pre-occupation)

Within 6 months of the date of this permission full details of a Wildlife Compensation and Enhancement Scheme shall be submitted to and approved in writing by the local planning authority. These details shall include:

- (i) proposals for provision of bat habitat and roosting provision to re-instate bat roosting opportunities to the site,
- (ii) nesting provision as recommended in section 4.6 of the approved Bat and Bird Scoping Survey dated March 2017 by Crossman Associates; and (iii) other features to benefit wildlife, including new planting, where opportunities exist.

The scheme shall be produced by a suitably experienced ecologist and shall show all proposed measures, and specifications for their numbers, positions, heights, materials and fixings, as applicable, to scale on a plan. 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. The works shall be carried out prior to the occupation of any part of the development.

All works within the scheme shall be carried out in accordance with the approved details prior to the occupation of the development.

Reason: To avoid net loss of biodiversity and to provide biodiversity gain in accordance with NPPF and policies NE.10 and NE.11 of the Bath and North East Somerset Local Plan.

5 Implementation of Wildlife Scheme (Pre-occupation)

Within 2 months of the implementation of the recommendations of the Wildlife Protection and Enhancement Scheme a report shall be produced by a suitably experienced ecologist confirming and demonstrating, using photographs where appropriate, and submitted to the Local Planning Authority for approval.

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.

6 Delivery Hours (Compliance)

No vehicular deliveries shall arrive, be received or despatched from the site outside the hours of:

Monday to Friday 08:00 - 18:30

Saturday 09:00 - 13:00

No vehicular deliveries shall arrive, be received or despatched on Sundays or Bank Holidays.

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

7 Obscure Glazing (Compliance)

The proposed rooflights in the roof of the south-west elevation of the building shall be obscurely glazed. Thereafter the rooflights 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.

8 Obscure Glazing and Non-opening Window(s) (Compliance)

The proposed window in the south elevation of the building 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.

9 Plans List (Compliance)

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

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

PLANS LIST:

1 This decision relates to drawings 6198-102C and site location plan dated as received 30th November 2017 and drawings 6198-101E and 6198-103B dated as received 23rd March 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 or send it direct to planning_registration@bathnes.gov.uk. Alternatively this can be sent by post to The Planning Registration Team, Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

3 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: 05
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 to 14 - 15 Union Street 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; 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, |
| Applicant: | 14 Union St Ltd & 15 Union St Ltd |
| Expiry Date: | 2nd June 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 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: 14-15 Union Street, Bath

DESCRIPTION OF SITE AND APPLICATION: Conversion to 14 - 15 Union Street 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; 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: 14-15 Union Street are grade II listed buildings, 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 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 66(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in exercising its planning functions 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.

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'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.

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. This now forms part of a separate submission for planning and Listed Building Consent and is not considered within this application.

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 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 when considering whether to grant listed building consent for any works to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it 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
1705_L15, 1604_A01a, A03, L04a, D03a, L11a, D04a, L03a, L13b and L15a date received 21/04/17

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

Item No: 06
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 to 14 - 15 Union Street 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; 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, | |
| Applicant: | 14 Union St Ltd & 15 Union St Ltd | |
| Expiry Date: | 2nd June 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 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 - 15 Union Street, Bath

DESCRIPTION OF SITE AND APPLICATION: Conversion to 14 - 15 Union Street 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; 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: 14-15 Union Street are grade II listed buildings, 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 replace 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 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/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 be the increase to 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. This now forms part of a separate submission planning and Listed Building Consent applications and is not considered within this application.

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 unit 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 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 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in exercising their planning function 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 HE.1 of the draft Placemaking Plan.

PLANS LIST:

1 This recommendation relates to the following plans/documents:

1604-D05A, 06 to 07A, 09, 1604-L02 to L11, L14, L17-L18, 1604- S02-S07, S09-S11, S13-S15

1705_L15, 1604_A01a, A03, L04a, D03a, L11a, D04a, L03a, L13b and L15a date received 21/04/17

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

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: 07
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: | 2nd June 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. The item was withdrawn from the 3rd May 2017 Committee to allow time to consider a further representation concerning access rights to a lane serving the site.

