

Development Management Committee

Date: Wednesday, 24th October, 2018

Time: 2.00 pm

Venue: Brunswick Room - Guildhall, Bath

Agenda

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: Patrick Anketell-Jones, Neil Butters, Ian Gilchrist, Liz Hardman, Will Sandry, Liz Richardson, Brian Simmons, Martin Veal and Karen Warrington

Chief Executive and other appropriate officers
Press and Public

The agenda is set out overleaf.



Marie Todd

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NOTES:

1. **Inspection of Papers:** Papers are available for inspection as follows:

Council's website: <https://democracy.bathnes.gov.uk/ieDocHome.aspx?bcr=1>

Paper copies are available for inspection at the **Public Access points:-** Reception: Civic Centre - Keynsham, Guildhall - Bath, The Hollies - Midsomer Norton. Bath Central and Midsomer Norton public libraries.

2. **Details of decisions taken at this meeting** can be found in the minutes which will be circulated with the agenda for the next meeting. In the meantime, details can be obtained by contacting as above.

3. **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.

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4. **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. They may also ask a question to which a written answer will be given. **Advance notice is required not less than two working days before the meeting. This means that for Development Management meetings held on Wednesdays, notice must be received in Democratic Services by 5.00pm the previous Monday.** Further details of the scheme:

<https://democracy.bathnes.gov.uk/documents/s45420/Development%20Management%20Planning%20public%20speaking%20scheme.pdf>

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

6. **Supplementary information for meetings**

Additional information and Protocols and procedures relating to meetings

<https://democracy.bathnes.gov.uk/ecCatDisplay.aspx?sch=doc&cat=13505>

Development Management Committee- Wednesday, 24th October, 2018

at 2.00 pm in the Brunswick Room - Guildhall, Bath

A G E N D A

1. EMERGENCY EVACUATION PROCEDURE

The Chairman will ask the Committee Administrator to draw attention to the emergency evacuation procedure.

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 5 - 32)
To confirm the minutes of the meeting held on 26 September 2018.
9. SITE VISIT LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (Pages 33 - 50)
10. MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (Pages 51 - 100)
11. NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES (Pages 101 - 106)

The Committee is asked 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**Minutes of the Meeting held**

Wednesday, 26th September, 2018, 2.00 pm

Councillors: Sally Davis (Chair), Jasper Becker, Matthew Davies, Ian Gilchrist (Reserve) (in place of Rob Appleyard), Eleanor Jackson, Les Kew, Bryan Organ, Liz Richardson (Reserve) (in place of David Veale), Dine Romero (in place of Paul Crossley) and Will Sandry (Reserve) (in place of Caroline Roberts)

44 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

45 ELECTION OF VICE CHAIRMAN (IF DESIRED)

A Vice Chairman was not required on this occasion.

46 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from:

Cllr Rob Appleyard – substitute Cllr Ian Gilchrist
Cllr Paul Crossley – substitute Cllr Dine Romero
Cllr Caroline Roberts – substitute Cllr Will Sandry
Cllr David Veale – substitute Cllr Liz Richardson

47 DECLARATIONS OF INTEREST

There were no declarations of interest.

48 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was no urgent business.

49 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.

50 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS

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

51 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 29 August 2018 were confirmed and signed as a correct record.

52 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 items 1, 2, 3, and 4 attached as *Appendix 1* to these minutes.
- Oral statements by members of the public and representatives. A copy of the speakers' list is attached as *Appendix 2* to these minutes.

RESOLVED that in accordance with the delegated powers, the applications be determined as set out in the decisions list attached as *Appendix 3* to these minutes.

Item Nos. 1 and 2

Application Nos. 18/02499/FUL and 18/02500/LBA

Site Location: 32 – 33 Victoria Buildings, Westmoreland, Bath, BA2 3EH – Provision of new skittle alley, a new community room, provision of new accessible toilets, refurbishment of the public house and the provision of 9 apartments at the Belvoir Castle, Bath

The Case Officer reported on the applications and her recommendation for refusal. She outlined the reasons for refusal and emphasised that members should attach considerable importance to the identified harm to the heritage assets. The Case Officer advised that the ecology concerns had been resolved and this no longer was held as a reason for refusal.

Two local residents spoke against the applications.

The Agent spoke in favour of the applications.

Cllr Colin Blackburn, local ward member spoke in favour of the applications. He stated that starter homes were badly needed in this area. He also stressed the importance of retaining the Belvoir Castle pub as a heritage asset in this locality as it was a key facility in the centre of the community.

Cllr June Player, local ward member, spoke against the applications stating that she did not wish to lose the pub but felt that the current proposal would cause damage to the listed buildings at Park View. She was concerned that there was no parking provision which would add to the existing congestion problems in the area.

The Case Officer then responded to questions from members as follows:

- The pub toilets would be accessible but there would be stairs down to the skittle alley and garden.
- It would not be possible to restrict the occupancy of the apartments as this was not an affordable housing application.
- The Placemaking Plan set the parking level requirement for student accommodation at zero, however, this application was not for designated student accommodation, therefore the application did not meet minimum parking standards.
- Surrounding buildings were 4 storeys high which was above the height of the proposed building.
- The Highways Officer confirmed that Bath Spa Railway Station was 1.47km from the site and Oldfield Park Railway Station was 380m from the site. The relevant parking requirement discount had been applied.
- An assessment had to be made regarding overlooking, height and distance as there was nothing prescriptive in the policy or legislation. The overbearing nature of the development was the main issue.
- The skittle alley was constructed of bricks and rubble stone. It was not listed in its own right but as part of the pub building.
- The building was on a brownfield site but the protection of the heritage assets was the key consideration.
- The Team Manager, Development Management advised that ,as stated in paragraph 193 of the NPPF, great weight should be given to the conservation of a heritage asset and its significance must be taken into consideration. She explained that there was no connection delivered in the application between the refurbishment of the pub and the construction of the dwellings. Therefore the Committee should not give a great deal of weight to the pub refurbishment being supported by the sale of the apartments.
- The Team Manager, Development Management, advised that if there was a subsequent proposal to convert the pub into a dwelling then this would require a fresh planning application and be considered against relevant planning policies on its merits.
- In response to issues raised by members, the Legal Advisor stated that conditions which sought to alter the status of the proposed dwellings from the open market housing would be likely to be overturned on appeal.
- The Team Manager, Development Management, emphasised the need to consider the development as proposed and that any restrictions or substantive change to the proposal would require further discussions with the applicant.

Cllr Kew stated that these were difficult applications. It was important to retain the pub as a community asset. There was a great need for housing in Bath. He noted that the development could be considered overbearing. This was a central location with good local transport links. On balance he felt that this was an area of dereliction that required development. He moved that the Committee delegate to permit the applications, subject to conditions, for the following reasons:

- To secure the retention of the pub as a community asset, meeting place and public amenity.
- The existing building is in need of improvement and the proposal will complement the listed buildings.
- He did not think that the development would flood.

- The site is in a highly sustainable location.
- To improve the area.
- To provide housing.
- To secure important community facilities.
- The harm identified is considered to be less than substantial.

Cllr Matthew Davies seconded the motion.

Cllr Jackson stated that the loss of amenity to the properties in Park View was unacceptable and that the proposed development would dominate the houses. There was also no guarantee that the pub would be retained as a community and heritage asset.

Cllr Romero stated that she would support the housing if it were designated for key workers or starter homes. However she also noted that the development was very close to existing properties and could be overbearing for local residents.

Cllr Sandry stated that the size and scale of the proposed development and its relationship to existing houses in the area meant that he could not support the application. He noted there was no evidence that the pub was unviable and pointed out that there was a large amount of redevelopment in this area.

Cllr Gilchrist felt that the proposal was too high and was concerned about overlooking.

Cllr Organ was concerned at the number of pubs that were closing and supported the refurbishment of this business which would provide a facility for the community.

Cllr Becker was concerned that the building would be overbearing and would prefer to visit the site as he noted there were already some tall buildings in the vicinity.

Cllr Jackson was concerned that if permission were granted this would not be in accordance with current policies. The Legal Advisor explained that the Committee could decide to depart from policy if members concluded that the policy was outweighed by other material considerations. He stressed that great weight should be given to the harm to the heritage assets which created a presumption against granting planning permission. In order to grant permission the Committee would have to find that there were public benefits which outweighed the harm.

The Team Manager, Development Management, advised that if members were placing weight on the community benefits arising from the refurbishment of the pub, as the motion suggests is the case, then members should consider delegating to permit on the basis that the securing of those community benefits should be discussed with the applicant with a view to securing them by a condition or legal agreement as appropriate. It was further clarified that in the event that this could not be achieved the application would be brought back to the committee given the motion put forward. Cllr Kew confirmed that it was important to retain the pub and skittle alley as a community asset and meeting facility and agreed that the proposed improvements should be secured by condition or legal agreement.

On that basis the motion was put to the vote. Members voted on each application

separately and, in both cases, it was RESOLVED by 5 votes in favour, 4 votes against and 1 abstention to DELEGATE TO PERMIT both of the applications subject to conditions and/or a legal agreement as appropriate.

Item No. 3

Application No. 18/02831/FUL

Site Location: The Old Bakery, Jews Lane, Twerton, Bath, BA2 3DG – Demolition of existing building and redevelopment comprising erection of a student accommodation building (sui generis) and erection of a flexible employment building (Class B1)

The Case Officer reported on the application and her recommendation to permit. She advised the Committee that additional conditions were now proposed in relation to ecological matters as set out in the update report.

A local resident spoke against the application and Cllr June Player (local ward member) also read out two statements from local residents against the application.

The Agent spoke in favour of the application.

Cllr June Player, local ward member, spoke against the application. She stated that the height of the building would dominate adjacent dwellings. The density of the development would lead to more activity in the area and would lead to diminution of the amenities of local residents. She also pointed out the parking problems in this area which would increase with 63 additional residents and stated that parking could not be adequately monitored. She pointed out the large number of objections and noted that the quality of life of residents, particularly those in Albert Terrace, would diminish along with the community balance in the area.

The Case Officer then responded to questions from members as follows:

- The policy supports student accommodation in this location.
- The Highways officer confirmed that there was a toucan crossing close to the site.
- A CIL contribution would be made by the developer which could provide improved landscaping if necessary. There was a park nearby which could be used by residents as a recreational area.
- There was currently no service or lease agreement in place for the building.
- The parking measures would be enforceable as a condition as set out in the report.
- There would be some harm to 14 Albert Terrace as there would be a reduction in daylight. However this harm was not considered to be so significant as to warrant refusal of the application.
- The building would be 2m closer to existing dwellings than at present and would be 8m in height.

Cllr Organ moved the officer recommendation to permit the application. This was seconded by Cllr Kew.

Cllr Sandry stated that while this was not a bad application, the location was not ideal and it would have an adverse effect on neighbouring properties. The

provision of large amounts of student accommodation in the area was hollowing out communities. The shortage of parking spaces in this location was also a concern.

Cllr Jackson felt that the proposal would be intrusive for the residents of Albert Terrace. She also expressed concern regarding the quality of urban design and landscaping.

The motion was put to the vote and it was RESOLVED by 5 votes in favour, 3 votes against and 2 abstentions to DELEGATE TO PERMIT the application subject to conditions and the completion of a Section 106 Agreement as set out in the report.

Item No. 4

Application No. 18/02261/FUL

Site Location: 27 Rockliffe Avenue, Bathwick, Bath, BA2 6QP - Erection of replacement dwelling following demolition of existing (Resubmission of 16/02520/FUL)

The Case Officer reported on the application and her recommendation to permit. She explained that the scheme as now submitted seeks to address the concerns raised by the Planning Inspector following an appeal against the refusal of a previous application on the site. She also drew the Committee's attention to three additional conditions which were set out in the update report.

One neighbour and a representative from the Bathwick Estates Residents' Association spoke against the application.

The Agent spoke in favour of the application.

Cllr Richard Samuel, local ward member, spoke against the application. He made reference to the adverse impact on the Conservation Area, quality of the replacement dwelling and the impact of groundworks on the site. He asked the Committee to consider holding a site visit so that they could view the potential impact of the development on neighbouring properties.

Officers then responded to questions from members as follows:

- The roof form was the reason the appeal had been dismissed as it was felt that it harmed the outlook from a neighbouring property.
- Whilst the development would be in close proximity to the boundary the planning inspector had not raised any concerns about damage to the neighbouring property. The Case Officer had discussed the excavation works with one of the Building Inspectors who confirmed that the works should be able to be carried out without causing harm to the neighbouring properties. The onus was on the developer and applicant to ensure that work was carried out safely. The Team Manager, Development Management made reference to the adopted Land Stability Policy but identified that the preamble to the policy related it in the main to former mining areas. It was pointed out that, whilst land stability is a material planning consideration, measures to investigate risk should be proportionate. Here there was no particular evidence of out of the ordinary risk in this area. Damage during construction would be a civil matter between the parties rather than a planning issue. Matters of construction would be considered in detail through Building

Control.

- The materials used would be ashlar stone with a tiled roof.
- The street contained a mix of dwelling styles.
- The Case Officer was not aware of any flood risk in this location.
- In response to a question from a member the Legal Advisor stated that, in general, the Council did not have a legal duty of care in the discharge of its public functions. However, there were some exceptions, and it was possible for the Council to be liable in civil law if it permitted a development which was dangerous. However that did not appear to be the case here.
- In response to a further question from a member the Legal Advisor explained that the Committee was able to take a different view to the Planning Inspector but should give great weight to the Inspector's decision because it was a decision of the Secretary of State. Members would need to provide cogent reasons for taking a different view to the Planning Inspector.
- The Team Manager, Development Management, referred to the previous application and the Inspector's consideration and conclusions in respect of the demolition of the existing house and pointed out that if a further appeal was made the Inspector would be more than likely to conclude in a similar fashion.
- The Team Manager, Development Management, explained that if the piled foundation was less than 15m in depth (as was suggested to be the case) it would be unlikely to trigger an application pursuant to the County of Avon Act 1982.

Cllr Kew moved the officer recommendation to permit. He noted that the basement construction was a matter for the contractor who should ensure a safe construction. He felt that there was no risk of flooding and that the piled foundation was a routine exercise. The current dwelling did not make a particular contribution to the Conservation Area and the redesign addressed the issues raised by the Planning Inspector. He acknowledged the concern of local residents but felt that this was a good application.

Cllr Organ seconded the motion.

Cllr Sandry stated that he felt this application represented overdevelopment of the plot and did not add to or improve the Conservation Area.

Cllr Romero had concerns regarding the excavation of the basement as the work would take place very near to the neighbouring boundary. She also felt that the front of the building would not be in keeping with the street scene. She believed that a site visit would be advantageous.

Cllr Richardson felt that the new design provided more space and noted the eclectic mix of the existing street scene.

The motion was put to the vote and it was RESOLVED by 6 votes in favour, 3 votes against and 1 abstention to PERMIT the application subject to the conditions set out in the report.

Item No. 5

Application No. 18/02898/FUL

Site Location: Horseworld, Staunton Lane, Whitchurch – Erection of 5 residential units (including affordable housing) together with associated parking, highways and landscaping works

The Case Officer reported on the application and her recommendation to delegate to permit. She clarified that, following further discussions with the Conservation Officer, it had been confirmed that there was no adverse impact on the setting of the listed building and its curtilage farm complex.

A local resident spoke against the application.

The Agent spoke in favour of the application.

Cllr Paul May, local ward member, spoke against the application. He stated that the proposal to remove the “early years facility” from the development was premature. The off-site facility that would now provide this service was some distance from the development and could not be safely or easily accessed by foot. Parking and heavy traffic were also an issue in the location.

Officers then responded to questions as follows:

- The Team Manager, Development Management, informed members that Policy RA5 requires school contributions and also the policy states that “A new early years facility will need to be provided on site or nearby” and, if that provision is considered to be met, the policy does not provide for alternative uses to be provided instead.
- The Case Officer explained that nursery provision was not calculated in the same way as school place provision. There had been insufficient places but this need had now been met by the new facility.
- The Highways Officer explained that there was a zebra crossing from Staunton Lane and that a wider footway would be provided along the route to the nursery school.

Cllr Richardson queried why there were no precise figures regarding the need for an early years facility. She stated that more details were required such as how many spaces were available at the nursery and its current occupancy level. She also pointed out that the nursery was located on the A37 and that it was unlikely that many parents would walk this route with their children.

Cllr Jackson noted that there was no guarantee that the nursery would remain in operation and that, as yet, no OFSTED inspection had taken place. It therefore seemed premature to remove the requirement for land allocation for this purpose. She also requested further information regarding pollution levels along the walking route to the nursery.

Cllr Kew felt that a decision should be deferred because more detail was required regarding the need for nursery places in the area and the provision at the current facility. He moved that consideration of this application be deferred pending further details and a site visit. The motion was seconded by Cllr Sandry.

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

Item No. 6

Application No. 18/02637/FUL

Site Location: St Michael's Cottage, Townsend, East Harptree, BS40 6BH – Change of use of section of paddock to allow vehicular access to dwelling

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

The Agent spoke in favour of the application.

Cllr Tim Warren, local ward member, spoke in favour of the application. He pointed out that the Parish Council supported the proposal which provided a safer access to and from the property.

The Case Officer then responded to questions from members as follows:

- No comments had been received from the local Church which was close to the site.
- The Highways Officer confirmed that the new access provided greater visibility and therefore improved highway safety.
- The speed limit in this area was 60mph.
- Policy NE2B of the Placemaking Plan was relevant to the change of use of a paddock to allow for the creation of a track for dwellings outside of the Housing Development Boundary.

Cllr Matthew Davies moved that the Committee delegate to permit the application as it provided a safer access to the property.

Cllr Jackson seconded the motion as the proposal improved highway safety which outweighed any potential harm to the AONB.

Cllr Richardson did not feel that the proposal represented significant harm to the AONB

Cllr Kew noted that the applicant had suggested the use of grasscrete to mitigate the impact of the development.

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

Item No. 7

Application No. 18/03786/FUL

Site Location: 7 Elm Grove, Bath, BA2 2HJ – Erection of single storey front porch and single storey flat roof rear extension

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

Cllr Sandry, Local Ward member, confirmed that he was not aware of any local

objection to the proposal.

Cllr Matthew Davies moved the officer recommendation to permit. This was seconded by Cllr Kew.

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

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

The Committee considered the appeals report.

RESOLVED to NOTE the report.

The meeting ended at 5.40 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services

BATH AND NORTH EAST SOMERSET COUNCIL

Development Management Committee

Date 26th September

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

ITEM

ITEMS FOR PLANNING PERMISSION

Item No.	Application No.	Address
01/02	18/02499/FUL	32 - 33 Victoria Buildings Bath

An updated Ecological Survey has been received in response to reason for refusal 6. This has been sent to the Council's Ecologist and a further update will be provided at the committee meeting.

Item No.	Application No.	Address
03	18/02831/FUL	The Old Bakery Jews Lane Twerton

As advised in the committee report, additional conditions are now proposed in relation to ecological matters.