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.

Planning permission was refused for application no. 13/01989/OUT 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 and in considering the appeal he concluded that the site could in principle be acceptably developed without harm to landscape character but that the 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 - This resubmitted application has been amended to include the access track within the application boundary.

For the reasons given before in response to application 16/05570/OUT, there is now no highways objection to the proposal.

For information, for any reserved matters application, the highway authority would be seeking the location of the access to the new dwelling to be sited at the south west corner of the site.

Updated comments 02/03/17 - I refer to the site meeting between the Case Officer and myself on 1st March 2017 to review the issues surrounding highway and pedestrian safety.

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 a maximum of 5 cars parked on the lane to pick up children, with 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.

There has clearly been concern raised 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 43metres, where only 27metres 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 25metres 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, I have taken a balanced view of the proposal and its impact on the safety of users of the lane, and feel 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 most recent site visit.

The ownership of the access lane is shown within the application site, and therefore the applicant has demonstrated that a vehicular access can be made to the site to serve a new dwelling.

I therefore maintain my recommendation of the 10th February 2017.

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 not 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 including neighbours and Camerton Church School - 17 letters of objection, 1 letter of comment including a letter from a solicitor acting on behalf of a local landowner challenging the right of access along the unadopted lane serving the site (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
- Traffic lights control at junction recommended to address highway safety concerns
- Evidence submitted to dispute the legal right of access to the land across the lane (this is covered in the report below)

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.

HG.10: Housing outside settlements (agricultural and other essential dwellings)
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:

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) an application for a dwelling on the site was refused by the Council and then subsequently dismissed at appeal. The Inspector at that time 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.

The Inspector's decision accepted 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 National 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 2014 appeal decision however represents a significant material consideration in the assessment of this proposal.

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 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.

ACCESS ISSUES / IMPACT ON THE PUBLIC RIGHT OF WAY:

The legal right to use the access leading to the site has been contested by a local resident. In this regard this is an outline application with all matters reserved for a later submission stage. The term 'access' is defined at some length in art 2(1) of the Development Management Procedure Order 2010. It means: 'in relation to reserved matters, the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network; where "site" means the site or part of the site in respect of which outline planning permission is granted or, as the case may be, in respect of which an application for such a permission has been made'.

In this case where access is a reserved matter, art 4(5) of the DMPO 2010 requires that the application must state the area or areas where access points to development proposed will be situated. Therefore, although access is a reserved matter, it cannot be left completely to the reserved matters stage. In this case, there is an access which is acceptable in planning terms. The question is whether the applicant has the necessary legal rights to use it so as not to breach s34 Road Traffic Act 1988. Therefore, the only issue to consider here is whether the access is acceptable in planning terms - whether or not the applicant has the necessary legal rights to use it is a matter for them to ascertain. In this respect it is not for the Council to adjudicate over the legal use of land, the LPA is concerned with the planning merits of the case.

For the above reasons, and taking the position that the requirements of the Development Management Procedure Order 2010 have been met, the application is recommended for consent in line with the above advice and an informative is attached in line with the advice provided by the the Public Rights of Way Team who state that it is imperative that the applicant obtains lawful rights over use of the lane from any relevant land owner. 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

Officers 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 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.

4 The Public Rights of Way Team requests that the following 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: | 08 |
| Application No: | 17/01208/FUL |
| Site Location: | Avonlea House Station Road Freshford Bath Bath And North East Somerset |



Ward: Bathavon South

Parish: Freshford

LB Grade: N/A

Ward Members: Councillor Neil Butters

Application Type: Full Application

Proposal: Erection of single storey side extension

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

Applicant: Ms Sarah Lynott

Expiry Date: 2nd June 2017

Case Officer: Samantha Mason

REPORT

Reasons for going to committee:

Freshford Parish Council objects to the application whilst the Case Officer is minded to support. As per the Scheme of Delegation the application was recommended to the Chair of the Committee who decided that the application will be considered at committee for the following reasons:

'I have studied the application noting the PC and third party objections which relate to residential amenity and impact on the character of the area. These points have been addressed in the report presented to me however I recommend the application be determined by the DMC as I feel the issues raised should be fully debated.'

Description:

Avonlea House is located within a collection of houses off of Station Road, it essentially forms the end of a terrace but has a large garden to the west of the property.

Avonlea House is located within the Housing Development Boundary of Freshford. It also lies within Freshford Conservation Area, the Green Belt and the Cotswolds Area of Outstanding Natural Beauty.

The proposal is seeking permission for the erection of single storey side extension.

Relevant Planning History:

none

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses:

Freshford Parish Council: Objection.

The paperwork is brief, but the plans show that the walls of the extension will be only 300 mm away from the property's boundaries with two neighbouring houses; in one case a fence, and in the other a high stone wall. Both neighbours have submitted detailed comments which question both the validity and method of building walls only 300 mm away from existing walls or fences, the effects on their foundations, and problems of future access, if either the boundaries or the building itself need to be repaired or changed in some way.

In addition, the applicant's out building is being brought into the main building and adjoins the neighbour's own outbuilding; this gives rise to concerns about building work and the safety of the structures. The proposed building is high behind the boundary walls, and the issue of light and an overbearing structure next to neighbour's gardens remains a concern.

The Application is very short. More detailed information is required concerning the building lines, effects on existing boundaries and structures, light reduction and the volume increase of the build.

Representations Received:

Two objections received, the following is a summary of the points raised:

- The proposed extension is too close to the boundary wall and would be overbearing
- The development may effect the boundary wall foundation and would not allow access for maintainance
- The proposal would result in a loss of light
- The prosal would affect the character of the Conservation Area and neighbours properties
- The extension appears as overdevelopment
- No north elevation has been shown on the plans
- The development encorporates an existing outbuilding, which joins the neighbours outbuilding, work may impact the structural integrity of the building.

POLICIES/LEGISLATION

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

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

Core Strategy:

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

DW1: District Wide Spatial Strategy

SD1: Presumption in favour of sustainable development.

CP6: Environmental quality

CP8: Green Belts

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 the application.

D.2: General design and public realm considerations

D.4: Townscape considerations

HG15: Dwelling extensions in the Green Belt.

GB.2: Visual Amenities of the Green Belt

NE2: Area of Outstanding Natural Beauty.

NE4: Trees and woodland conservation

BH6: Development within effecting 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

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

The following policies can now be given significant weight:

HE.1: Historic Environment

Existing Dwellings within the Green Belt SPD (Adopted 2008)

The Freshford & Limpley Stoke Neighbourhood Plan:
Planning and Development Policy

The National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) are also material considerations.

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

Avonlea House is located within a collection of houses off of Station Road, it essentially forms the end of a terrace but has a large garden to the west of the property.

Avonlea House is located within the Housing Development Boundary of Freshford. It also lies within Freshford Conservation Area, the Green Belt and the Cotswolds Area of Outstanding Natural Beauty. These are the main planning considerations along with impact on residential amenity.

Green Belt:

The primary issue to consider is whether the proposal represents inappropriate development in the Green Belt.

The NPPF states that the construction of new buildings within the Green Belt should be regarded as inappropriate development which, by definition, is harmful to the Green Belt and should not be supported except in very special circumstances. However, a number of exceptions to this overarching policy are set out in the NPPF. One of these exceptions is the extension of an existing building, providing it does not result in a disproportionate addition over and above the size of the original building. This would apply to this proposal. Although the proposed garage is freestanding due to its proximity to the main residential dwelling it would in effect be seen as an extension of this property, in addition to the rear extension proposed.

This national policy advice is to be read together with the relevant development plan, which in this case includes Core Strategy Policy CP8, which restricts development in the Green Belt but allows for certain exceptions. In relation to extensions or alterations to existing dwellings policy CP8 states that the SPD 'Existing Dwellings in the Green Belt' (2008) should continue to guide decisions.

The SPD states that limited extensions to a dwelling house may be acceptable, providing that they do not represent a disproportionate addition over and above the size of the 'original dwelling'. It advises that extensions up to about a third the size of the original property are generally considered acceptable. Extensions greater than this are considered to compromise the openness of the Green Belt and the rural character of an area.