Wildlife Protection and Enhancement (Pre-commencement)

No development shall take place until full details of the wildlife mitigation measures and recommendations of the approved ecological report have been submitted to and approved in writing by the local planning authority. These details shall include:

- (i) Method statement for pre-construction and construction phases to provide full details of all necessary protection and mitigation measures, including, where applicable, proposed pre-commencement checks and update surveys, and precautionary working methods, including control of construction lighting, for the avoidance of harm to bats, nesting birds, badgers and other wildlife, and proposed reporting of findings to the LPA prior to commencement of works;
- (ii) Detailed proposals for the retention of the vegetation to the south of the building and for any necessary scrub clearance, including measures for the protection of breeding birds;

- (iii) Detailed proposals for additional planting along the southern hedgerow to improve foraging opportunities for bats;
- (iv) Detailed proposals for inclusion of the seed mix Emorsgate EL1 – Flowering Lawn Mixture within gardens and soft landscaping;
- (v) Detailed proposals for the locations of the two bat access tiles to be installed on the residential student accommodation building and the locations of the two 1FE Schwegler access panels for bats to be shown on plans as applicable;

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

Reason: To prevent ecological harm and to provide biodiversity gain

Implementation of Wildlife Scheme (Pre-occupation)}

No occupation of the development hereby approved shall commence until a report produced by a suitably experienced ecologist confirming and demonstrating, using photographs where appropriate, completion and implementation of the approved Wildlife Protection and Enhancement Scheme in accordance with approved details, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To demonstrate the completed implementation of Wildlife Protection and Enhancement Scheme, to prevent ecological harm and to provide biodiversity gain

External Lighting (Bespoke Trigger)}

No new external or internal lighting shall be installed without full details of proposed lighting design being first submitted to and approved in writing by the Local Planning Authority; details to include proposed lamp models and manufacturer’s 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 upward light spill and light spill onto trees and boundary vegetation, particularly the southern boundary, and adjacent land; and to avoid harm to bat activity and other wildlife. The lighting shall be installed maintained and operated

Item No.	Application No.	Address
4	18/02261/FUL	27 ROCKLIFFE AVENUE BATHWICK

Clarification on materials

The property will be ashlar stone on the first floor and the ground floor will be rubble natural stone.

The flat roofed elements will have sedum roofs with a low parapet it is not proposed that these areas will be accessible other than for maintenance purposes.

A further condition is considered necessary in respect of the sedum roofs.

16 {b Green Roof Details (Bespoke Trigger)}

Prior to the construction of the roof of the approved development a detailed specification of the proposed green roof shall be submitted to and approved in writing by the Local Planning Authority. These details shall include section drawings of the roof, a planting schedule, a timetable for implementation and a maintenance schedule. The green roof shall be implemented in accordance with the approved details prior to the occupation of the development or in accordance with the approved timetable for implementation.

Reason: To ensure the successful implementation of the green roof in the interests of preserving the character and appearance of the area in accordance with policies D1, D2, D3 and D5 of the Bath and North East Somerset Placemaking Plan and policy CP6 of the Bath and North East Somerset Core Strategy.

List of plans

100-1599 P-

100B,101B,102B,103B,110B,111B,112B,113B,114B,200B,201B,202C,203C, 300B,301B,001B, 002B,003B,010B, 011B, 012B,020B,021B,022B,023B,030B and 031B all dated March 18. Construction details/Sections through boundary walls.

Changes to the NPPF

Para 13 of the Inspectors decision notice he states

Paragraph 138 of the National Planning Policy Framework (the Framework) states that not all elements of a conservation area will contribute to its significance. Paragraph 138 of the Framework goes on to say that the loss of a building (or other element) which makes a positive contribution to the significance of the conservation area should be treated as either substantial harm or less than substantial harm, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area.

The NPPF was amended in 2018. The wording previously contained within Para 138 is now contained within Para 201 of the 2018 NPPF.

The judgement as to whether the loss of this building should be treated as substantial or less than substantial harm is dependent on the significance and its contribution to the significance of the Conservation Area and WHS as a whole.

The Planning Inspector when dealing with the appeal against the Councils refusal to permit a replacement dwelling on this site concluded that the proposal would preserve the character and appearance of the BCA. Consequently the proposal would meet the requirements of Core Strategy Policy CP6 and PP Policy HE1. Combined, these policies seek to ensure that development contributes positively to local character and preserves the elements which contribute to the special character or appearance of a conservation area. Accordingly it can be reiterated that the proposal is not considered to harm the character and or appearance of this part of the Conservation Area.

Additional plans

Additional plans have been submitted indicating a rubble stone wall to be constructed along the boundaries with both numbers 25 and 29. A condition requiring further details has been considered necessary and has been attached to the committee report. (Condition 15).

Clarification in respect of concerns that the development will set a precedent.

The report refers to precedent not supporting refusal of an application however, the Courts have held that permission may as a matter of law be refused on the grounds of the possible precedent effect of the decision, and the pressures that may follow for the unlocking of the whole area for development once permission is granted for one site within it. However mere fear or generalised concern of a precedent effect would not normally be enough; there would have to be some evidence for reliance on it. The courts have recognised, however, that in some cases the facts would speak for themselves, as in the common case of the rear extension of one of a row or terrace of dwellings, where it may be obvious that other owners in the row are likely to want extensions if one is permitted. As with all material considerations, precedent is ultimately fact specific and a matter for planning judgment.

In this instance the character of the properties in the locality is varied and as such each case for any replacement of a dwelling on a site would need to be judged on its merits.

Further clarification/comment in respect of comments raised by interested parties.

-Overdevelopment

Neighbours have commented that the available plot for constructing a dwelling is small and in terms of siting and spacing the proposal will result in overdevelopment of the site.

The footprint of the proposed dwelling is seen to be in keeping with the surrounding context. Due to the topography of the site the height of the new dwelling is in keeping with adjacent properties within the street as seen from Rockliffe Avenue. As seen from the river the building was considered to be an improvement by the inspector.

The proposed new dwelling will be marginally narrower than the existing dwelling and therefore does not fill the width of the site in the same way as the existing dwelling. Therefore the proposal does not represent overdevelopment of the site thereby complying with Policies HE1, D1, D2, D3, D6 and D7.

-Rainwater Harvesting

Additionally Policy SCR5 also explains that all dwellings will be expected to meet the national optional Building Regulations requirement for water efficiency being 110 litres per person per day.

Rainwater harvesting or other methods of capturing rainwater for use by residents e.g.) water butts will be required for all residential development.

Therefore the following conditions are considered necessary:

17 {Water Efficiency (Compliance)}

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

Reason: In the interests of water efficiency in accordance with Policy SCR5 of the Bath and North East Somerset Placemaking Plan.

18 {Water Efficiency - Rainwater Harvesting (Pre-occupation)}

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

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

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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 26 SEPTEMBER 2018

MAIN PLANS LIST			
ITEM NO.	SITE NAME	SPEAKER	FOR/AGAINST
1. & 2.	32 – 33 Victoria Buildings, Westmoreland, Bath, BA2 3EH	Anne Donnelly	Against (To share 6 minutes)
		Susan Walker	
		John White (Agent)	For
		Cllr Colin Blackburn (Local Ward Member)	For
		Cllr June Player (Local Ward Member)	Against
3.	The Old Bakery, Jews Lane, Twerton, Bath, BA2 3DG	Jenny Bakhoff	Against
		Chris Hays (Agent)	For
		Cllr June Player (Local Ward Member)	Against
4.	27 Rockcliffe Avenue, Bathwick, Bath, BA2 6QP	Amie Berkovitch	Against (To share 3 minutes)
		Manda Rigby (Bathwick Estate Residents' Association)	
		Simon Chambers (Agent)	For
		Cllr Richard Samuel (Local Ward Member)	Against
5.	Horseworld, Staunton Lane, Whitchurch	Mary Walsh	Against
		Lee Mullins (Agent)	For

		Cllr Paul May (Local Ward Member)	Against
6.	St Michael's Cottage, Townsend, East Harptree, BS40 6BH	Chris Brunt (Agent)	For
		Cllr Tim Warren (Local Ward Member)	For

BATH AND NORTH EAST SOMERSET COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE

26th September 2018

DECISIONS

Item No:	01	
Application No:	18/02499/FUL	
Site Location:	32 - 33 Victoria Buildings, Westmoreland, Bath, BA2 3EH	
Ward: Westmoreland	Parish: N/A	LB Grade: II
Application Type:	Full Application	
Proposal:	Provision of new skittle alley, a new community room, provision of new accessible toilets, refurbishment of the public house and the provision of 9 apartments at the Belvoir Castle Bath.	
Constraints:	Article 4 HMO, Agric Land Class 3b,4,5, Air Quality Management Area, Policy B1 Bath Enterprise Zone, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Policy CP9 Affordable Housing Zones, District Heating Priority Area, Flood Zone 2, Flood Zone 3, HMO Stage 1 Test Area (Stage 2 Test Req), Listed Building, MOD Safeguarded Areas, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,	
Applicant:	Rengen Development Limited	
Expiry Date:	28th September 2018	
Case Officer:	Tessa Hampden	

DECISION Delegate to PERMIT subject to conditions

Item No:	02	
Application No:	18/02500/LBA	
Site Location:	32 - 33 Victoria Buildings, Westmoreland, Bath, BA2 3EH	
Ward: Westmoreland	Parish: N/A	LB Grade: II
Application Type:	Listed Building Consent (Alts/exts)	
Proposal:	Provision of new skittle alley, a new community room, provision of new accessible toilets, refurbishment of the public house and the provision of 9no apartments at the Belvior Castle Bath.	
Constraints:	Article 4 HMO, Agric Land Class 3b,4,5, Air Quality Management Area, Policy B1 Bath Enterprise Zone, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Policy CP9 Affordable Housing Zones, District Heating Priority Area, Flood Zone 2, Flood Zone 3, HMO Stage 1 Test Area (Stage 2 Test Req), Listed Building, MOD Safeguarded Areas, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,	
Applicant:	PJ	
Expiry Date:	28th September 2018	
Case Officer:	Tessa Hampden	

DECISION Delegate to CONSENT subject to conditions

Item No:	03
Application No:	18/02831/FUL
Site Location:	The Old Bakery , Jews Lane, Twerton, Bath
Ward: Westmoreland	Parish: N/A LB Grade: N/A
Application Type:	Full Application
Proposal:	Demolition of existing building and redevelopment comprising erection of a student accommodation building (sui generis) and erection of a flexible employment building (class B1).
Constraints:	Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Contaminated Land, Policy CP9 Affordable Housing Zones, HMO Stage 1 Test Area (Stage 2 Test Req), MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Railway, Railway, SSSI - Impact Risk Zones,
Applicant:	Deeley Freed Estates
Expiry Date:	5th October 2018
Case Officer:	Tessa Hampden

DECISION Delegate to PERMIT subject to a S106 and relevant conditions.

Item No:	04
Application No:	18/02261/FUL
Site Location:	27 Rockliffe Avenue, Bathwick, Bath, Bath And North East Somerset
Ward: Walcot	Parish: N/A LB Grade: N/A
Application Type:	Full Application
Proposal:	Erection of replacement dwelling following demolition of existing (Resubmission of 16/02520/FUL)
Constraints:	Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, British Waterways Major and EIA, British Waterways Minor and Householders, Conservation Area, Policy CP9 Affordable Housing Zones, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones,
Applicant:	Mr & Mrs Cockayne
Expiry Date:	28th September 2018
Case Officer:	Christine Moorfield

DECISION PERMIT

1 Standard Time Limit (Compliance)

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

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

2 Plans List (Compliance)

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

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

3 Precautionary working methods and update survey (compliance)

The development hereby approved shall be carried out only in accordance with the recommendations of section 5.2 of the approved Bat Surveys Report dated July 2018 by Seasons Ecology.

Reason: to avoid harm to wildlife including bats and their roosts, and nesting birds

4 Wildlife Protection and Enhancement (Pre-commencement)

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

(i) details for all necessary protection and mitigation measures during site preparation and construction phases, including, where applicable, proposed pre-commencement checks and update surveys, for the avoidance of harm to reptiles, nesting birds, bats, badger, otter, aquatic life and other wildlife, as applicable;

(ii) proposed biodiversity enhancements to be incorporated into the landscape scheme, to include wildlife-friendly planting and provision of bat and bird boxes, with proposed species, specifications, numbers, models, and positions to be shown on plans as applicable. All works within the scheme shall be carried out in accordance with the approved details and

completed in accordance with specified timescales and prior to the occupation of the development.

Reason: To prevent ecological harm and to provide biodiversity gain in accordance with policy NE3 of the Bath and North East Somerset Local Plan.

5 External Lighting (Bespoke Trigger)

No new external lighting shall be installed without full details of proposed lighting design being first submitted and approved in writing by the LPA; details to include lamp specifications, positions, numbers and heights; and details of all necessary measures to limit use of lights when not required and to prevent upward light spill and light spill onto trees and boundary vegetation and adjacent land; and to avoid harm to bat activity and other wildlife. The lighting shall be installed, maintained and operated thereafter in accordance with the approved details.

Reason: to avoid harm to bats and other wildlife

6 Implementation of Wildlife Scheme (Pre-occupation)

No occupation of the development hereby approved shall commence until a report produced by a suitably experienced ecologist confirming and demonstrating, using photographs where appropriate, completion and implementation of the approved Wildlife Protection and Enhancement Scheme in accordance with approved details, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To demonstrate the completed implementation of the Wildlife Protection and Enhancement Scheme, to prevent ecological harm and to provide biodiversity gain in accordance with policies NE3 of the Bath and North East Somerset Local Plan.

7 Archaeology (bespoke trigger)

The applicant shall give 14 days' written notice of the date of commencement of works to the Local Planning Authority's archaeological officer. Thereafter the applicant shall afford access at all reasonable times to any archaeologist nominated by the Council and shall allow him/her to observe the excavations and record items of interest and finds.

Reason: The site is within an area of potential archaeological interest and the Council will wish to examine and record items of interest discovered.

8

Landscaping scheme Precommencement)

No development shall be commenced until a 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; details of all new walls, fences and other boundary treatment and finished ground levels; a planting 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 that any hard and soft landscape proposals do not adversely affect the existing trees on the site and in neighbouring properties.

9 Arboricultural method statement (Pre commencement)

No development shall take place until an arboricultural method statement and tree protection plan following the recommendations contained within BS 5837:2012 has been prepared. The statement should identify measures to protect any trees within the development site and the neighbouring properties with the potential to be affected by site facilities, access, parking storage, demolition and construction operations. The statement and plan should be submitted to and approved in writing by the Local Planning Authority prior to the commencement of operations including preliminary site access and set up. The statement shall include proposed tree protection measures during site preparation (including demolition, clearance and level changes) and during construction. The statement should also include the control of potentially harmful operations such as the position of service runs and soakaways, storage, burning, handling and mixing of materials, the location of site office and the movement of people and machinery.

Reason: To ensure that no excavation, tipping, burning, storing of materials or any other activity takes place which would adversely affect the trees within the site and its immediate surroundings.

10 Compliance with arboricultural method statement (pre commencement)

No development activity shall commence until the protective measures as stated in the approved arboricultural method statement and tree protection plan are implemented. The local planning authority is to be advised two weeks prior to development commencing of the fact that the tree protection measures as required are in place with photographic evidence.

Reason: To ensure that the trees are protected from potentially damaging activities.

11 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 Policy ST7 of the Bath and North East Somerset Placemaking 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 No Terrace/Balcony Use (Compliance)

The roof area of the development hereby approved shall not be used as a balcony, terrace, roof garden or similar amenity area.

Reason: To safeguard the amenities of adjoining occupiers from overlooking and loss of privacy in accordance with Policy D6 of the Bath and North East Somerset Placemaking Plan.

13 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 D1, D2, D3 and D5 of the Bath and North East Somerset Placemaking Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

14 Roof light details (Bespoke Trigger)

The building of the external walls of the dwelling hereby permitted shall not commence until full details at a scale of 1:20 of the proposed rooflights have been submitted to and approved in writing by the Local Planning Authority. Thereafter the work shall only be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the building in accordance with Policy D1 and Policy HE1 of the Bath and North East Somerset Placemaking Plan.

15 Boundary treatment finish (Bespoke Trigger)

The building of the external walls of the dwelling hereby permitted shall not commence until full details at a scale of 1:20 of the boundary treatment and path finishes adjacent to number 25 and 29 have been submitted to and approved in writing by the Local Planning Authority. Thereafter the work shall only be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the building in accordance with Policy D1 and Policy HE1 of the Bath and North East Somerset Placemaking Plan.

16 Green Roof Details (Bespoke Trigger)

Prior to the construction of the roof of the approved development a detailed specification of the proposed green roof shall be submitted to and approved in writing by the Local Planning Authority. These details shall include section drawings of the roof, a planting schedule, a timetable for implementation and a maintenance schedule. The green roof shall be implemented in accordance with the approved details prior to the occupation of the development or in accordance with the approved timetable for implementation.

Reason: To ensure the successful implementation of the green roof in the interests of preserving the character and appearance of the area in accordance with policies D1, D2, D3 and D5 of the Bath and North East Somerset Placemaking Plan and policy CP6 of the Bath and North East Somerset Core Strategy.

17 Water Efficiency (Compliance)

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

Reason: In the interests of water efficiency in accordance with Policy SCR5 of the Bath and North East Somerset Placemaking Plan.

18 Water Efficiency - Rainwater Harvesting (Pre-occupation)

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

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

PLANS LIST:

This decision relates to drawing nos 100-1599 P-100B,101B,102B,103B,110B,111B,112B,113B,114B,200B,201B,202C,203C,300B,301B,001B, 002B,003B,010B, 011B, 012B,020B,021B,022B,023B,030B and 031B all dated March 18. Construction details/Sections through boundary walls.

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.

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

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework.

Item No:	05	
Application No:	18/02898/FUL	
Site Location:	Horseworld, Staunton Lane, Whitchurch, Bristol	
Ward: Publow And Whitchurch	Parish: Whitchurch	LB Grade: II
Application Type:	Full Application	
Proposal:	Erection of 5no. residential units (including affordable housing) together with associated parking, highways and landscaping works.	
Constraints:	Bristol Airport Safeguarding, Agric Land Class 3b,4,5, Coal - Standing Advice Area, Policy CP9 Affordable Housing Zones, Policy GDS1 Site Allocations, Housing Development Boundary, Policy NE1 Green Infrastructure Network, Neighbourhood Plan, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,	
Applicant:	Bellway Homes Ltd (South West)	
Expiry Date:	26th October 2018	
Case Officer:	Chloe Buckingham	

DECISION Defer for further information and site visit

Item No:	06
Application No:	18/02637/FUL
Site Location:	St Michael's Cottage , Townsend, East Harptree, Bristol
Ward: Mendip	Parish: East Harptree LB Grade: N/A
Application Type:	Full Application
Proposal:	Change of use of section of paddock to allow vehicular access to dwelling
Constraints:	Bristol Airport Safeguarding, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Policy CP9 Affordable Housing Zones, Policy NE2 AONB, Neighbourhood Plan, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,
Applicant:	Mr & Mrs N. Gillingham
Expiry Date:	27th September 2018
Case Officer:	Chloe Buckingham

DECISION Delegate to PERMIT subject to conditions

Item No:	7
Application No:	18/03786/FUL
Site Location:	7 Elm Grove, Southdown, Bath, Bath And North East Somerset
Ward: Oldfield	Parish: N/A LB Grade: N/A
Application Type:	Full Application
Proposal:	Erection of single storey front porch and single storey flat roof rear extension
Constraints:	Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Policy CP9 Affordable Housing Zones, MOD Safeguarded Areas, SSSI - Impact Risk Zones,
Applicant:	Ms Lucy Strange
Expiry Date:	17th October 2018
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 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:

22 Aug 2018 Site Location Plan

22 Aug 2018 Proposed Block Plan

23 Aug 2018 A01 (A) Existing and Proposed Floor Plans and Elevations

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 paragraph 38 of the National Planning Policy Framework.