In this case the original property is 449.5cu.m in volume and the proposal results in an increase of 135.85cu.m, this equates to approximately a 30% increase. This is considered an appropriate addition within the Greenbelt and is in line with planning policy.

Furthermore the extension is considered to be an appropriately scaled addition. It is therefore not considered that the proposals will negatively impact on the openness and rural character of the site or the purposes of including land within the green belt. The proposal is therefore deemed to accord with policy CP8 of the adopted Core Strategy and saved policies GB.2 of the Bath and North East Somerset Local Plan (2007) and part 9 of the NPPF.

Appearance and Design:

In this Conservation Area location saved Local Plan policy BH.6 requires development to preserve and or enhance the character and appearance of the area through its size scale form detailing and the materials used.

The site is within the AONB and as such saved policy NE.2 of the Council's Local Plan (2007) says that development will not be permitted where it is seen to adversely affect the natural beauty of the landscape.

Freshford and Limpley Stoke Neighbourhood Plan states in its Planning and Development Policy that the design of new development must be mindful of and sensitive to the physical and environmental context of the site and its location. This includes the need for any development to be proportionate both to its site and in relation to its immediate neighbours. The design, contemporary or traditional, must be a positive addition to the rural environment reflecting the character of its setting and acknowledging the local built heritage. It must sit well in the landscape and not dominate it.

The proposed extension essentially infills a walled courtyard type garden area between the existing property and the existing detached store. The proposal is single storey with a roof lantern and is considered to be a subservient addition to the host dwelling.

The exposed walling of the proposal, for example above the fence line and to the north west elevation, will be dressed stone to match the surrounding stone elements. This is considered to integrate successfully with the host dwelling and local area, and it is also considered to be acceptable within the Conservation Area, preserving its setting. The flat roof will be felt lined with chippings.

The proposal infills a small area of garden, leaving Avonlea with plenty of amenity space to the rear and is single storey, the proposal is therefore not considered to constitute over development of the site.

There is limited visibility of the proposal and it is therefore not considered to dominate the landscape, the design is considered to reflect the character of its setting and therefore the proposal is considered to comply with the neighbourhood plan policies regarding design.

Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act it is the Council's duty to pay special attention to the preservation or enhancement of the character

of the surrounding conservation area. It is considered that full consideration has been given to these duties in reaching the decision to grant consent for the proposed works.

The proposed development by virtue of its design, scale, massing, position and use of external materials would not adversely affect the natural beauty of the landscape of the designated AONB in accordance with saved policy NE.2 of the Bath and North East Somerset Local Plan (2007) and Part 11 of the NPPF.

Residential Amenity:

The proposal infills an area between Avonlea and the detached garden store, the proposed extension is set adjacent to the boundary wall of neighbours to the north east at Studio Cottage and to the south east at Hill View. The proposal is set away from the boundary of neighbouring properties by 300mm. No windows have been proposed in the side elevations. There is a roof lantern proposed centrally within the roof of the extension along with two roof lights. The proposal will see the conversion of the current store to a snug, the extension will join this existing element to the main house.

Neighbours have raised concerns over the 300mm void between the proposed extension and the two boundary walls, particular concern was raised over how this may affect the foundations and that it would cause maintenance issues. These are not planning considerations but are civil matters; therefore these objections do not preclude the granting of planning permission.

Neighbours at Studio Cottage currently look towards the side elevation of Avonlea which is two storey. A boundary wall with a trellis fence is set between the two properties. It is not considered that the proposed extension will result in an overbearing development, particularly having regard to the existing situation and outlook of the neighbours. There will not be any additional overlooking of neighbours as a result of the proposal.

The shared boundary treatments between Avolea and Studio Cottage and Hill View are set at approximately 2m high according to comments received from these neighbours, this has not been confirmed on the proposed plans. The proposed extension is single storey and 3m in height, therefore approximately 1m of the extension will be visible to neighbours. The proposal is therefore not considered to result in significant additional overshadowing that would warrant refusal.