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Bath & North East Somerset Council	
MEETING:	Development Management Committee
MEETING DATE:	24th October 2018
RESPONSIBLE OFFICER:	Mark Reynolds – Group Manager (Development Management) (Telephone: 01225 477079)
TITLE:	APPLICATIONS FOR PLANNING PERMISSION
WARDS:	ALL
BACKGROUND PAPERS:	
AN OPEN PUBLIC ITEM	

AGENDA
ITEM
NUMBER

BACKGROUND PAPERS

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

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

The following notes are for information only:-

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

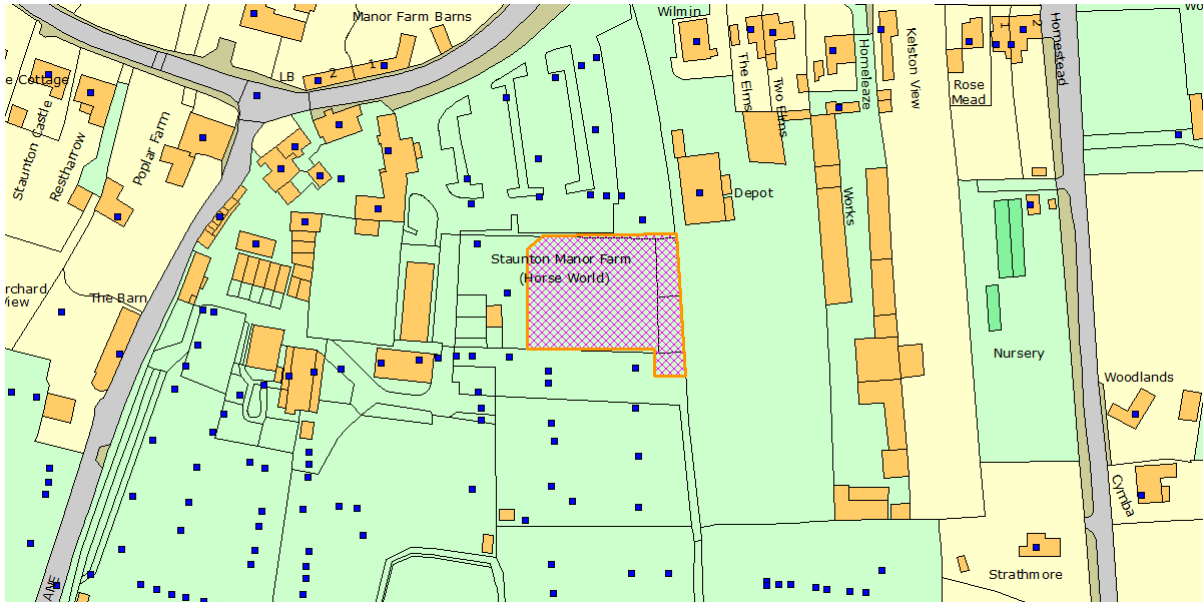
- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting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

INDEX

ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
001	18/02898/FUL 26 October 2018	Bellway Homes Ltd (South West) Horseworld, Staunton Lane, Whitchurch, Bristol, Bath And North East Somerset Erection of 5no. residential units (including affordable housing) together with associated parking, highways and landscaping works.	Publow And Whitchurch	Chloe Buckingham	Delegate to PERMIT

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

Item No: 001
Application No: 18/02898/FUL
Site Location: Horseworld Staunton Lane Whitchurch Bristol Bath And North East Somerset



Ward: Publow And Whitchurch **Parish:** Whitchurch **LB Grade:** II

Ward Members: Councillor Paul May

Application Type: Full Application

Proposal: Erection of 5no. residential units (including affordable housing) together with associated parking, highways and landscaping works.

Constraints: Bristol Airport Safeguarding, Agric Land Class 3b,4,5, Coal - Standing Advice Area, Policy CP9 Affordable Housing Zones, Policy GDS1 Site Allocations, Housing Development Boundary, Policy NE1 Green Infrastructure Network, Neighbourhood Plan, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,

Applicant: Bellway Homes Ltd (South West)

Expiry Date: 26th October 2018

Case Officer: Chloe Buckingham

To view the case click on the link [here](#).

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

Cllr Paul May has called the application into committee for the following reasons;

o As the local member supporting the village council I wish to request this application be refused for the following reasons;

- o The original core strategy RA5 states that "a new early years facility will also be also need to be provided on site or nearby".
- o the master plan submitted by the three developers identified this site as the one to satisfy the above..
- o a new facility has recently been created a long way away from the site by a private provider and it is too early to say whether this site is going to meet the needs of 200 plus homes and residents of the new estate.
- o the private facility is across a dangerous main road and no safe routes from the estate have been provided for such young children to access it.
- o the new facility is not within reasonable walking distance and is therefore not sustainable the master plan and approved full planning approvals have satisfied the 200 dwellings requirement for the site and the extra homes will result in over development.
- o the route to the private facility needs a safeguarding survey to prove it is viable.
- o the approved neighbourhood plan has identified a complex set of needs for the village and this site is the only area left within the development which could meet any opportunities for community provision of pre-school, library, youth etc facilities.
- o In simple terms the application is premature because the off-site facility will not serve this 200 plus dwellings and further work in real terms is required to prove the viability of the new private provision and that it can be accessed effectively by foot by residents of the horseworld site.
- o In addition the provision is in an area of considerable pollution whereas the allocated site is safe.

Whitchurch Village Council have also objected to this application on the grounds that it was originally designated as an area for 'a new early years facility'. They have explained that a new facility has been provided by private provider in the village but it is situated on a busy road and a considerable walk from the development site with no safe walking route provided, also there is no guarantee that it will be sufficient to meet the needs of the 200 homes and residents of the new development sites. If this area is not used as an early years facility it should be reserved for a community provision or as a social amenity area as identified in the Whitchurch Village Neighbourhood Development Plan.

The chair of committee has decided to take the application to committee for the following reasons;

The Officer has assessed the application in line with relevant planning policy however, as a result of the comments raised linked to whether this is too early to seek a change from the original plans or could be used for a different community use, I recommend should be debated & therefore I recommend the application is determined by the DMC.

DEFERRED FOR SITE VISIT AND ADDITIONAL INFORMATION:

The application was deferred at the last committee meeting for a site visit by Members and further information to clarify the nursery provision. Members will be updated at the next committee meeting on 24th October 2018.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation responses:

Cllr Paul May: Call in request if minded to approve the application.

Whitchurch Village Council: Objection.

Public Right of Way: no objection.

Drainage: no objection.

Highways: no objection subject to the 5 previous highways conditions.

Contaminated Land: no objection subject to one condition.

Arboriculture: no objection subject to one condition.

Ecology: no objection subject to four conditions.

Landscape: not acceptable in current form.

Archaeology: No objection

Housing Services: no objection- affordable housing requirements within B&NES SPD 2015 needs to be secured by legal agreement.

Education: no objection subject to a S106 contribution which will be required to contribute to the creation of additional primary school capacity at Whitchurch Primary School.

Parks and Gardens: No objection subject to one condition.

Economic Development: response explains 'no comment'.

Third party comments: one objection comment received. The main points being;

- o The reliance on a nursery which is situated outside of the development will create highway safety implications for pedestrians as well as unacceptable levels of traffic.
- o Doctor's surgery is already overloaded. The site would be good for a new surgery.

POLICIES/LEGISLATION

POLICIES:

On 13th July the Council adopted the B&NES Placemaking Plan. It now becomes part of the statutory Development Plan for the district, against which planning applications are determined. The statutory Development Plan for B&NES now comprises:

- o Core Strategy (July 2014)
- o Placemaking Plan (July 2017)
- o B&NES Local Plan (2007) - only saved Policy GDS.1 relating to 4 part implemented sites
- o Joint Waste Core Strategy
- o Made Neighbourhood Plans

The following B&NES Core Strategy policies should be considered:

DW1 - District Wide Spatial Strategy
SD1 - Sustainable Development
RA5 - Land at Whitchurch Strategic Site Allocation
CP2 - Sustainable Construction
CP3 - Renewable Energy
CP5 - Flood Risk Management
CP6 - Environmental Quality
CP7 - Green Infrastructure
CP9 - Affordable Housing
CP10 - Housing Mix
CP13 - Infrastructure Provision
RA5 - Land at Whitchurch Strategic Allocation

The relevant Placemaking Plan policies should be considered:

SD1 - Presumption in favour of sustainable development
RA5 - Land at Whitchurch Strategic Site Allocation
CP2 - Sustainable Construction
CP3 - Renewable Energy
SCR5 - Water Efficiency
CP7 - Green Infrastructure
CP9 - Affordable Housing
CP10 - Housing Mix
PCS5 - Contamination
PCS7A - Foul sewage infrastructure
SRC1 - On site renewable energy requirement
SU1 - Sustainable drainage
D1 - General urban design principles
D2 - Local character and distinctiveness
D3 - Urban Fabric
D4 - Streets and Spaces
D5 - Building Design
D6 - Amenity
D7 - Infill and backland development
HE1 - Historic environment
NE2 and NE2A - Landscape character and setting
NE3 - Protected Species
NE5 - Ecological networks
NE6 - Trees and woodlands
PCS1 - Pollution and nuisance
PCS2 - Noise and vibration
PCS3 - Air Quality
LCR2 - New or replacement community facilities
LRC3A - Primary School Capacity
ST1 - Sustainable Travel
ST7 - Transport requirements for development
LCR9 - Increasing the provision of Local Food Growing
H7 - Housing Accessibility

Relevant policies from the Whitchurch Village Neighbourhood Plan (2015);

WV1.1 Village Design

WV1.2 Housing Mix

WV1.4 Heritage Assets

WV3.1 New Housing

WV4.2 Traffic

WV4.4 Pedestrian and cycle links

WV4.5 Highway safety

Planning Obligation Supplementary Planning Document (SPD) (2015)

Consideration will be given to the National Planning Policy Framework and the National Planning Practice Guidance.

There is also duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant planning permission for development which affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

OFFICER ASSESSMENT

PRINCIPLE OF PROPOSED USE:

The site forms part of the previously approved application 16/04615/FUL which was allocated for a nursery. However, an existing nursery has expanded and the provision is no longer required.

The site is allocated under Policy RA5 of the Core Strategy as a housing site and therefore the proposed use of the site for residential housing is acceptable in principle.

Policy RA5 sets out a number of different placemaking principles that need to be met to comply with the overall policy and which are considered throughout this report.

Furthermore, in line with Policy RA5 the application proposes an addition of 5 dwellings to the previous total of 97 dwellings which, in conjunction with the two other applications on the Horseworld site, means that the site is on course to achieve around 200 dwellings as required. This increase in number will increase density within the site to approximately 39 dph, which is within the required 35-40 dph and is acceptable. The provision of affordable housing as well as the education contribution is explained later in this report.

DESIGN OF THE DEVELOPMENT AND IMPACT ON THE STREET SCENE AND SURROUNDING AREA:

The overall layout and density is considered to be in-keeping with the existing design of the area. Furthermore, the design and siting of the detached and semi-detached properties and the proposed use of matching materials is acceptable.

Overall the development is considered broadly in accordance with Policies D1, D2, D3, D4 and D5 of the Placemaking Plan (2017).

IMPACT ON LISTED BUILDINGS:

The proposed development is adjacent to the historic Staunton Manor Farm that consists of the Grade II listed farmhouse that has C17 origins, and agricultural buildings most of which are historic dating from the C17, C18, C19 and C20. These buildings form the Whitecroft development and are proposed to be converted into dwelling houses.

The development site is also in close proximity to Manor Farm and Grey House to the north of the site both of which also have C17 origins.

There is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant planning permission for development which affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The application is considered below in light of this duty:

Within the previously approved planning application from 2016 a heritage statement was included and it was considered by the conservation officer that, subject to the agreement of final details, the previous revisions have resulted in an improved relationship between the proposed development and the existing historic farm buildings. It was acknowledged that they do not go as far as the Conservation Officer had requested but they are nevertheless an improvement. Therefore, as the scheme is proposing five more houses of a similar design and layout which will be positioned within the current site there are not considered to be any significant negative impacts on the surrounding listed buildings.

Therefore whilst having regard to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and paras 193 of the NPPF, it is considered that the development would preserve the setting of the listed building and its curtilage farm complex. The application is broadly compliant with Policy HE.1 of the Placemaking Plan (2017).

IMPACT ON ECOLOGY:

The proposal results in the loss of an area of wildflower planting, which is regrettable. However, the hedgerow to the east, which forms a north-south ecological corridor, is unaffected by the proposals. The Planning Statement confirms that the scheme will be implemented in accordance with the site-wide LEMP to ensure protection and enhancement of existing landscape and ecological features.

The proposal specifically excludes public realm lighting as part of the development, to protect the important ecological corridor to the east. However, it is considered necessary to attach a condition to ensure that the development shall be constructed and maintained in accordance with the approved lighting scheme and predicted light levels as shown on drawing B621/62 Rev H dated 09-01-17.

As a precaution, and as recommended by the submitted Ecological Impact Assessment Addendum, it will be necessary to undertake a further badger survey for this application to ensure that no badger setts will be affected.

GREEN INFRASTRUCTURE, LANDSCAPE AND TREES:

The Parks and Gardens team have explained that the revised landscape scheme for this development and associated planting plans etc. will need to be incorporated into a single site wide Landscape Scheme Management Plan (LSMP). The revised LSMP will also need to be resubmitted as an amendment to 17/03579/D6A, to ensure future management companies are working to the same single plan. However, such a condition is not considered necessary in this case as the proposed addition of five extra houses is not considered to have any significant impacts on the previous LSMP and the agreed LSMP is not going to be significantly affected by this development.

Comments from the landscape officer have explained that by comparing the original Planting Plan for the 5 additional units (SLR Consulting 416.001578.00063.29.017 Rev 1) with that which was previously submitted in the permitted application in 2016, the proposals would result in a reduction in the number of trees planted from 22No to 13No. However, it is considered that there is sufficient space within the site to include the previously planned number of trees. Revised plans (416.01578.00063.29.017 Rev 2) were submitted on 11th September 2018 to show that the plan has incorporated 9 additional trees, with two additional Oaks along the site boundary and smaller species within tree groups in the grassed area between the hedgerow and the housing. As this is now consistent with the previously permitted landscape plan this is considered satisfactory and in compliance with policy NE6 of the Placemaking Plan (2017).

IMPACT ON RESIDENTIAL AMENITY:

The proposed dwellings have been laid out so that they would not have a harmful impact on the residential amenity of the occupiers of the neighbouring development sites, existing neighbouring residents or residents within the development itself.

Overall the development is considered broadly in accordance with Policy D6 of the Placemaking Plan (2017).

PLANNING OFFICER ASSESSMENT OF HIGHWAY ISSUES:

The proposed access arrangements and parking levels are considered to be appropriate, and also reflect the surrounding development that was approved as application 16/04615/FUL. It is recommended that the relevant conditions and obligations that were applied to the earlier application are also attached to this permission.

Part of the site includes the footway that runs along the proposed estate road. This would be subject to a Section 38 agreement (as part of the Highways Act). The applicant will need to ensure that this is being delivered in accordance with the rest of the development site. It is assumed that the proposed footpath that runs through the site would remain private and be managed as per the private drive that forms part of the development.

Overall the development is considered broadly in accordance with Policies ST1 and ST7 of the Placemaking Plan (2017).

DRAINAGE AND FLOODING:

An Impermeable area of up to 0.071 ha from this development plot was allowed for in the site masterplan. The current submission shows 0.068 ha of impermeable area which is acceptable. Should the proposal change such that the impermeable area is increased to above 0.071 ha a revised submission will be required.

Overall the development is considered in accordance with Policy CP5 of the Core Strategy (2013) and Policy SU1 of the Placemaking Plan (2017).

PROVISION OF SCHOOL PLACES AND EDUCATION CONTRIBUTION:

Whitchurch has been identified as an area of childcare insufficiency and as such the provision of an additional Early Years facility on the Horseworld site was included within Policy RA5 of the Core Strategy in order to accommodate the children generated by this development. However, it is apparent that the provision of an early years facility is not needed as there is an existing nursery within the local area which has the required capacity.

This development will be required to make a pro-rata financial contribution towards the cost of construction of this expansion and also a contribution towards the other costs related to the acquisition of the additional area of land required for the expansion.

The Primary School capital contribution for the expansion of the school buildings and facilities at Whitchurch Primary school (off site) is calculated on the basis of £12,754.80 per pupil x 1.98 pupils generated = £25,254.50 contribution required.

The Other Costs associated with the acquisition of the additional land required to expand the schools site, which include legal and other fees, site investigation costs and any costs that may be required for ground works, remediation and clearing etc. to bring the land up to the required standard suitable for use as school Playing Field land (land in the open air used for education or recreation) = £1,874.95.

Total contribution due £27,129.45

Subject to amendments to the s106 agreement the development is considered in accordance with Policy RA5 of the Core Strategy (2013) and Policy LCR2 of the Placemaking Plan (2017).

AFFORDABLE HOUSING AND ACCESSIBILITY:

The application proposed 5 dwellings overall and Policy CP9 of the Core Strategy (2013) requires a 40% affordable housing contribution and as the application proposes 2no. 3-bed (plots 101 and 102) affordable dwellings this is considered acceptable.

1no. social rent and 1no. intermediate as Shared Ownership are proposed and this is considered acceptable. However, section 04 of the Design and Access Statement 2 proposes affordable rent whilst the Planning Statement at table 3.3 proposes Social Rent. It therefore must be highlighted that the council requires Social Rent.

The dwelling layout is acceptable as per plan 7850 EYPL26 Rev B and the parking layout is acceptable as per plan no. 7850 EYPL03 Rev G.

Revised plans submitted 4th September 2018 show the Wroughton housetype, plot 98 to comply with the M4(2) standard. The clear opening width of the external doors (entrance door and the two rear double doors) have been enlarged to 850mm both on plans and elevations. The driveway parking area has also been increased and a 1200x1200 level external landing has also been added on the site layout. The proposal therefore satisfies policy H7 of the Placemaking Plan.

The affordable housing plan has also been produced to clarify the affordable tenure mix as 1 x social rent and 1 x shared ownership unit.

The affordable housing contribution requirements within the BANES Supplementary Planning Document (2015) will be secured by a legal agreement.

SUSTAINABILITY AND RENEWABLE ENERGY:

The proposal incorporates many of the sustainable design features as within the previously approved application to which this application is a part of such as:

- Sustainable Urban Drainage System and attenuation pond
- Internal specifications to achieve reduced water use
- Passive design and orientation of many dwellings to achieve solar gain
- Double glazing
- Low impact construction materials

These are considered acceptable and broadly in accordance with Policy CP2 of the Core Strategy (2013) and Policies SU1 and SCR5 of the Placemaking Plan (2017).

LOCAL FOOD GROWING, WATER EFFICIENCY AND BROADBAND:

It is noted that there is a garden area for the dwelling which would be suitable for growing food and the location of the property would be adequate for appropriate broadband. Therefore, it is considered that the proposal would comply with policies LCR.9 and LCR.7 B.

Policy SCR5 explains that all dwellings will be expected to meet the national optional Building Regulations requirement for water efficiency being 110 litres per person per day. Rainwater harvesting or other methods of capturing rainwater for use by residents eg) water butts will be required for all residential development. This will be secured by condition.

REFUSE COLLECTION:

A waste management plan was submitted as part of the original application and which was revised to address the initial concerns of the Waste Management Team. The addition of five extra dwellings set within the layout of the previously permitted site is not considered to have any significant impacts regarding waste and recycling provision and collection.

CONCLUSION:

For the reasons set out above, it is recommended that this application is granted permission subject to conditions.

There is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant planning permission for development which affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Here it is considered that the proposal preserves the setting of the listed building.

RECOMMENDATION

Delegate to PERMIT

CONDITIONS

0 A Authorise the Director, Legal and Democratic Services to enter into a Section 106 Agreement to secure the following:

1) 40% affordable housing on-site.

2) Education contribution;

The Primary School capital contribution for the expansion of the school buildings and facilities at Whitchurch Primary school (off site) is calculated on the basis of £12,754.80 per pupil x 1.98 pupils generated = £25,254.50 contribution required.

The Other Costs associated with the acquisition of the additional land required to expand the schools site, which include legal and other fees, site investigation costs and any costs that may be required for ground works, remediation and clearing etc. to bring the land up to the required standard suitable for use as school Playing Field land (land in the open air used for education or recreation) = £1,874.95.

Total contribution due £27,129.45

B Subject to the prior completion of the above agreement, authorise the Group Manager, Development Management to PERMIT subject to the following 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 Roofing Materials (Bespoke Trigger)

No construction of the roof of the development shall commence until a sample of all external roofing materials has been submitted to and approved in writing by the Local

Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policies D1, D2, D3 and D5 of the Bath and North East Somerset Placemaking Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

3 Sample Panel - Walling (Bespoke Trigger)

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

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policies D1, D2, D3 and D5 of the Bath and North East Somerset Placemaking Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

4 Garages (Compliance)

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

Reason: To ensure adequate off-street parking provision is retained in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

5 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 ST7 of the Bath and North East Somerset Placemaking Plan.

6 Residents Welcome Pack (Pre-occupation)

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

Reason: To encourage the use of public transport in the interests of sustainable development in accordance with Policy ST1 of the Bath and North East Somerset Placemaking Plan.

7 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 Policy ST7 of the Bath and North East Somerset Placemaking 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.

8 Dwelling Access (Compliance)

Each dwelling shall not be occupied until it is served by a properly bound and compacted footpath and carriageway to at least base course level between the dwelling and the existing adopted highway

Reason: To ensure that the development is served by an adequate means of access in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan

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 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 NE6 of the Bath and North East

Somerset 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.

11 Arboriculture - Compliance with Arb Method Statement (Pre-occupation)

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

Reason: To ensure that trees to be retained are not adversely affected by the development proposals in accordance with Policy NE6 of the Bath and North East Somerset Placemaking Plan. To ensure that the approved method statement is complied with for the duration of the development.

12 Water Efficiency - Rainwater Harvesting (Pre-occupation)

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

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

13 Water Efficiency (Compliance)

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

Reason: In the interests of water efficiency in accordance with Policy SCR5 of the Bath and North East Somerset Placemaking Plan.

14 Badger Survey (Pre-commencement)

No development shall take place until an updated badger survey has been submitted to and approved in writing by the local planning authority.

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 policy CP6 of the Bath and North East Somerset Core Strategy and policy NE.3 of the Bath and North East Somerset Placemaking Plan.

15 Wildlife Protection and Enhancement Scheme (Compliance)

The development hereby permitted shall be built in accordance with the approved Wildlife Protection and Enhancement Scheme.

Reason: To ensure the visual amenities of the site in accordance with policy CP6 of the Bath and North East Somerset Core Strategy (2013) and policies NE3 and NE5 of the Bath and North East Somerset Placemaking Plan (2017).

16 External Lighting (Bespoke Trigger)

The development shall be constructed and maintained in accordance with the approved lighting scheme and predicted light levels as shown on drawing B621/62 Rev H dated 09-01-17.

Reason: To avoid harm to bats and wildlife in accordance with policy CP6 of the Bath and North East Somerset Core Strategy and policy NE.3 of the Bath and North East Somerset Placemaking Plan.

17 Hard and Soft Landscaping (Compliance)

All hard and/or soft landscape works shall be carried out in accordance with the landscape plan (416.01578.00063.29.017 Rev 2). 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 D1, D2 and NE2 of the Bath and North East Somerset Placemaking Plan.

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:

This decision relates to plan references;

7850-EYPL01B, 7850-EYPL28B, 7850-EYPL27B, 7850-EYPL26B, 7850-EYPL25B, 7850-EYPL24B, 7850-EYPL23B, 7850-EYPL22B, 7850-EYPL15B, 7850-EYPL12B, 7850-EYPL05B, 7850-EYPL04B, 7850-EYPL02B received 4th July 2018.

478-8301-3B received 29th June 2018.

7850-EYPL03H, 7850-EYPL06, 7850-EYPL20C and 7850-EYPL21C received 4th September 2018.

416.01578.00063.29.017 Rev 2 received 11th September 2018.

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework.

Community Infrastructure Levy

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. **Before** commencing any development on site you should ensure you are familiar with the CIL process. If the development approved by this permission is CIL liable there are requirements to assume liability and notify the Council before development commences, failure to comply with the regulations can result in surcharges and additional payments. 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

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 an application to Discharge Conditions and pay the relevant fee via the Planning Portal at www.planningportal.co.uk or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

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Bath & North East Somerset Council	
MEETING:	Development Management Committee
MEETING DATE:	24th October 2018
RESPONSIBLE OFFICER:	Mark Reynolds – Group Manager (Development Management) (Telephone: 01225 477079)
TITLE:	APPLICATIONS FOR PLANNING PERMISSION
WARDS:	ALL
BACKGROUND PAPERS:	
AN OPEN PUBLIC ITEM	

AGENDA
ITEM
NUMBER

BACKGROUND PAPERS

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

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

The following notes are for information only:-

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

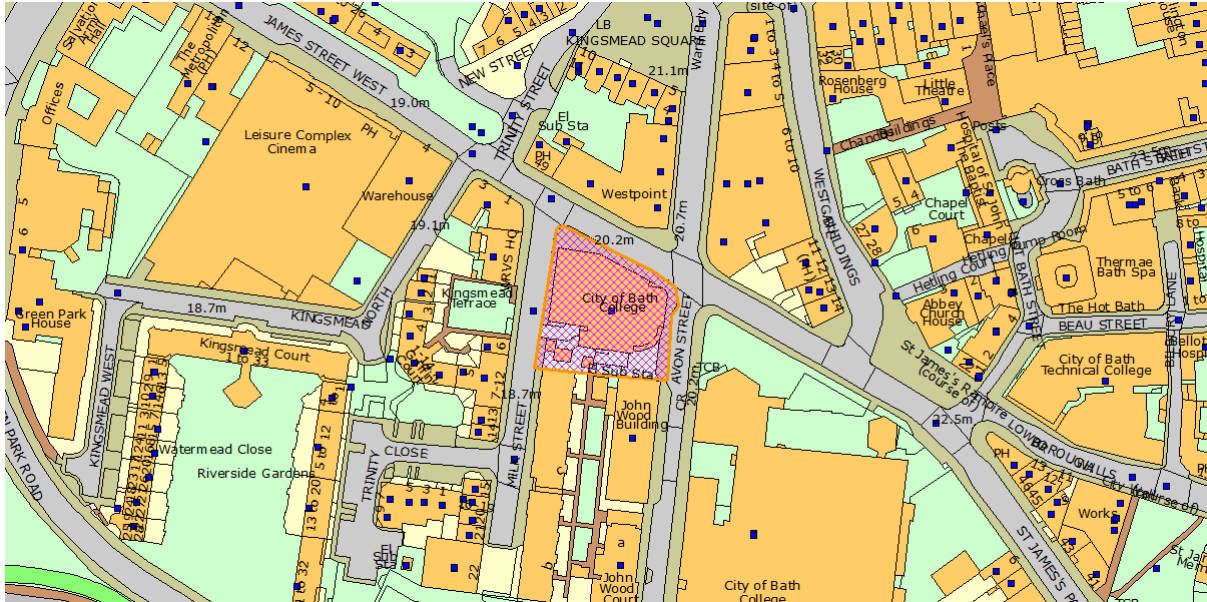
- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting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

INDEX

ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	18/03742/FUL 22 November 2018	Dominvs Project Company 8 Ltd City Of Bath College, Milk Street, City Centre, Bath, Bath And North East Somerset Demolition of existing building and erection of new hotel and associated works (Resubmission).	Kingsmead	Chris Gomm	Delegate to PERMIT
02	18/02591/FUL 28 September 2018	Mrs Kate Walters Pond House, Rosemary Lane, Freshford, Bath, Bath And North East Somerset Erection of two storey and single storey side extension and associated landscaping.	Bathavon South	Samantha Mason	REFUSE
03	18/01431/FUL 28 September 2018	Buzzard Williams Dearholm, Colliers Lane, Charlcombe, Bath, Bath And North East Somerset Erection of ground floor extension and alteration of the roof to create additional residential accommodation.	Bathavon North	Rae Mephram	PERMIT

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

Item No: 01
Application No: 18/03742/FUL
Site Location: City Of Bath College Milk Street City Centre Bath Bath And North East Somerset



Ward: Kingsmead **Parish:** N/A **LB Grade:** N/A

Ward Members: Councillor Andrew Furse

Application Type: Full Application

Proposal: Demolition of existing building and erection of new hotel and associated works (Resubmission).

Constraints: Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Air Quality Management Area, Policy B1 Bath Enterprise Zone, Policy B2 Central Area Strategic Policy, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP12 Bath City Centre Boundary, Policy CP9 Affordable Housing Zones, District Heating Priority Area, Flood Zone 2, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE5 Ecological Networks, Placemaking Plan Allocated Sites, Public Right of Way, SSSI - Impact Risk Zones,

Applicant: Dominvs Project Company 8 Ltd

Expiry Date: 22nd November 2018

Case Officer: Chris Gomm

To view the case click on the link [here](#).

REPORT

This application seeks full planning permission for the demolition of Bath College's 'Allen Building' on James Street West in Bath and its replacement with a hotel. This application is a resubmission of an earlier application (Ref: 17/06214/FUL) which members will recall was refused at committee in June 2018 solely on design grounds. The current application seeks to overcome the committee's previous concerns.

The Proposal

The proposed hotel will provide 198 bedrooms within a six storey building; it is described in the submission as a 'premium lifestyle hotel'. The development includes a café/bar/restaurant at ground floor level as well as a delicatessen and a gym at lower ground floor level; the gym will benefit from its own independent access/reception at street level. The development will provide 80-100 full-time equivalent jobs.

The Site

The Allen Building is a modern building constructed in 1991 which currently accommodates teaching facilities serving various college courses including those relating to hair, beauty, sport, leisure and care. The building also accommodates a restaurant and catering teaching space. It is understood that the building is surplus to the college's requirements and that those teaching facilities that are still required will be reprovided elsewhere within the college's estate.

The application site is situated within the Bath Conservation Area and UNESCO World Heritage Site. In policy terms the site is situated within the Bath Quays North site allocation (Placemaking Plan Policy SB4), the designated Central Area (Placemaking Plan Policy B2) and the designated city centre (Placemaking Plan Policy CP12).

Relevant Planning History

- o 17/06214/FUL: Demolition of existing building and erection of new hotel. REFUSED (Appeal lodged)
- o 17/06138/SCREEN: Screening Opinion - Not EIA Development
- o 17/01588/FUL: Change of use of Ralph Allen Building from D1 Education to B1 Office use. GRANTED

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

B&NES Environmental Protection: No objection subject to conditions securing a Construction Environmental Management Plan and details of mechanical ventilation.

Historic England: No objection

- o The principle of replacing the Allen building with a new development is accepted;
- o The revised scheme has lessened the potentially detrimental visual impact on the wider Bath Conservation Area and World Heritage Site through the diminished height and bulk of the scheme;
- o The lightening of the zinc elements of the scheme is welcomed;
- o It is noted that some effort has been made to drop the plant areas into the bulk of the building;

- o It is noted that the roof scape will still have some additional plant features and solar panels. The impact of which will need to be considered in longer views of the roof scape;
- o Further refinement of the design would be welcomed;
- o The application meets the requirements of the NPPF, in particular paragraph numbers 189, 193 and 194.

Avon & Somerset Police (Designing Out Crime): Various design related comments

B&NES Arboricultural Officer: Objection

- o The proposal results in the loss of all trees within the site and an offsite street tree;
- o The result of the scheme is a net loss of trees within the city centre which follows other incremental losses in Bath City centre;
- o There are limited available spaces within the city centre to accommodate replacements;
- o Trees within the city centre provide a number of services beyond visual aesthetics;
- o There is no betterment in this scheme compared with that submitted under 17/06214/FUL

B&NES Highways: No objection subject to conditions

- o The proposed parking provision complies with the standards set out in the Placemaking Plan;
- o Highways officers have undertaken their own TRICS analysis which clearly shows that the proposed hotel is likely to generate in the region of 54 vehicular trips during the AM peak period, and 37 during the PM peak. Whilst not significant this does represent an increase over existing morning peak flows;
- o Highways support works to Avon Street subject to the submission and approval in writing of detailed drawings showing a suitable scheme pre-commencement; and the implementation of the scheme pre-occupation with works in the existing highway being secured by an appropriate highways legal agreement;
- o The applicant has demonstrated that a scheme and access strategy is deliverable
- o Conditions are recommended to secure bicycle storage, a Travel Plan, a Construction Management Plan.

B&NES Landscape: Objection/Scope for Revision [but does not recommend refusal]

- o The loss of existing public open space and trees will not conserve or enhance the public realm;
- o The proposed tree planting will be unlikely to result in viable trees of sufficient size and vigour to effect the landscape and visual improvement of the public realm;
- o The proposed colonnaded space and tree planting will be unlikely to compensate for the loss of public open space and trees that would result from realisation of the proposals;

B&NES Public Rights of Way: No objections subject to conditions dealing with the adjacent public right of way.

Environment Agency: No objection subject to conditions securing compliance with the submitted Flood Risk Assessment and contamination issues

B&NES Urban Design: Objection/Scope for Revision [but does not recommend refusal]

- o A number of design improvements have been addressed, such as reduction in overall height;
- o Incorporation of plant into the roof structure is welcome - however sections still appear to indicate screening of rooftop plant that is not incorporated into the roof. The actual appearance of this from Beechen Cliff in particular must be tested and be verifiable;
- o The enclosed restaurant area facing the rear access lane should not have opaque glass, obscured glass or any other film, advertising or covering that means this elevation would lack an active frontage. Internal activities need to be open to the public realm to provide natural surveillance. This should be agreed by condition. Similarly, those areas intended to be open to the public within the ground floor of the building should be protected for this use by condition and not become an empty lobby area for the hotel;
- o The open corner proposed for the corner of Milk St and James St West increases the public realm, but then blocks it with a planter at the most prominent point. The size of this gap is at odds with the proportions of the rest of the building and it is recommended this corner design is revised;
- o No renewable energy technology appears to be actually proposed for the scheme in the calculations presented, though a PV array is indicated on the roof. Unless renewables can be demonstrated to provide 10% reduction, this does not comply with policy SCR1.

B&NES Contaminated Land: No objection subject to contaminated land conditions

B&NES Conservation Officer: Scope for Revision

- o The majority of the rooftop plant has been relocated within the building and that the remaining clutter relates to solar panels and the lift overrun. If there was a way to reduce this it still further this would be highly desirable;
- o The open corner proposed on the corner of Milk St and James St West has been amended and its width reduced - unconvinced of the success of this and it has resulted in the entrance having an unresolved and defensive appearance as opposed to open to allow this area to become a more meaningful part of the public realm;
- o The lightening of the colour of the zinc has resulted in an insipid appearance and a lack of intriguing and interesting contrast between it and the light colour of the limestone ashlar. Part of the rationale for advising the use of darker coloured zinc was also to unify and achieve some consistency with the neighbouring Roper Building of Bath City College.
- o Condition requiring sample requested

B&NES Flooding & Drainage Team: No objection subject to drainage conditions

B&NES Environmental Protection: No objection subject to conditions securing a Construction and Environmental Management Plan, Noise Assessment, noise limits to plant and equipment, odour management, hours of delivery and gull nesting preventative measures.

B&NES Archaeology: No objection subject to conditions securing a written scheme of archaeological investigation, the presentation of the results and a programme of post-excavation analysis.