The outbuilding proposed for conversion is attached to an outbuilding belonging to Studio cottage. Concern has been raised that the conversion of the outbuilding and adjoining it with the proposed extension could lead to structural integrity problems. All works fall within the ownership boundary of the applicant. The National Planning Policy Framework states in paragraph 120 that responsibility for securing a safe development rests with the developer and/or landowner. The proposal is small scale and the outbuilding has been in place for many years, it is not considered that a structural engineer report is required for what is essentially a conversion of the existing building and a small extension. The applicant is responsible for its safe development.

A further point raised by neighbours was concern that the flat roof may be used as a balcony, there is no intention of this outlined in the planning application, however a condition can be attached to the planning permission preventing such a use of the roof.

Given the design, scale, massing and siting of the proposed development the proposal would not cause significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, noise, smell, traffic or other disturbance. The proposal accords with saved policy D.2 of the Bath and North East Somerset Local Plan (2007) and paragraph 17 and part 7 of the NPPF.

Conclusion:

In conclusion the proposal is found to be in line with Local Plan Policies D.2, D.4, HG.15, GB.2, and BH.6 of the Saved Local Plan, CP.8 of the Core Strategy, Policies HE1 and D1 to D6 of the Draft Placemaking Plan, and The Planning and Development Policy of the Freshford and Limpley Stoke Neighbourhood Plan.

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 - Sample of Render (Bespoke Trigger)

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

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

3 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:

13 Mar 2017 Ah.3. Site Location Plan
13 Mar 2017 Ah.5. Block Plan
13 Mar 2017 Ah.4. Proposed Plans

2 Condition Categories

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

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

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

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

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

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

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

3 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 Control Committee | <div style="border: 1px solid black; width: 100px; height: 100px; display: flex; align-items: center; justify-content: center;"> AGENDA ITEM NUMBER </div> |
| MEETING DATE: | 11 January 2017 | |
| RESPONSIBLE OFFICER: | Mark Reynolds, Group Manager, Development Management (Telephone: 01225 477079) | |
| | | |
| TITLE: | NEW PLANNING APPEALS, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES | |
| WARD: | ALL | |
| BACKGROUND PAPERS: None | | |
| AN OPEN PUBLIC ITEM | | |

APPEALS LODGED

App. Ref: 16/02230/FUL
Location: 10 Lymore Gardens Twerton Bath BA2 1AQ
Proposal: Change of use from a 4 bed dwelling (use class C3) to a 4 bed house of multiple occupation (HMO) (Use class C4)
Decision: REFUSE
Decision Date: 12 January 2017
Decision Level: Planning Committee
Appeal Lodged: 20 April 2017

App. Ref: 16/01412/FUL
Location: 103 Fairfield Park Road Fairfield Park Bath BA1 6JR
Proposal: Erection of 2 semi-detached dwellings following demolition of existing garages on land rear of 103 and 105 Fairfield Park.
Decision: REFUSE
Decision Date: 30 August 2016
Decision Level: Delegated
Appeal Lodged: 27 April 2017

App. Ref: 16/04717/FUL
Location: 12 Claremont Road Larkhall Bath
Proposal: Erection of 1 no. detached dwelling with single garage and one single garage on land to the rear of No.12 Claremont Road

Decision: REFUSE
Decision Date: 15 February 2017
Decision Level: Delegated
Appeal Lodged: 27 April 2017

App. Ref: 16/06186/VAR
Location: 40 Moorland Road Oldfield Park Bath BA2 3PN
Proposal: Variation of condition 3 attached to application 15/04912/FUL (Change of use from Opticians (Class A1) to Hot Food Takeaway (Class A5) and external alterations including the installation of extraction and ventilation equipment and the erection of a single storey 17.1 sq m rear extension).
Decision: REFUSE
Decision Date: 14 February 2017
Decision Level: Delegated
Appeal Lodged: 27 April 2017

App. Ref: 16/02429/FUL
Location: 121 Mount Road Southdown Bath BA2 1NH
Proposal: Division of existing dwelling into 2no apartments and erection of two storey side extension to form three bedroomed house.
Decision: REFUSE
Decision Date: 15 February 2017
Decision Level: Delegated
Appeal Lodged: 2 May 2017

App. Ref: 16/05386/FUL
Location: Hill Cottage Woollard Lane Publow Bristol
Proposal: Construction of a hipped roof over existing garage flat roof and erection of rear garden lobby including fenestration changes to rear elevation
Decision: REFUSE
Decision Date: 28 December 2016
Decision Level: Delegated
Appeal Lodged: 3 May 2017

App. Ref: 16/05395/FUL
Location: Basement Flat 6 Walcot Buildings Walcot Bath BA1 6AD
Proposal: Subdivision of Basement Flat to create 2no. dwellings
Decision: REFUSE
Decision Date: 13 January 2017
Decision Level: Delegated
Appeal Lodged: 3 May 2017

App. Ref: 17/00279/FUL
Location: Somerset House 1 Church Street Widcombe Bath
Proposal: Erection of single storey garden extension to the basement flat
Decision: REFUSE
Decision Date: 17 March 2017
Decision Level: Delegated
Appeal Lodged: 3 May 2017

App. Ref: 16/05531/FUL
Location: 6 St Nicholas Road Whitchurch Bristol BS14 0PJ
Proposal: Erection of two storey side extension, creation of 2 new car parking spaces and dropped kerb
Decision: REFUSE
Decision Date: 30 January 2017
Decision Level: Chair Referral - Delegated
Appeal Lodged: 4 May 2017

App. Ref: 16/03702/FUL
Location: Breezes 53A Stonehouse Lane Combe Down Bath BA2 5DW
Proposal: Erection of single storey dwelling
Decision: REFUSE
Decision Date: 23 September 2016
Decision Level: Delegated
Appeal Lodged: 5 May 2017

App. Ref: 16/05256/FUL
Location: Avalon House Fosseway Dunkerton Bath
Proposal: Erection of wall and feather edged panelling fence between pillars following removal of old fence (Retrospective) (Resubmission)
Decision: REFUSE
Decision Date: 12 January 2017
Decision Level: Planning Committee
Appeal Lodged: 8 May 2017

APPEALS DECIDED

App. Ref: 15/03931/FUL
Location: Middle Field Charlton Road Queen Charlton Bristol
Proposal: Re-profiling land for the purposes of agricultural improvement (Resubmission of 14/01037/FUL)
Decision: REFUSE
Decision Date: 22 March 2016
Decision Level: Delegated
Appeal Lodged: 11 January 2017

Appeal Decision: Dismissed 24.04.2017

Click [here](#) to view the Appeal Decision

App. Ref: 15/05367/FUL
Location: Hinton Garage Bath Ltd Hinton Garage Albion Place Kingsmead Bath
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.
Decision: REFUSE
Decision Date: 7 July 2016
Decision Level: Delegated
Appeal Lodged: 7 November 2016

Appeal Decision: **Appeal withdrawn 25.04.2017**

Case Ref: 14/00806/UNAUTH
Location: Peasedown Community Farm, Dunkerton Hill, Dunkerton.
Nature of Breach: Without planning permission use of land for builders yard.
Notice Date: 10 May 2016
Appeal Lodged: 16 August 2016

Appeal Decision: **Appeal dismissed and Enforcement Notice varied 03.05.2017**

Copies of the decision are available on request from
planning_appeals@bathnes.gov.uk

App. Ref: 16/04424/FUL
Location: Parcel 5472 Cobblers Way Westfield Radstock
Proposal: Erection of 3no three bedroom dwellings
Decision: N/a
Decision Date: N/a
Decision Level: Delegated
Appeal Lodged: 7 February 2017

Appeal Decision: **Allowed 04.05.2017**

Click [here](#) to view the Appeal Decision

FORTHCOMING HEARINGS & INQUIRIES

App. Ref: 16/02942/OUT
Location: New Barn Farm, Norton Lane, Whitchurch, BS14 0BU
Proposal: Outline application for erection of an agricultural workers dwelling
(Resubmission)
Decision: REFUSE
Decision Date: 4th August 2016
Decision Level: Delegated
Appeal Lodged: 7 April 2017

Hearing to be held on 7th June at Somerdale Pavilion, Keynsham.