THIRD PARTY REPRESENTATIONS

33 objections have been received from third-parties the overwhelming majority of whom have asked that their previous objections be reiterated; these are therefore repeated (and supplemented) as follows:

- o Yet another hotel in central Bath will be detrimental to the wellbeing of Bath business life;
- o Many hotels in Bath and other accommodation providers are struggling to remain financially viable because of the existing excess of supply of accommodation over demand;
- o We have provided our own evidence already to the consultants Hotel Solutions, that our B&B is severely down on bookings, particularly during the week and in general outside peak months;
- o Please consider the consultants earlier report in this application;
- o There is no planned provision for parking and that there is no obvious need for another large hotel in the city;
- o Smaller establishments will suffer loss of business
- o Excessive development which is not required;
- o The estimated requirement for hotel beds is 500-700 by 2030; by 2018 there will
- o have been in excess of 700 rooms added to the market;
- o 333 rooms are planned to open this year (2018)
- o New hotel supply needs to be carefully managed; there will be an oversupply;
- o The new market should settle down before more hotel space is approved;
- o There are also additional Airbnb rooms and student accommodation let as
- o overnight accommodation which have not been taken into account;
- o Existing small and medium businesses will be put at risk of failure due to lack of
- o demand;
- o There will be a contraction in the hotel market in Bath;
- o More competition could jeopardize existing hotel businesses;
- o There is no transport strategy;
- o This hotel will generate an additional 100-115 cars per day plus service vehicles;
- o Car parking problems, there is already a shortage in the city centre;
- o Avon Street is reducing in size
- o Additional traffic congestion;
- o The Bath Futures study identifies that upscale mid-market hotels are now
- o oversupplied;
- o Waste collection problems;
- o Employment market cannot support the number of positions;
- o There are already pressures with the national living wage, pension contributions
- o and Brexit;
- o Bath should not become a city of chain hotels;
- o Bath will become like Bournemouth with cheap accommodation and stag and hen
- o groups;
- o Poor design, It is an unimaginative, square, cheap looking block;
- o Bath has lost his authenticity and charms;
- o Out of keeping with the character of the city;
- o This is a London office style construction;
- o Bath is becoming a miniature Disneyland;

- o The original plan for this site was offices; this plan should remain;
- o Offices would be more beneficial to the economy of the city;
- o The unchecked development of hotels, student numbers or any other single focus activity will disrupt the city's delicate balance;
- o Bath is already short of affordable housing;
- o Large international companies are taking more and more of the tourism revenue in Bath;
- o Bath Quays North is supported as it will provide more office development;
- o Bath needs to develop a more diverse economy;
- o Bath will become a clone of other locations;

Bath Preservation Trust: Comment

"The Trust has reviewed this new application and whilst we continue to feel the proposal is not particularly inspired we acknowledge that our main concerns regarding the original proposal have been mitigated via the reduction in height and the redesign of the corner elevation"

Wera Hobhouse MP: Objection

Federation of Bath Residents Associations: Objection

- o FoBRA's original objections still apply to this re-application;
- o The review of the 2015 Hotel Futures study has not yet been submitted to the Council;
- o FoBRA firmly believes that it would be premature for the DMC to make any decision until the reviews findings have been accessed;
- o The Council need to determine not only whether and when they see a quantifiable need for more hotel bed-spaces in the city during the Local Plan period, but also the detrimental effect this may have on existing visitor accommodation providers.

POLICIES/LEGISLATION

The Council's Development Plan now comprises:

- o Bath & North East Somerset Core Strategy (July 2014)
- o Bath & North East Somerset Placemaking Plan (July 2017)
- o West of England Joint Waste Core Strategy (2011)
- o Bath & North East Somerset saved Local Plan (2007) Policy GDS1 (K2; NR2; V3 & V8) only
- o Neighbourhood Plans (where applicable)

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The following policies of the Core Strategy are relevant to the determination of this application:

- Policy DW1: District Wide Spatial Strategy
- Policy B1: Bath Spatial Strategy
- Policy B2: Central Area Strategic Policy
- Policy B4: The World Heritage Site and its Setting
- Policy CP2: Sustainable Construction

Policy CP5: Flood Risk Management
Policy CP6: Environmental Quality
Policy CP12: Centres and Retailing
Policy CP13: Infrastructure Provision

The Placemaking Plan for Bath and North East Somerset was formally adopted by the Council on 13th July 2017. The following policies of the Placemaking Plan are relevant to the determination of this application:

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 NE1: Development and Green Infrastructure
Policy PCS1: Pollution and nuisance
Policy PCS3: Air quality
Policy PCS5: Contamination
Policy PCS6: Unstable land
Policy PCS8: Bath Hot Springs
Policy LCR1: Safeguarding local community facilities
Policy BD1: Bath Design Policy
Policy SB4: Bath Quays North & Bath College
Policy D8: Lighting
Policy HE1: Historic environment
Policy NE3: Sites species and habitats
Policy PCS2: Noise and vibration
Policy LCR7C: Commercial riding establishments
Policy ST7: Transport requirements for managing development
Policy B1: Bath Spatial Strategy

Other Relevant Documents/Material Considerations

- o The Bath Building Heights Strategy
- o Bath City-Wide Character Appraisal SPD (2005)
- o City of Bath World Heritage Site Setting SPD (2013)
- o Planning Obligations SPD (2015)

OFFICER ASSESSMENT

It is important to note that the committee refused the previous application solely on design grounds and in doing so accepted that the development was acceptable in all other respects. Be that as it may the Council is obliged to assess the current proposal afresh

albeit with a particular focus on the changes that have been made to the scheme to address members concerns.

The Principle of Development

Loss of Allen Building and its Education Use

The Allen Building is a substantial post-modern college building dating from the early 1990s. The building is situated within the Conservation Area and World Heritage Site (WHS) but it does not make a positive contribution to the character or appearance of those areas; at best its impact upon the character and appearance of James Street West and the wider area is neutral. As the building is not listed, is of limited heritage value, and does not have a positive impact upon the Conservation Area, WHS or any other heritage assets, its loss is not objectionable in principle.

The demolition of the building will clearly result in the loss of the academic facilities within it and the redevelopment proposals will not replace those facilities lost; the educational use of the site will entirely cease. The long-term retention and protection of the site's educational use by the local planning authority is unwarranted. The application site, together with the wider Bath College site, falls within the Council's Bath Quays North allocation (Placemaking Plan Policy SB4). This policy does indeed state that the college site is protected primarily for educational purposes but goes on to state that, "should it be demonstrated that parts of the site are no longer required for educational or related purposes, the site will be expected to deliver mixed-use development appropriate to its proximity within an expanded city centre". The principle of the loss of educational facilities is therefore accepted by Council policy in the event that it can be demonstrated that they are no longer required. The building represents only a small part of the college's estate and the facilities within the building are evidently surplus to the college's requirements. It is understood that the college is rationalising its estate and that alternative accommodation is available elsewhere that will meet the college's requirements going forward. There is limited public benefit in protecting an educational use for which the operator itself no longer has a requirement; the appropriateness of the replacement use is dealt with below. The demolition of the existing building and cessation of the educational use of this site is therefore accepted. The committee has previously accepted the principle of the loss of the college building and the educational use of the site.

The Principle of Additional Hotel Bedspace in Bath and the Principle of a Hotel on this Particular Site

As stated above the application site falls within the Placemaking Plan's Policy SB4 Bath Quays North allocation. Having accepted that the educational use of the site/building is no longer required, it is a policy requirement that the site contributes to the mixed-use nature of the Quays North redevelopment and provide a scheme which is appropriate to its city centre location. The application site forms the northernmost parcel of the Quays North allocation and is the closest element of that allocation to the city centre. James Street West itself is characterised by leisure uses which include drinking establishments, restaurants, retail uses, existing hotels and a large cinema; in this context a hotel use is considered to be entirely appropriate. The hotel itself includes a restaurant and a delicatessen as well as a self-contained gym; these uses will further complement the James Street West offer and complies with the objectives of Policy SB4.

It is acknowledged that the Council's Economic Strategy states that there is a 'pressing need' for new grade A office floor space in the city and that up to 50,000sqm of office floor space is required to facilitate economic growth. The Council's Economic Strategy is a material consideration carrying some weight but the Placemaking Plan (PMP) carries full weight and thus is the starting point for assessing this matter. Policy SB4 of the Placemaking Plan requires the redevelopment of Quays North to follow an employment-led approach and some 20,000sqm of office space is expected to be provided across the redevelopment as a whole. The policy is clear however that the office element is to form part of a wider mixed-use development and it does not allocate specific uses to specific land parcels. Members will be aware that the committee resolved at its meeting on 1 August 2018 to approved (on a delegated basis) an application for the substantive part of the Quays North allocation (Avon Street Car Park etc.). That application proposes between 15,000sqm and 25,000sqm of B1 office use and, whilst delivery cannot be guaranteed at this stage, it is clear that the current application site is not in itself required to deliver any particular quantum of office development. The Council is not therefore in a position to insist that office development be provided on this site.

Core Strategy Policy B1 (Bath Spatial Strategy) states that the Council is to "manage the provision of 500-750 new hotel bedrooms to widen the accommodation offer for the city, increase overnight stays, and the competitiveness of Bath as a visitor and business destination"; this is repeated in Policy B2 (Central Area Strategic Policy).

Analysis provided by the Council's Economic Development team in relation to the previous application indicated that the provision planned in the Core Strategy (500-750 new bedrooms) had already been met; it has been calculated that new hotel provision provided in the city since 2011 as well as that known to be in the pipeline amounts to 762 bedrooms. In 2015 the 'Hotel Futures Study' looked in greater detail at hotel demand/growth in the city in order to inform the Placemaking Plan which at that time was being drafted. The study suggested a managed expansion of hotel bed space and suggested raising the figure from 750 new bedrooms to 1000 new bedrooms by 2030. The 1000 figure however was not accepted at the Placemaking Plan Examination and the 750 bedroom requirement remains (although this was due to Inspector's concerns regarding the legitimacy of amending the Core Strategy at the Placemaking Examination rather than concerns regarding the evidence). The Economic Development Team previously highlighted that since 2015 at least 540 new hotel bedrooms have been provided or are under construction and that this would suggest that the immediate pipeline supply is sufficient to accommodate visitor economy growth until at least 2025.

The concerns that were previously raised by the Council's Economic Development team regarding the rate of hotel growth in the city continue to be shared by a significant number of local hoteliers and local residents. These concerns are acknowledged but it is important to note that the 500-750 figure set out in Core Strategy Policy B1 and B2 is not expressed as a cap or upper-limit; the Council is not in the position to be able to object in principle to any new hotel development proposed in the city once that 750 figure has been reached. The figure provides for the minimum level of growth in the hotel sector estimated to be required during the plan period to meet predicted demand and provide an acceptable level of growth; any growth above that level is not 'required' as such by the Core Strategy but it is not objectionable in principle either. Comparisons can be drawn to the way in which housing targets operate; the Council can not refuse a windfall residential

application which is acceptable in all other respects simply because a housing target has been reached or because a 5-year supply of housing land is in place. It may (or may not) be the case that in the future it is appropriate and necessary to introduce a cap on hotel growth in Bath but this must be evidence-based and must form part of the Local Plan Review process. A new study into hotel growth in Bath is currently underway and this will inform the on-going Local Plan Review process; the findings of that study should not be pre-judged.

In respect of the scheme's economic benefits, which must too be weighed in the balance, the submission states that the hotel (and associated uses within the building) will provide in the region of 80-100 full-time equivalent (FTE) direct jobs. The development is expected to generate circa 57.8k overnight visitors on an annual basis. The submission estimates that the additional visitors generated by the proposed development could spend £4.1 million annually in the local economy.

In conclusion, the 500-750 figure set out in Core Strategy Policy B1 and B2 has been exceeded (and relatively early-on in the plan period) but this is not a cap. The impact of the proposed hotel development on the economic vitality of the city is unquestionably a material consideration but there is no adequate evidence to suggest that exceeding the 500-750 CS figure will cause unacceptable economic harm to the city and its hotel sector and there is no evidence to suggest that the proposed development itself will cause or contribute to such harm. Indeed, as mentioned, the 2015 Hotel Futures study recommends that the level of growth in fact ought to be in the region of 1000 additional bedrooms which suggests that at the very least their remains capacity. There is therefore no objection in principle to additional hotel space in the city.

Design and Impact on Heritage Assets

The application site is situated within the city's Conservation Area and wider UNESCO World Heritage Site (WHS); there are also a number of listed buildings in the vicinity. Members will recall that the previous application was refused on design grounds and in particular the perceived negative impact of that design on both the character and appearance of the Conservation Area and World Heritage Site. The application was refused for the following formal reason:

1. The proposed development by virtue of its scale, height, massing and overall design neither preserves nor enhances the character and appearance of the Bath Conservation Area but is detrimental to the street scene of James Street West and its surroundings. Furthermore the proposed development undermines the Outstanding Universal Values of the City of Bath World Heritage Site. Accordingly the application is contrary to policies B4 and CP6 of the Bath & North East Somerset Core Strategy as well as policies BD1, HE1 and D1-D5 of the Bath & North East Somerset Placemaking Plan.

As identified in the above reason for refusal, and as later clarified, members concerns chiefly related to the scale, height, massing and overall design of the building; these are the matters that the architect has sought to address. Particular concerns were raised in respect of the visual appearance of the James Street West/Milk Street Corner, the height of the building and the 'heavy' colour of the zinc cladding. The key design revisions following refusal of the previous scheme are summarised as follows:

- o The proposed building has been reduced in height by 1.4m;
- o There have been further reductions in the roof top plant;
- o The metal cladding has been lightened in colour (to a paler grey);
- o The corner of the building on James Street West/Milk Street has been redesigned to give the corner a much slender appearance;
- o The number of bedrooms has been reduced from 202 to 198.

As before the proposed building continues to take the form of a 6-storey (but lower) structure fronting onto James Street West with secondary frontages to both Avon Street and Milk Street. The building continues to be of a contemporary nature which has an unassuming external appearance. The building is to be faced largely in Bath Stone. The upper storey, which will be set back, will be faced in a zinc cladding (since lightened as explained above); window and other detailing will also be picked-out in this lightend grey colour. At ground floor level a colonnade will continue to be provided along the Avon Street elevation with full-height glazing serving the reception and restaurant areas within. As before the hotel's main entrance will be close to the building's corner with James Street West and Avon Street. A separate, recessed entrance to the gym will be provided at the building's corner at the junction of James Street West and Milk Street as was the case previously.

The proposed reduction in height of 1.4 metres is significant, and this coupled with a further reduction in the roof top plant (leaving just the lift overrun and photovoltaics), will substantially reduce the impact and dominance of the building within the street scene. The design amendments to the corner of the building at its James Street West/Milk Street Junction have a positive impact on the appearance of the building. The amendments here 'close-off' the corner and create a much narrower area of glazing and cladding on the very corner of the building; the effect of this is a more elegant building. The aforementioned reduction in height also reduces the dominance of the roof storey when viewed from the James Street West/Milk Street corner. The lightening of the zinc metal cladding material has the effect of rendering the building less heavy in appearance; this is a welcome change.

Historic England, in respect of the previously refused scheme, expressed reservations regarding the recessed upper storey which they were concerned introduced additional bulk and height. Historic England has raised no such concerns in respect of the amended scheme; they have accepted that the revised proposal will have a reduced potential detrimental impact on the Conservation Area and World Heritage Site as a result of its diminished height and bulk. Furthermore they have welcomed the lightening of the zinc elements of the scheme; they have noted that there will remain some plant and solar panels on the roof the impact of which will need to be considered. Historic England has confirmed that they have no objection to the revised proposal.

The Bath Preservation Trust (BPT) raised a number of concerns in respect of the previously refused scheme. Design concerns raised last time by BPT included objections to the proposed building's scale, height and form; its impact on the Conservation Area and World Heritage Site; concerns that the James Street West/Milk Street corner was poorly expressed; concern regarding the dominating impact of the dark grey cladding and; that the building represented 'more of the same' architecture. BPT has confirmed that whilst in

their view the current application proposal is not particularly inspired, it nonetheless overcomes their previous main concerns. BPT do not object to the application.

The site is within the 'Georgian City' zone as designated in the Bath Building Heights Strategy (Urban Initiatives, Sept. 2010). This states that the shoulder heights of new buildings should reflect the prevailing cornice height of nearby Georgian buildings with one additional setback storey permissible behind a parapet. Furthermore it is stated that the overall height of new buildings should reflect the overall prevailing height of nearby Georgian buildings. James Street West is unusual however in that Georgian buildings are few and far between; the street is instead characterised by post-war twentieth century buildings some of which are of considerable scale, bulk and height including the Odeon Cinema and the main college building. The closest Georgian buildings are those situated in Kingsmead Square and Westgate Buildings which are typically four storeys in height with a fifth floor within the mansard but these do not set the context of the application site. The proposed hotel will be lower than the college building that it replaces, comparable in height to the neighbouring college building to the immediate south and similar in height to the nearby Odeon cinema building. It is considered that, as before, given the context of the site alongside existing buildings of considerable scale a departure from the Bath Building Heights Strategy can be justified in this particular exceptional case.

The Council's Urban Design Team and Conservation Team have raised concerns in respect of a number of areas but importantly have not recommended that the application be refused; rather it is acknowledged that a number of design improvements have been addressed including the reduction in overall height. The incorporation of the plant into the roof structure is acknowledged by the Urban Designer and Conservation Officer but there is a desire for the impact of the remaining plant to be tested in long range views such as from Beechen Cliff. These concerns are noted but the roof top plant has been significantly reduced compared to the previous scheme (as has the height of the building) and members will recall that the previous scheme had the support of the case officer; on this basis further assessment of the impact of roof top plant is considered unwarranted. Concern has been raised by the Urban Designer that the ground floor areas facing the street, such as the restaurant, lobby and retail areas, may not have active frontages and may have opaque glazing; the agent has since confirmed that this will not be the case. The Urban Designer has requested that the James Street West/Milk Street corner be redesigned such that the public realm is not blocked by a planter and such that the 'gap' is better proportioned with the rest of the building. These concerns are noted but they do not amount to a reason for refusing the scheme; it is considered that the design and revisions to this building have been taken as far as is necessary to meet the concerns previously expressed by members. The Conservation Officer has expressed concerns regarding the lightened cladding but these views are not shared by Historic England, Bath Preservation Trust or the Urban Designer; this amendment was specifically intended to address members concerns. Ultimately the Council has control over the colour and tone of the cladding by virtue of Condition 23 below. As stated above the Urban Design team and Conservation team, whilst raising a small number of concerns in respect of detail, do not recommend that this application be refused.

Design Conclusions including Impact on Heritage Assets

The proposed hotel is considered to be of an enhanced design compared to that previously refused; the effect of the design changes has been to make a good building

better still. The proposal is appropriate to its context; James Street West is something of an anomaly within the city centre in that it is characterised by 20th and 21st century buildings many of which are of considerable scale. This context affords the site a greater degree of architectural flexibility as compared to other sites elsewhere in the city centre, subject of course to that architecture not undermining the wider character of the Conservation Area and the World Heritage Site. The contemporary approach that has been taken here is appropriate to its context described above. The use of facing Bath Stone helps to tie the building to its surroundings and creates a degree of visual consistency in terms of the colours and tones of the street. The rustication of the ground floor elevations and the 'shop front' style treatment of the James Street West elevation (which turns the corner into Milk Street as well into Avon Street within the colonnade) provides an active frontage of interest and vitality at street level.

The height of the building, which has been reduced compared to that previously refused, is considered to be acceptable for the reasons explored above; similarly the bulk and massing of the building is not considered inappropriate given its context. The top floor of the building is to be set back from the parapet and will be faced in a metal material; it is a contemporary form of mansard. The recessive nature of this storey will go a meaningful way towards reducing the bulk and massing of the building. Whilst noting the concerns of the Conservation Officer, the lightened cladding material will reduce the impact of the 'mansard' and result in the building having a less heavy appearance; ultimately a sample will need to be submitted for the Council's approval.

With respect to any buildings or other land in a conservation area the Council has a statutory requirement under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that conservation area. It is considered that the proposed hotel building will preserve the character and appearance of the City of Bath Conservation Area. Given the nature of James Street West, the immediate context of the site and the steps that have been taken to minimise the bulk and impact of the building, no harm will be caused to the Conservation Area rather it will be preserved. Furthermore, and for the same reasons, the proposal will not harm or undermine the Outstanding Universal Values (OUV) of the World Heritage Site or its authenticity or integrity.

There is a duty placed on the Council under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 'In considering whether to grant planning permission for development which affects a listed building or its setting' to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.' The former Labour Exchange (c.1936 Grade II listed) is situated adjacent to the application site on the opposite corner of Milk Street and James Street West. Members will be aware that this building has been recently renovated and significantly altered with a contemporary extension which adds a number of storeys; it is now student accommodation with a retail unit beneath. It is not considered that the proposed development will undermine the setting of this building; whilst the proposal is somewhat higher it is also across the street and will not dominate or overwhelm the listed building. There are also a number of other listed buildings whose setting could be affected by the proposed development, these include nos 1-2 Kingsmead Terrace (c.1792 Grade II listed); nos 13-14 Westgate Buildings (c.1775 Grade II listed) and a number of Georgian buildings in Kingsmead square range from Grade I, Grade II* to Grade II listed. Whilst the proposed development has the potential to impact upon the setting of these buildings it is

considered that in all cases the setting of these buildings will be preserved. In all cases the presence of intervening existing buildings and the nature of the proposed building itself will significantly limit the proposal's impact.

Core Strategy Policy B4 (World Heritage Site) states that there is a strong presumption against development that would result in harm to the Outstanding Universal Value of the WHS, its authenticity or integrity, whilst noting that this must be weighed against any public benefit. Policy CP6 of the Core Strategy requires development to be of high quality and inclusive design. The policy is clear that the Council will protect, conserve and seek opportunities to enhance the historic environment including the character and setting of designated and other heritage assets. The policy is similarly clear that any harm to the significance of a heritage asset must be balanced against any public benefits. Policy HE1 of the Placemaking Plan states that development will be expected to enhance or better reveal the significance and/or setting of a heritage asset and make a positive contribution to its character and appearance. The policy seeks to sustain and enhance the district's historic environment. Placemaking Plan Policy BD1 (Bath Design Policy) requires developers to explain through their Design & Access Statements how the design has been informed by Bath design values, how the design and scale of the development respects the character of Bath, how the WHS and Conservation Area is maintained/preserved and is clear that proposals that fail to adequately deal with these matters cannot be supported.

Policies D1-D5 of the Placemaking Plan deal with various urban design matters and in summary includes (amongst other things) the requirement that development should contribute positively to local distinctiveness; positively responded to the site context; improve areas of poor design; contribute positively to the urban fabric; be well connected; be well articulated and; building frontages should face and relate to the public realm. It is also stated that good modern, innovative design is supported and that Historical styles are likely to be considered appropriate where the development is re-unifying lost compositions.

Ultimately it is a matter for the committee to determine whether the revisions overcome their previous concerns in respect of height, scale, massing and general design as well as the impact of those factors on the Conservation Area and World Heritage Site. It is the case officer's view that the revised application does indeed overcome those concerns and significantly so. The design changes that have been made are not tokenistic but clearly a legitimate and sincere attempt to address members concerns; this has not been without cost to the applicant and a number of bedrooms have been lost. The application is in compliance with Policy B4, CP6 and HE1 as well policies D1-D5 and Policy BD1. It has been concluded that no harm to heritage assets will result and therefore the balancing exercise (harm to heritage assets vs public benefit) required by both development plan policy and the NPPF is not required.

Flooding Matters

The application site is situated in Flood Zone 2 which is area deemed by the Environment Agency (EA) as being at a medium risk of flooding (i.e. 1 in 100yr to 1 in 1000yr annual probability of a flood event). The site is allocated for redevelopment in the adopted Placemaking Plan and as such in accordance with Paragraph 162 of the NPPF there is no requirement for the site to be sequentially tested (i.e. only developed if there are no sites reasonably available for the development in areas of lower flood risk). Furthermore there

is no requirement for the exception test to be applied as this is a 'More Vulnerable' development proposed in Flood Zone 2. Be that as it may it is nevertheless necessary for the local planning authority to fully consider the impact of potential flooding and ensure that the development will be safe for its lifetime and not increase flood risk/impact elsewhere.

A comprehensive Flood Risk Assessment (FRA) has been submitted with the application. The EA has no objection to the proposed development subject to conditions ensuring that the implemented scheme complies with mitigation measures set out in the FRA (including no bedrooms on the lower ground floor) and subject to conditions dealing with contamination. Accordingly the application accords with Core Strategy Policy CP5 in respect of flood risk matters and the committee expressed no flood risk concerns in its consideration of the previous application. The Council's Contaminated Land Officer has also suggested a number of contaminated land conditions and these are favoured over those of the EA (see below).

Climate Change and Energy Efficiency Issues

The site is located within a District Heating Priority Area as designated by Core Strategy Policy CP4. This policy expects development to incorporate infrastructure for district heating and expects development to connect to district heating systems should these become available in the future. In practice this means that development should be served by a single, building-wide heating system to facilitate easy connection in the future. The submission confirms that the proposed hotel will incorporate a gas-led combined heat & power (CHP) engine to provide domestic hot water; this will allow for future connection into a district heating system if and when one becomes available. The application therefore accords with Policy CP4 of the adopted Core Strategy.

Policy SCR1 of the adopted Placemaking Plan requires developments exceeding 1000sqm to provide sufficient renewable energy generation such that carbon emissions from predicted regulated energy use are reduced by at least 10%. The proposed development is to incorporate two key technologies in order to meet the 10% target. Firstly an Air Source Heat Pump (ASHP) will be employed to provide space heating and cooling. Secondly two photovoltaic solar arrays will be installed on the roof-top; these arrays will be sized to meet to meet any shortfall in CO2 reduction from the ASHP. The submission confirms that the development will deliver the 10% site wide renewable technology requirement and accordingly the application is in compliance with Policy SCR1 of the Placemaking Plan.

Highway Matters

The proposed building incorporates no staff or customer car parking which is as expected in a city centre location; it is envisaged that guests visiting Bath by car will use existing public car parking facilities located across the city centre as well as park & ride facilities. Furthermore the site is located within easy walking distance of both the bus station and Bath Spa railway station. 26 bicycle storage spaces (for staff) will be provided within the building accessed through back-of-house areas. The building will be serviced by means of a loading/unloading internal service bay accessed from Milk Street.

Notwithstanding the 'car free' nature of the development it is inevitable that there will be vehicular trips to the hotel in the form of guest drop-offs and pick-ups (including private cars, taxis and coaches); there will also be deliveries. The Council's Highway Team have undertaken their own analysis which indicates that the proposed hotel is likely to generate in the region of 54 vehicular trips during the morning peak period, and 37 trips during the afternoon peak. This represents an increase over existing morning flows but it is not significant and the Highways Team has expressed no concerns.

Significantly, the application also includes proposals to enhance the public realm around the building and at the northern end of Avon Street and provide an improved drop-off point/bus stop for both the new development and the adjacent college. The Council's Highway Team are confident that an acceptable highway scheme can be agreed/delivered and a condition is suggested requiring the submission and agreement of those details prior to commencement. The scheme is acceptable in all other highway respects. The servicing and loading/unloading arrangements are acceptable as is the zero-car nature of the development. The application accords with Policy ST7 in respect of highway matters.

Ecological Matters

The building is a modern structure which is currently occupied. The potential for it to be harbouring protected species is low. Submitted ecological information concludes that the roof has a negligible potential to support roosting bats. Conditions have been recommended to secure compliance with the working methods set out in the Ecological Appraisal and subject to a scheme of ecological enhancements. It is not considered that a condition requiring ecological enhancements is reasonable or necessary to make the development acceptable in planning terms given the nature of the existing building and its low ecological value. The application accords with Policy NE3 of the Placemaking Plan and is acceptable in respect of its impact on ecological interests.

Residential Amenity

The application site is in a mixed commercial/residential area. Neighbouring land uses on James Street West are commercial in nature and therefore no residential amenity issues will arise. Similarly the main college building is situated opposite the site on James Street West as well as to the immediate south on Avon Street; again no residential amenity issues will therefore arise. There are however a significant number of residential units on nearby Milk Street including to the immediate south of the application site. It is also the case that the building now known as The Exchange on the corner of Milk Street and James Street West is in residential use in the form of student accommodation.

The residential properties on Milk Street will not be unacceptably adversely affected in respect of loss of light, loss of privacy or visual domination as those properties are orientated such that windows face the street and rear areas rather than directly face the application site. The existing building is substantial and it is not considered that the impact of the new, replacement building on residential amenity will be significantly greater on either the residential units to the south or the student accommodation at The Exchange.

The proposed hotel includes a service bay and loading/unloading area at the southern extremity of the Milk Street elevation; this is in close proximity to the aforementioned residential properties also situated in Milk Street. This area will accommodate amongst

other things an existing electrical substation, plant, and the refuse storage facilities; it will be enclosed within the building. The entrance to the proposed service bay/loading/unloading area is in the same approximate position as the current entrance/exit to the Allen Building's undercroft car park.

The Council's Environmental Protection Team has raised no objection to the relationship and proximity of the service bay and residential units but has recommended a number of conditions preventing deliveries and dispatch between 9pm-7am (Mon-Sat) or before 10am and after 4pm on Sundays and Bank Holidays. A scheme of sound attenuation has also been recommended but this relates to occupants of the hotel rather than neighbouring residents. Also recommended by the Environmental Protection Team are certain conditions dealing with mechanical ventilation/extraction and the control of odour. It is considered that subject to strict adherence to the aforementioned conditions the service area's impact on neighbouring residents will be acceptable. The application therefore complies with Placemaking Plan Policy D6 (amenity), PCS1 (pollution & nuisance) and PCS2 (noise and vibration).

Public Realm and Landscaping

The existing Allen Building has a smaller footprint to that proposed and in places does not extend the edge of the site boundary. As a result, in places the existing site includes small pockets of public realm; firstly at the corner of Milk Street and James Street West (small paved area with a semi-mature tree) and on secondly on Avon Street (a larger paved area with two semi-mature trees). These areas of public realm are not of a high quality and are of limited value; insisting upon their retention is simply unnecessary. The Landscape Officer however has expressed concern at the loss of these areas (and the associated loss of the trees) although his concerns do not amount to recommending refusal; these concerns were expressed in respect of the previous application.

The proposed scheme includes an element of public realm within the colonnades although the quality of this space as meaningful public realm is questionable. The revised scheme includes an area of 'enclosed' public realm on its James Street West/Milk Street Corner, again the quality of this space as meaningful public realm is questionable. Be that as it may, given the poor quality and small size of the existing public realm it is not, on balance, considered necessary to replace it; furthermore to do so would most likely compromise the scheme in other areas. The scheme includes some replacement tree planting along the Avon Street frontage but given that the treatment of Avon Street itself is yet to be finalised (see highway section above) and the delivery of these replacement trees is currently uncertain. It is recommended therefore that compensatory tree planting be secured by means of a S.106 Agreement as is standard practice in accordance with the Council's adopted Planning Obligations SPD.

The scheme incorporates a small courtyard area to the rear of the building; this area is tightly surrounding by buildings on three sides and to a lesser extent on its southern side. A mix of hard and soft landscaping is proposed within this area none of which is objectionable; the fine details can be secured by condition. In respect of public realm and landscaping the application accords with Policy D4 (Streets and Spaces), Policy D10 (Public Realm), Policy NE1 (Development and Green Infrastructure) and Policy NE6 (Trees & Woodland Conservation).

Planning Obligations

As set out above there is insufficient confidence at this stage that replacement tree planting within the application site is viable or deliverable; a financial contribution towards off-site replacement planting is therefore justified in accordance with Policy NE6. It is recommended that this financial contribution be secured by means of a S.106 Agreement. The Council's Planning Obligations SPD requires £735 per replacement tree in open ground and £1913 per tree in hard standing. Should members be minded to grant permission the total contribution can be calculated as part of the drafting of the S.106 Agreement; the number of replacement trees (and therefore the contribution) is dependent upon the girth of trees felled. It is Council policy that replacement tree planting takes place in areas of hard standing as close as reasonably practical to the development site.

The Planning Obligations SPD requires developers of commercial developments of over 1000sqm (such as the proposed hotel) to provide targeted recruitment and training opportunities during the construction (and in this case demolition) phase. The aim is that at least 5% of the construction workforce be a New Entrant Trainee (NET). If the committee is minded to grant permission it is recommended that a S.106 Agreement seeks to secure the following outcomes:

- o Work Placements: 11
- o Apprenticeship Starts: 2
- o New jobs advertised through DWP: 2
- o Financial contribution to facilitate the above: £6,545

Summary, Conclusion and Planning Balance

The application site is currently occupied by a substantial modern college building and forms the northernmost part of the wider Policy SB4 allocation as prescribed by the Placemaking Plan. Policy SB4 is clear that the college site is protected primarily for educational purposes but it is also clear that should the site no longer be required for those purposes, appropriate mixed-use redevelopment should instead be delivered. James Street West is characterised by commercial and leisure uses and includes uses such as a cinema and existing hotels; the site is also the closest part of the Policy SB4 allocation to the city centre. A hotel use on this site is therefore considered to be consistent with neighbouring land uses and appropriate. The previous application was not refused due to any 'in principle' objection to the either the loss of the existing educational use nor the provision of a new hotel on this site.

Much concern, as previously, has been raised from a number of third parties, including various interest groups and local hoteliers, that there is no need for additional hotel growth in Bath at the current time and that further growth will harm the hotel sector. It is the Council's strategy (Core Strategy Policy B1 and B2) to manage the provision of 500-750 new hotel bedrooms during the plan period. It has been highlighted that this figure has now been met and exceeded; whilst this is indeed the case it is also the case that this figure is not a maxima. The Council does not have a cap on the number of hotel bedrooms to be delivered in Bath during the current plan period. This position has not changed since the previous application was refused at committee earlier this year. Whilst a new review of Bath's hotel demand has been commissioned and is currently underway, its conclusions can not be pre-judged nor can the current application be held in abeyance.

until its findings are known. The Council is obliged to determine the current application on the basis of the development plan and any other material considerations; speculation regarding the findings of a future report cannot be given significant weight.

The scheme is acceptable in all other respects (subject to conditions) including in respect of its design, impact on heritage assets, highway impact, ecological impact and flood risk. The development will also have an acceptable impact on neighbouring residential amenity subject to conditions carefully controlling amongst other things deliveries and dispatch to/from the site.

The proposed development, for the reasons set out above, complies with development plan policy and generates a number of wider public benefits including the creation of 80-100 direct jobs and the generation of some £4.1 million to the local economy. Compliance with the development plan as well as the wider public benefits of the scheme are matters which carry very significant weight and which weigh considerably in favour of the development. The significant concerns raised by a number of third parties have been assessed (as set out above) and it has been concluded that the application is acceptable in these respects; accordingly it is not considered that these matters carry significant weight; they do not outweigh the positive aspects of the development. Ultimately, the scheme accords with the development plan and there are no material considerations indicating that a decision other than in accordance with the development plan ought to be taken.

It is considered that the previous concerns raised by members have been comprehensively addressed in this resubmission. The height of the building has been reduced by some 1.4 metres and the overwhelming majority of the roof top plant has been removed; these two factors significantly reduce the impact of the building on the street scene with a consequential positive impact upon the Conservation area and World Heritage site. Furthermore, design amendments to one of the key corners of the building result in a building that is more elegant in appearance to that previously refused. It is recommended that permission be granted.

RECOMMENDATION

Delegate to PERMIT

CONDITIONS

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

- a) A financial contribution toward replacement tree planting in accordance with the Council's adopted 'Planning Obligations' Supplemental Planning Document
- b) A targeted recruitment and training contribution in accordance with the Council's adopted 'Planning Obligations' Supplemental Planning Document

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 Standard Time Limit (Pre-occupation)

The solar PV panels hereby approved shall be installed and fully operational prior to first occupation of the development. They shall be positioned in accordance with Drawing No. A-100-106 P4 and shall be of a matt finish and dark colour.

Reason: To ensure that the visual impact of the arrays is minimised and that they are installed in a timely manner.

3 Compliance with Flood Risk Assessment (Pre-occupation)

The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by Hydrock dated August 2018 ref C-07448-C and the following measures detailed within it:

- 1) All resistance and resilience measures detailed within section 5.2.1;
- 2) Finished Floor Levels for all sleeping accommodation set at a minimum of 20.91mAOD;
- 3) There shall be no sleeping accommodation on the lower ground floor;

The measures shall be fully implemented prior to first occupation and maintained for the lifetime of development unless otherwise agreed in writing by the local planning authority.

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

4 Highway Scheme (Pre-commencement)

No development shall commence, with the exception of demolition works, until a scheme detailing the highway works to be undertaken to Avon Street has been submitted to and approved in writing by the local planning authority. The highway works shall be undertaken in accordance with the scheme so approved prior first occupation of the development hereby approved.

Reason: In the interests of highway safety and for the avoidance of doubt as to the extent of the permission granted.

5 Cycle Storage (Compliance pre-occupation)

No occupation of the development hereby approved shall commence until secure, covered bicycle storage for at least 26 bicycles has been provided. The bicycle storage shall be retained permanently thereafter.

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

6 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.

7 CEMP (Pre-commencement)

Prior to the commencement of development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the local planning authority. The CEMP shall include but shall not be restricted to:

- o Procedures for maintaining good public relations including complaint management, public consultation and liaison
- o Arrangements for liaison with the Council's Environmental Protection Team
- o All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours: 08 00 Hours and 18 00 Hours on Mondays to Fridays and 0800 and 13 00 Hours on Saturdays and; at no time on Sundays and Bank Holidays unless otherwise agreed at least 7 working days in advance in writing by the local planning authority.
- o Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.
- o Mitigation measures as defined in BS 5528: Parts 1 and 2 : 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.
- o Procedures for emergency deviation of the agreed working hours.
- o Control measures for dust and other air-borne pollutants. This must also take into account the need to protect any local resident who may have particular susceptibility to air-borne pollutants.
- o Measures for controlling the use of site lighting whether required for safe working or for security purposes.

No materials arising from the demolition of any existing structures, the construction of new buildings nor any material from incidental and landscaping works shall be burnt on the site. The CEMP shall reflect the Council's Code of Practice to Control noise from construction sites in addition to 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

Reason: To ensure that safe operation of the highway and in the interests of protecting residential amenity. This is a condition precedent because any initial construction or demolition works could have a detrimental impact upon highways safety and/or residential amenity.

8 Ecological Assessment (Compliance)

The development hereby permitted shall be carried out only in accordance with the recommendations in sections 4.9. 4.10 and 4.14 of the approved Preliminary Ecological Assessment for Bats dated March 2018 by Ecosulis. Prior to commencement of demolition works a suitably experienced ecologist (licenced bat worker) shall be appointed as

ecological clerk of works and shall undertake all necessary measures and provision of a supervisory watching brief to avoid risk of harm to bats and other wildlife during works.

Reason: to avoid harm to protected species (bats).

9 Hard & Soft Landscaping (Pre-occupation)

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

Reason: To ensure the provision of an appropriate landscape setting to the development in accordance with Policies D1, D2 and NE2 of the Bath and North East Somerset Placemaking Plan.

10 Hard & 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 D1, D2 and NE2 of the Bath and North East Somerset Placemaking Plan.

11 PRoW (Compliance)

Following first occupation of the development hereby approved, the public right of way BC44/11 (including its line and width) shall be protected and shall not be obstructed in anyway. It shall remain available for public use 24 hours a day.

Reason: To protect the public right of way adjacent to the application site.

12 Written Scheme of Investigation (Pre-commencement)

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

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

13 Field Evaluation (Pre-commencement - excluding demolition)

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

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

14 Archaeological Analysis (Pre-occupation)

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

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

15 Sewage Point of Connection (Pre-commencement - except demolition)

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

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

16 Noise Limits (Pre-occupation)

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 in accordance with BS8233:2014. The following levels shall be achieved: Maximum internal noise levels of 35dBLAeq, 16hr and 30dBLAeq, 8hr for living rooms and bedrooms during the daytime and night time respectively. For bedrooms at night individual noise events (measured with F time-weighting) shall not (normally) exceed 45dBLAmax.

Reason: To ensure that an appropriate level of sound attenuation has been provided.

17 Gull Preventative Measures (Pre-occupation)

Prior to the first occupation of the development, details of measures to control roof top nesting by gulls shall be submitted to and approved in writing by the local planning authority. The development shall not be occupied until the approved measures have been implemented on that part of the development.

Reason: To ensure that gulls are adequately dealt with.

18 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.

19 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.

20 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.

21 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.

22 Samples (Bespoke Trigger)

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

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policies D1, D2, D3 and D5 of the Bath and North East Somerset Placemaking Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

23 Samples (Bespoke Trigger)

No construction of the external walls (including cladding) 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 D1, D2, D3 and D5 of the Bath and North East Somerset Placemaking Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

24 Deliveries/Dispatch (Compliance)

No deliveries or despatches shall be made to or from the site, and no delivery or despatch vehicles shall enter or leave the site, outside of the hours of 07:00 to 21:00 on Monday to Saturday, or outside of the hours of 10:00 to 16:00 on Sundays, Bank or Public Holidays.

Reason: In the interests of residential amenity.

25 Mechanical Ventilation (Pre above slab level)

No development shall commence above slab level until details of the mechanical ventilation system to draw air in from an area where the annual average nitrogen dioxide concentration is below 40 µg/m³ to be fitted to all units whose façade is within the Air Quality Management Area (AQMA) and a schedule of maintenance should be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason: The site is within the Area Quality Management Area where special measures are required to reduce the impact of poor air quality.

26 Ventilation and Extraction Details (Pre use commencing)

The use hereby permitted shall not commence until a detailed scheme for the ventilation and extraction of fumes/cooking smells has been submitted to and approved in writing by the Local Planning Authority. The scheme shall specify the precise details of the flue extraction

equipment to be used, including: the stack height; the design and position of all ductwork; the noise/power levels of the fan(s); the number, type and attenuation characteristics of any silencers; details of anti -vibration mounts and jointing arrangements in the ductwork; the number of air changes per hour, and the efflux velocity. The scheme shall be implemented as approved prior to the commencement of the use and thereafter maintained as such.

Reason: To protect the amenity of local residents in respect of potential odour, fumes and noise.

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:

- o Location Plan: Drawing No. A-000-001 Rev P0

- o Proposed Lower Ground Floor: Drawing No. A-100-099 Rev P3
- o Proposed Ground Floor: Drawing No. A-100-100 Rev P5
- o Proposed First Floor: Drawing No. A-100-101 Rev P2
- o Proposed Second Floor: Drawing No. A-100-102 Rev P2
- o Proposed Third Floor: Drawing No. A-100-103 Rev P2
- o Proposed Fourth Floor: Drawing No. A-100-104 Rev P2
- o Proposed Fifth Floor: Drawing No. A-100-105 Rev P3
- o Proposed Roof Plan: Drawing No. A-100-106 Rev P4

- o Proposed James Street West Elevation: Drawing No. A-110-001 Rev P4
- o Proposed Milk Street Elevation: Drawing No. A-110-002 Rev P4
- o Proposed Avon Street Elevation: Drawing No. A-110-003 Rev P4
- o Proposed Rear Elevation: Drawing No. A-110-004 Rev P4

- o Proposed Section AA: Drawing No. A-120-001 Rev P5
- o Proposed Section BB: Drawing No. A-120-002 Rev P5
- o Proposed Section CC: Drawing No. A-120-003 Rev P4
- o Proposed Section DD: Drawing No. A-120-004 Rev P5

Community Infrastructure Levy

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. **Before** commencing any development on site you should ensure you are familiar with the CIL process. If the development approved by this permission is CIL liable there are requirements to assume liability and notify the Council before development commences, failure to comply with the regulations can result in surcharges and additional payments. 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

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework.

Condition Categories

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

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

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

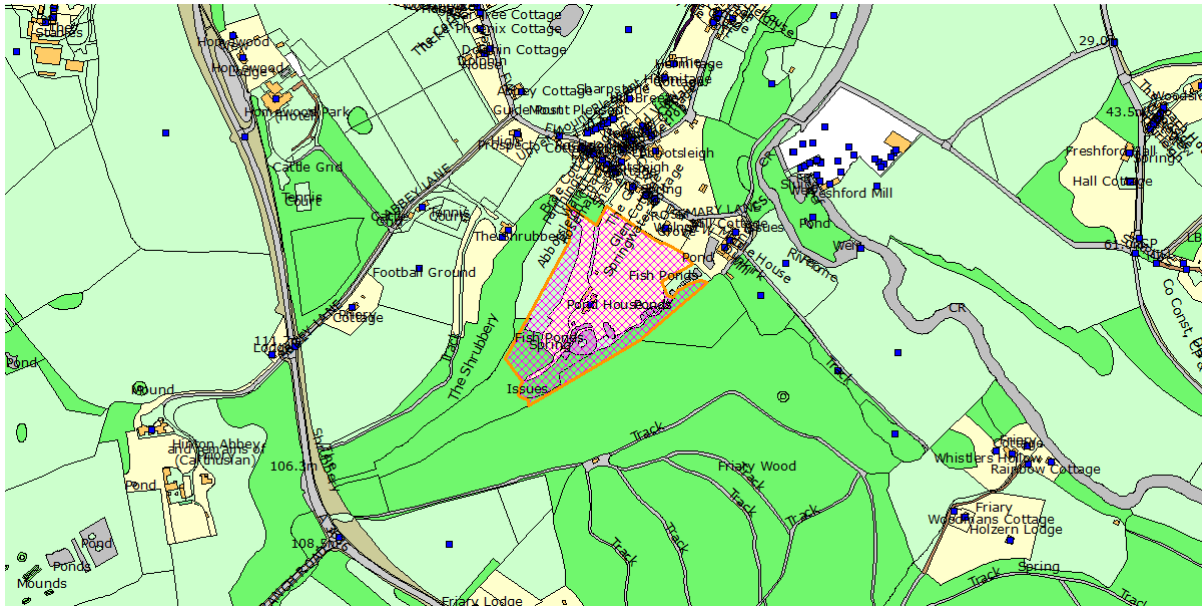
Pre-occupation - The condition requires the submission and approval of further information, drawings or details before occupation of all or part of the approved development.

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

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

Where approval of further information is required you will need to submit an application to Discharge Conditions and pay the relevant fee via the Planning Portal at www.planningportal.co.uk or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

Item No: 02
Application No: 18/02591/FUL
Site Location: Pond House Rosemary Lane Freshford Bath Bath And North East Somerset



Ward: Bathavon South **Parish:** Hinton Charterhouse **LB Grade:** N/A

Ward Members: Councillor Neil Butters

Application Type: Full Application

Proposal: Erection of two storey and single storey side extension and associated landscaping.

Constraints: Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Conservation Area, Contaminated Land, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Greenbelt, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE2 AONB, Policy NE3 SNCI, Policy NE5 Ecological Networks, Policy NE5 Strategic Nature Areas, Public Right of Way, SSSI - Impact Risk Zones,

Applicant: Mrs Kate Walters

Expiry Date: 28th September 2018

Case Officer: Samantha Mason

To view the case click on the link [here](#).

REPORT

Reason for reporting application to Committee:

The local Parish Councils have supported the scheme and the case officer is minded to refuse the scheme. As such the application was referred to the chair of the committee as per the council's scheme of delegation. The chair stated the following in her decision 'I have studied this application carefully, it has been revised as it's been through the planning process & the actual percentage increase depends on what is being removed & counted as part of the calculations used by Officers when assessing the volume increase.

I'm aware both Parish Councils & third party consultees support the application. The report explains this application is not straight forward when assessing the proposals against relevant planning policies. I recommend the application be determined by the DMC so the issues can be debated fully.'

Site Description:

The application refers to a detached dwelling located in Freshford. The proposal site is outside of the Housing Development Boundary and Conservation Area but within the Green Belt and AONB.

Proposal:

Planning permission is sought for the erection of a two storeys and single storey side extension and associated landscaping.

Relevant Planning History:

1996 - Side and rear gazebo and belvedere - Permitted

1989 - Two storey side extension - Permitted

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses:

Freshford Parish Council: At its meeting on 9 July the Council resolved to support the application, commenting that it would not wish to see the materials and design compromised in any subsequent amendments to the proposal. Care should be taken as to contractors access and parking on the very narrow roads around the property.

Hinton Charterhouse Parish Council: Hinton Charterhouse Parish Council met on the 17th July and voted unanimously to Support this planning application.

Representations Received:

One comment of support from a neighbour stating; 'Having reviewed the plans we have no concerns about this application'.

POLICIES/LEGISLATION

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

- o Bath & North East Somerset Core Strategy (July 2014)
- o Bath & North East Somerset Placemaking Plan (July 2017)
- o West of England Joint Waste Core Strategy (2011)
- o Bath & North East Somerset saved Local Plan policies (2007) not replaced by the Core Strategy or the Placemaking Plan:
 - Policy GDS.1 Site allocations and development requirements (policy framework)

- Policy GDS.1/K2: South West Keynsham (site)
- Policy GDS.1/NR2: Radstock Railway Land (site)
- Policy GDS.1/V3: Paulton Printing Factory (site)
- Policy GDS.1/V8: Former Radford Retail System's Site, Chew Stoke (site)
- o Made Neighbourhood Plans

Core Strategy:

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The following policies of the Core Strategy are relevant to the determination of this application:

CP2: Sustainable Construction
 CP6: Environmental Quality
 CP8: Green Belt
 DW1: District Wide Spatial Strategy

Placemaking Plan:

The Placemaking Plan for Bath and North East Somerset was formally adopted by the Council on 13th July 2017. The following policies of the Placemaking Plan are relevant to the determination of this application:

D1: General Urban Design Principles
 D2: Local Character and Distinctiveness
 D.3: Urban Fabric
 D.5: Building Design
 D.6: Amenity
 GB1: Visual Amenities of the Green Belt
 GB3: Extensions and alterations to buildings in the Green Belt.
 HE1: Historic Environment
 NE2: Landscape Setting of Settlements
 ST7: Transport requirements for managing development

The National Planning Policy Framework (NPPF) was published in July 2018 and is a material consideration. Due consideration has been given to the provisions of the National Planning Practice Guidance (NPPG).

Conservation Areas

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

SPD's

The Existing Dwellings in the Green Belt Supplementary Planning Document is also relevant in the determination of this application.

OFFICER ASSESSMENT

The main issues to consider are:

- Principle of development in the Green Belt
- Design
- Landscape
- Heritage
- Residential amenity
- Other matters

Principle of Development in the Green Belt:

The principle issue to consider is whether the proposal represents appropriate development within 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 national policy advice is to be read together with the relevant development plan. Policy GB3 of the Placemaking Plan states that proposals to extend a building in the Green Belt will only be permitted provided they would not represent a disproportionate addition over and above the size of the original building. In relation to extensions or alterations to existing dwellings the Placemaking Plan 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 inappropriate development.

In the case of Pond House it must first be identified what is 'the building' to be extended. In this regard 'the building' is the existing house which consist of A, B (prior to extension), C, D, E as shown on the plans submitted by the applicant. By definition other detached buildings do not form part of the building to be extended. As such the volume of the original building that the addition must be proportionate to would be 775m³.

Pond House was previously extended in 1989 through a two storey extension to the north east of the property. This extension was 318m³ which equates to a 41% increase in volume to the original dwelling.

Revised plans were submitted by the agent during the course of the application reducing the size of the proposal. The proposed extensions are show on the plans as O, P, Q, R, S and T. The proposal results in an 840m³ increase to the property. This along with the previous extension results in a cumulative volume increase of 150%. This is significantly greater than the guidance within the Council's SPD that states that extensions of about a

third of the original volume are more likely to be acceptable. The extension is therefore regarded as disproportionate and inappropriate development within the Green Belt.

However, the demolition of nearby separate buildings can be balanced against the harm associated with such a large extension. The fact that a small proportion of the extension will be below ground level can also be acknowledged. The outbuildings are single storey buildings dispersed around the site and have very little impact on the openness of the Green Belt and in addition have a neutral effect on the character and appearance of this part of the Area of Outstanding Natural Beauty (AONB). As a consequence their demolition has very limited benefit to the openness of the Green Belt and the limited amount of the extension that will be below ground also has very limited benefit. As a consequence these benefits do not outweigh the harm associated with the size of the proposed extension.

Overall the proposed development represents inappropriate development in the Green Belt and as such it would be harmful to openness and the purposes of including land within the Green Belt. The proposal is therefore contrary to policy CP8 of the adopted Core Strategy and policy GB1 and GB3 of the Placemaking Plan for Bath and North East Somerset (2017) and the NPPF.

It should be noted that the Council's SPD on Extensions to Dwellings in the Green Belt is now in part out of date as it pre-dates the National Planning Policy Framework published in 2018. In particular it refers to extension being acceptable in the Green Belt unless they would;

- (i) represent a disproportionate addition over and above the size of the original dwelling;
- (ii) contribute to a deterioration in rural character as a result of the cumulative effect of dwelling extensions.

The NPPF does not require an assessment of rural character in regards the impact of extensions in the Green Belt, Criterion (ii) is therefore now out of date. Rural character has not been assessed under this section of the report. Character and appearance is still a material planning consideration and as such has been assessed separately below.

The SPD also states that 'in certain circumstances outbuildings will be seen as extensions as outlined in the General Permitted Development Order, 1995'. The GDPO 1995 has been superseded by the GDPO 2015, this no longer refers to outbuildings being seen as extension. This element of the SPD is also therefore out of date and has been disregarded in the above assessment by the case officer.

Design and Landscape:

Policy D1, D2, D3 and D5 of the Placemaking Plan have regard to the character and appearance of a development and its impact on the character and appearance of the host dwelling and wider area. Development proposals will be supported, if amongst other things they contribute positively to and do not harm local character and distinctiveness. Development will only be supported where, amongst other things, it responds to the local context in terms of appearance, materials, siting, spacing and layout and the appearance of extensions respect and complement their host building.

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 site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB), and the Green Belt. These designations underscore the quality and importance of the existing landscape and visual character of the surrounding area.

The proposal is essentially seeking permission for the erection of a two storey and single storey side extension and associated landscaping. The proposed design replacing the existing south west element of the property and removes a number of outbuildings.

During the course of the application revised plans have been submitted reducing the size of the proposal. The extensions are situated to the south west of the existing building. The main element is a new timber and glass extension, which in plan appears leaf like and houses the open plan living areas. This element is linked to the main house by a two storey link extension and there is a further two storey element the other side of the 'leaf'. There is also a new rear element as well as internal alterations to the main dwelling. The proposal is contemporary in design constructed from glass and cedar cladding and includes a sedum roof and living wall.

The contemporary nature of the proposal and the use of natural materials are considered to be acceptable however the scale of the proposal remains too dominant. The size of the extension is regarded as dominating the appearance of the existing building to the effect that it detracts from the character of the existing dwelling and this part of the AONB.

The proposed development by virtue of its scale and massing would adversely affect the natural beauty of the landscape of the designated AONB contrary to policy NE2 of the Placemaking Plan for Bath and North East Somerset (2017), as well as policies D1, D2 and D5. It is also considered contrary to the Freshford and Limpley Stoke Neighbourhood Plan Planning and Development Policy and the NPPF.

Heritage:

Although outside of the Conservation Area the proposal site is on the boundary and therefore regard must be had to the setting of Freshford Conservation Area. In this case given the distance of the proposal from the conservation area, the limited views of the site available from the conservation area and the design it is noted considered that there will be any impact on the setting.

There is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. In this case by virtue of the design, scale, and position of the proposed development it is considered that the development would at least preserve the character and appearance of this part of the Conservation Area and its setting. The proposal accords with policy CP6 of the adopted Core Strategy

(2014) and policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and Part 12 of the NPPF.

Residential Amenity:

Policy D.6 sets out to ensure developments provide an appropriate level of amenity space for new and future occupiers, relative to their use and avoiding harm to private amenity in terms of privacy, light and outlook/overlooking.

The site is located over 100m from its nearest neighbours, furthermore there are limited views into the site expect for some very long reaching views further across the valley. 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 policy D6 of the Placemaking Plan for Bath and North East Somerset (2017) and paragraph 17 and part 7 of the NPPF.

Highways:

Although increasing the size of the property there are no alterations to access and there is ample parking within the site.

The means of access and parking arrangements are acceptable and maintain highway safety standards. The proposal accords with policy ST7 of the Placemaking Plan for Bath and North East Somerset (2017) and part 4 of the NPPF.

Conclusion:

It is therefore considered that the proposal is contrary to the relevant planning policies as outlined above and the proposal is recommended for refusal.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed development represents inappropriate development in the Green Belt and would be harmful to openness and the purposes of including land within the Green Belt. The proposal is therefore contrary to policy CP8 of the adopted Core Strategy and policy GB1 and GB3 of the Placemaking Plan for Bath and North East Somerset (2017) and the NPPF.

2 The proposed development by virtue of its scale and massing would adversely affect the natural beauty of the landscape of the designated AONB. The proposal is therefore contrary to policy NE2, D1, D2 and D5 of the Placemaking Plan for Bath and North East Somerset (2017) as well as the Freshford and Limpley Stoke Neighbourhood Plan Planning, and the NPPF.

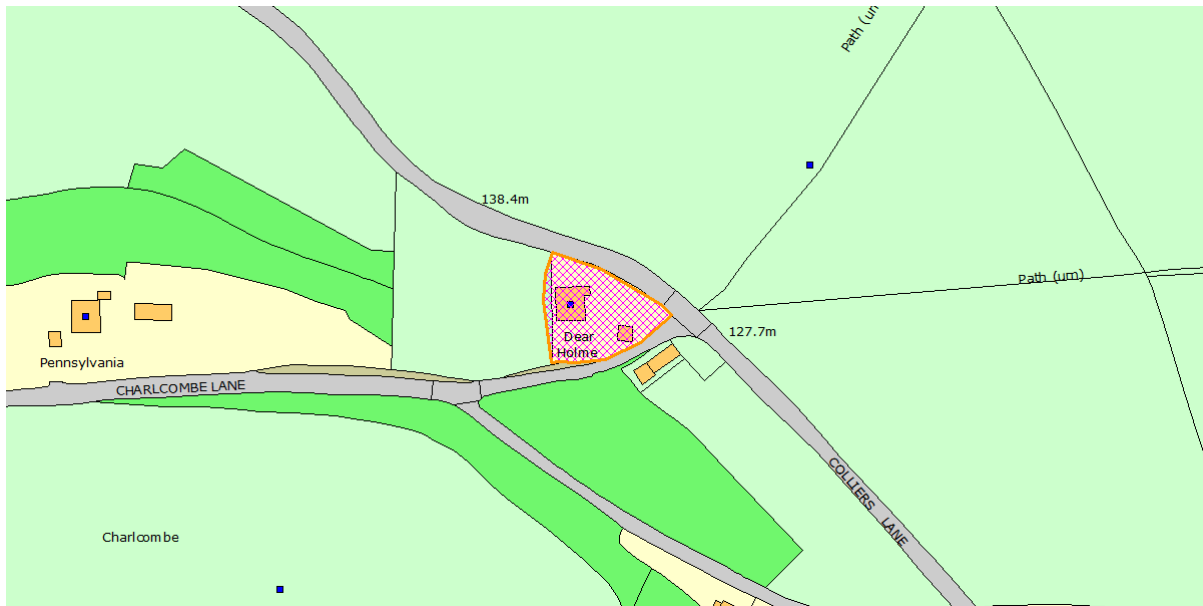
PLANS LIST:

This decision relates to the following plans:

- 12 Sep 2018 1727 L1.A Site Location and Block Plans
- 12 Sep 2018 1727 L2 Landscape Design
- 12 Sep 2018 1727 L3a Proposed First Floor
- 12 Sep 2018 1727 L4a Proposed Ground Floor
- 12 Sep 2018 1727 L5a Proposed Roof Plan

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy 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: 03
Application No: 18/01431/FUL
Site Location: Dearholm Colliers Lane Charlcombe Bath Bath And North East Somerset



Ward: Bathavon North **Parish:** Charlcombe **LB Grade:** N/A
Ward Members: Councillor M Veal Councillor Alison Millar Councillor Geoff Ward

Application Type: Full Application

Proposal: Erection of ground floor extension and alteration of the roof to create additional residential accommodation.

Constraints: Agric Land Class 1,2,3a, Policy B4 WHS - Indicative Extent, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, MOD Safeguarded Areas, Policy NE2 AONB, Policy NE2A Landscapes and the green set, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,

Applicant: Buzzard Williams

Expiry Date: 28th September 2018

Case Officer: Rae Mepham

To view the case click on the link [here](#).

REPORT

Reason application being referred to committee

Objection from Charlcombe Parish Council contrary to officer recommendation. Referred to Chair of the Committee, who determined the application should be decided by committee for the following reasons:

I have looked at this application & am aware of the history of the site as the previous application was also referred to me.

Charlcombe PC are consistent & have raised objections again linked to the impact on the area & this is reflected in Ward Cllrs & third party comments.

Landscape have objected to both the original submission & modifications made with this application as it has progressed which the Officer has explained in the report, I note the previous application Landscape agreed with when changes had been made.

The principle of development is agreed but I feel the application should be determined by the DMC this time as objections regarding the impact of the proposals remain controversial & should be debated in the public arena.

Site description and proposal

Dearholm is a detached dwelling located within the Green Belt and AONB. This application is for the erection of a ground floor extension and alterations to the roof to create additional residential accommodation.

Relevant history

15/01727/FUL - PERMIT - 1 September 2015 - Ground floor and lower ground floor side extension.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation responses

Charlcombe Parish Council

Charlcombe PC does not object to the principle of extending Dearholm but the proposed design is unacceptable. Dearholm is in a prominent location and is highly visible from the surrounding countryside. The proposals will completely change the appearance of the existing modest pitch-roofed bungalow. The style and materials of the proposals are out of keeping with other properties in the vicinity and not suitable for this rural location. The proposed design is not in keeping with the established local character and will have a significant detrimental visual impact on the Green Belt and AONB, resulting in deterioration in rural character.

We believe the volume calculations stated in the planning statement are incorrect since they differ significantly from the Officer's Delegated Report for the previous application (15/01727/FUL). Based on the previous Delegated Report the original building volume is 450m³, not 565m³ as stated by the applicant. Either way, the proposed volume exceeds the guideline figure of one third and the proposal is therefore disproportionate.

Various existing outbuildings are proposed to be demolished as part of the proposals. This will result in nowhere to store mowers, garden implements, bicycles etc. so additional storage will be required. This has not been addressed in the submission.

Key issues:

- Design and impact on local character;
- Landscape impact - Green Belt and AONB;
- Inappropriate development in the Green Belt.

Highways DC: no objection subject to a condition requiring that any entrance gates are hung to open away from the highway only and set back a minimum distance of 5m from the back edge of the highway.

Arboriculture: no objection subject to a condition requiring the development to be carried out in accordance with the approved Tree Protection Plan and a signed certificate of compliance to be submitted to the LPA prior to first occupation.

Ecology: no objection subject to conditions securing the recommendations of the bat report, measures to ensure avoidance of harm to wildlife and incorporation of biodiversity enhancements to the scheme.

Landscape: not acceptable in the current form. The revised proposals would be unlikely to conserve the landscape and scenic beauty of the Cotswolds AONB or the landscape setting of Bath. The proposals would be likely to prejudice the visual amenities of the Green Belt by reason of their siting, design and materials.

Third party representations

1 objection has been received raising the following concerns:

- Design;
- Impact on local character and appearance;
- Landscape impact.

1 objection has been received from the Bath Preservation Trust, summarised as:

- Overdevelopment of the existing dwelling
- Impact on character and appearance of Conservation Area
- Harm to Greenbelt, AONB and World Heritage Site
- Queries with volume calculations

Cllr comments

Cllr Martin Veal

- The modern design is not appropriate for this prominent rural location.
- The proposed development will have a significant detrimental impact on Green Belt and AONB.
- Volume calculations indicate that the proposed development far exceeds the SPD guideline threshold of one third increase for appropriate development in the Green Belt.

I suggest that there are strong grounds for refusal and must ask that if you are minded to recommend approval, the application is referred to the Development Management Committee.

(Officer note: the above call-in request was received after the end of the call-in period, which ended 8/5/2018)

Cllr Alison Millar

I concur entirely with what Cllr Veal has communicated. I too have concerns with regard to this revised planning application as it is in a sensitive location and also as there are still questions regarding the specific measurements in this case. I would therefore also request that, if you are minded to approve, the application should come before the DMC.

(Officer note: the above call-in request was received after the end of the call-in period, which ended 8/5/2018)

POLICIES/LEGISLATION

On 13th July 2017 the Council adopted the B&NES Placemaking Plan. It now becomes part of the statutory Development Plan for the district, against which planning applications are determined.

The statutory Development Plan for B&NES now comprises:

- Core Strategy (July 2014)
- Placemaking Plan (July 2017)
- B&NES Local Plan (2007) - only saved Policy GDS.1 relating to 4 part implemented sites
- Joint Waste Core Strategy
- Made Neighbourhood Plans

The following Core Strategy policies would be applicable:

- CP5 - Flood risk management
- CP8 - Green Belt
- DW1 - District Wide Spatial Strategy

The following B&NES Placemaking Plan policies should be considered:

- D1 - General Urban Design Principles
- D2 - Local Character & Distinctiveness
- D3 - Urban Fabric
- D4 - Streets and Spaces
- D5 - Building Design
- D6 - Amenity
- D8 - Lighting
- D10 - Public Realm
- GB1 - Visual amenities of the Green Belt
- GB3 - Extensions and alterations buildings in the Green Belt
- NE2 - Conserving and enhancing the landscape character
- NE3 - Sites, species and habitats
- SCR5 - Water Efficiency
- ST1 - Promoting sustainable travel
- ST7 - Transport requirements for managing development

Consideration has been given to the National Planning Policy Framework (Revised July 18) and the National Planning Practice Guidance.

Existing dwellings in the Green Belt SPD 2008

OFFICER ASSESSMENT

Background

The current application follows the approval of a ground floor and lower ground floor extension in 2015 (reference 15/01727/FUL). The proposals have been amended during the course of the application to reduce the volume of the proposed extensions, in particular reducing the extent of the proposed first floor addition and to replace some areas of render with natural rubble stone. The amount of first floor glazing has also been reduced.

Principle of the development in the Green Belt

Notwithstanding details submitted with the previous application, the original bungalow has a volume of 461.83m³. An existing double garage was accepted as original to the bungalow or pre-dating 1 July 1948 under the previous application. The garage has a volume of 77m³, giving a total original built volume of 538.83m³; the garage would be demolished as part of the proposals.

The proposals would replace the existing pitched roof with a flat roofed second storey in addition to single storey extensions. The revised proposals would result in a volume increase of 187.17m, amounting to an increase of 34.7% beyond the original built volume. On this basis it is considered that the proposed development does not represent inappropriate development in the Green Belt and it would not be harmful to openness or the purposes of including land within the Green Belt.

The proposal accords with policy CP8 of the Core Strategy, policy GB3 of the Placemaking Plan and the aims of the NPPF.

Character, appearance and landscape impact

The site is located within the Cotswolds AONB, the Green Belt and the setting of the World Heritage Site. The site is not located within a conservation area.

Although contemporary in design, the proposed external finish materials (natural rubble stone, retained ashlar, timber cladding, render and green roof) are considered appropriate to the rural context. The site is not located in a conservation area and it is considered that the design and materials of the proposal respond acceptably to the site context. The proposed extensions enhance the host building and Placemaking Plan Policy D5 is supportive of good modern design. A condition is recommended requiring samples of the external walling materials to be submitted for approval prior to the construction of the walls of the development. A condition is also recommended requiring details of the green roof including planting schedule, a timetable for implementation and a maintenance schedule in order to ensure an acceptable finished appearance.

The proposed first floor addition would match the height of the existing roof ridge. Although the first floor would have a greater visual bulk than the pitched roof it would replace, it is not considered that the proposed extensions would appear unacceptably obtrusive within the surrounding landscape compared to the existing situation. The size

and number of window openings has been reduced during the course of the application and it is not considered that the proposals would result in a significant increase in light spill to the surrounding landscape compared to the existing bungalow. The proposals would not cause unacceptable harm to important views. The proposals would retain all existing boundary vegetation.

It is considered that the proposed development would conserve the local landscape character and local distinctiveness, the setting of the World Heritage Site and would not prejudice the visual amenities of the Green Belt. The proposal accords with policies D2, D5, GB1, NE2 and NE2A of the Placemaking Plan, policy CP6 of the Core Strategy and the aims of the NPPF.

Residential amenity

Given the substantial separation distance from the nearest residential properties, the proposal would not cause significant harm to the amenities of any adjacent occupiers through loss of light, overshadowing, overbearing visual impact, loss of privacy, noise, smell, traffic or other disturbance. The proposal accords with policy D6 of the Placemaking Plan and the aims of the NPPF

Arboriculture

An Arboricultural Impact Assessment with Tree Protection Plan has been submitted in support of the application. This confirms that the roadside hedges and trees would be retained under the proposals and can be adequately protected during demolition and construction activities. A condition is recommended requiring compliance with the approved Tree Protection Condition.

Ecology

The proposals would entirely remove the existing bungalow roof. Completed phase 1 habitat survey and bat survey and assessment have been submitted, which confirm the presence of a bat roost for a single common pipistrelle bat in the roof of the affected building. Appropriate mitigation is proposed and, subject to this being adhered to, it is not considered that the proposal will harm the conservation status of the affected species.

The proposal will require an EPS licence and the LPA must be confident, prior to issuing consent, that the proposal will meet the "three tests" of the Habitats Regulations and that an EPS licence would be obtained.

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

The public benefits should be commensurate with the level of impact. The design incorporates good sustainable construction which will achieve better than current building regulations. The proposal would bring economic benefits including employment generation during the construction phase, and some benefits from increased spending in the local economy on goods and services. The existing building is poorly constructed and not energy efficient. Comprehensive improvements and the installation of microregeneration

will improve the quality of the building and reduce running costs. The development of the building will also contribute in a small way to improve the local housing stock. The application will also require the submission of wildlife enhancement details and will require sensitive external lighting, which would not currently be required on site and would improve upon the current situation. The test can be said to be passed.

Test 2 - There is no satisfactory alternative

The development proposes an extension and alterations to the existing roof to provide further accommodation. As the roof will require removal to incorporate the scheme, for this proposal there is no alternative than what has been put forward. The test can be said to be passed.

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

Based on the development and all proposed mitigation being implemented as described in the submitted ecological reports, the conservation status of the affected species will not be harmed and the third test would be met.

It is considered that the proposal would meet the three tests of the Habitats Regulations and a European Protected Species Licence would be obtained. Subject to conditions securing the recommendations of the bat report, and measures to ensure avoidance of harm to wildlife in the garden surrounding the building together with incorporation of biodiversity enhancements to the scheme, the proposal accords with Placemaking Plan Policy NE3 and the aims of the NPPF.

Car parking, access and highway safety

The proposals would create a four bedroom dwelling. Whilst existing garages would be demolished, adequate parking and turning provision and bicycle storage would be provided on site.

No changes are proposed to the access to the property, which is located between two junctions of Colliers Lane and Charlcombe Lane. The layout of the road creates potential conflict and therefore an environment where traffic speeds are low. Whilst the positioning of the access does not meet visibility standards, any slight intensification of use of the access resulting from the development would have minimal impact on highway safety.

A condition is recommended requiring the existing gates to be set back a minimum of 5m from the back edge of the highway in the interests of highway safety. Subject to this condition, the proposal accords with policy ST7 of the Placemaking Plan and the aims of the NPPF.

Conclusion

Overall, the proposals are considered to be acceptable, and the application is 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 Demolition of existing buildings (Bespoke Trigger)

The proposal hereby approved shall not be brought into use until the existing buildings indicated for demolition on the Proposed Ground Floor Plan (411 - P101 - P3) have been demolished and removed from site.

Reason: To preserve the openness of the Green Belt in accordance with Placemaking Plan policy GB3.

3 Sample Panel - Walling (Bespoke Trigger)

No construction of the external walls of the development shall commence until samples of all external walling materials to be used have been submitted to and approved in writing by the Local Planning Authority. 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 D1, D2, D3 and D5 of the Bath and North East Somerset Placemaking Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

4 Green roof (Bespoke Trigger)

No construction of the roof of the development shall commence until a planting and maintenance plan for the green roof 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.

5 Arboriculture - Tree Protection Plan (Pre-occupation)

No demolition, development or other operations shall take place except in complete accordance with the approved Tree Protection Plan (TPP-01). A signed certificate of compliance shall be provided by the appointed arboriculturalist to the local planning authority on completion and prior to the first occupation of the dwelling.

Reason: To ensure that trees to be retained are not adversely affected by the development proposals in accordance with Policy NE6 of the Bath and North East

Somerset Placemaking Plan. To ensure that the approved method statement is complied with for the duration of the development.

6 Bat Mitigation and Compensation Scheme (compliance condition)

The development hereby approved shall be implemented only in accordance with recommendations and proposed Bat Mitigation described in Sections 5.1, 5.2, 5.3 and Section 7 (Appendix 2) of the approved Bat Survey and Assessment by Ellendale Environmental dated 29th June 2018. The bat mitigation shall thereafter be retained and maintained in accordance with approved details.

Reason: to avoid harm to bats and their roosts in accordance with policy NE3 of the Bath and North East Somerset Local Plan.

7 Wildlife Protection and Enhancement (Pre-commencement)

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

- (i) Method statement for pre-construction and construction phases to provide full details of all necessary protection and mitigation measures, including, as applicable, proposed precommencement checks/update surveys, for the avoidance of harm to reptiles, amphibians, hedgehog, nesting birds and other wildlife, and proposed reporting of findings to the LPA prior to commencement of works;
- (ii) Detailed proposals for implementation of wildlife mitigation and enhancements, including wildlife-friendly planting / landscape details; provision of bat and bird boxes, with proposed specifications and proposed numbers and positions to be shown on plans as applicable; specifications for fencing to include provision of gaps in boundary fences to allow continued movement of wildlife;

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

Reason: To prevent ecological harm and to provide biodiversity gain in accordance with policy NE3 of the Bath and North East Somerset Local Plan.

8 Sensitive Lighting - smaller scale applications (with bat roost)

No new external lighting shall be installed without full details of proposed lighting design being first submitted to and approved in writing by the LPA; details to include proposed lamp models and manufacturer's specifications; numbers, positions & heights; and details of all necessary measures to limit use of lights when not required and to prevent light spill onto bat roost access points, bat flight routes, vegetation and adjacent land; and to avoid harm to bat activity and other wildlife. The lighting shall be installed, maintained and operated thereafter in accordance with the approved details.

Reason: to avoid harm to bats and other wildlife

9 Implementation of Wildlife Scheme (Pre-occupation)

No occupation of the development hereby approved shall commence until a report produced by a suitably experienced ecologist (licenced bat worker) confirming and

demonstrating, using photographs where appropriate, completion and implementation of the approved bat and wildlife mitigation and compensation measures and sensitive lighting design, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To demonstrate the implementation of the Bat Mitigation and Compensation Measures in accordance with policies NE3 of the Bath and North East Somerset Local Plan.

10 Entrance gates (Compliance)

Any entrance gates erected shall be hung to open away from the highway only, and shall be set back a minimum distance of 5.0m from the back edge of the highway.

Reason: In the interests of highway safety

11 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:

06 Jul 2018	411 - P201 - P3	PROPOSED SOUTH ELEVATION
06 Jul 2018	411 - P202 - P3	PROPOSED EAST ELEVATION
06 Jul 2018	411 - P203 - P3	PROPOSED NORTH ELEVATION
06 Jul 2018	411 - P204 - P3	PROPOSED WEST ELEVATION
23 Jul 2018	411 - P101 - P3	PROPOSED GROUND FLOOR PLAN
23 Jul 2018	411 - P102 - P3	PROPOSED FIRST FLOOR PLAN
23 Jul 2018	411 - P103 - P3	PROPOSED ROOF PLAN
23 Jul 2018	P - 001 - P3	REVISED LOCATION PLAN
17 Aug 2018	411 - P002 - P4	PROPOSED SITE PLAN
25 Sep 2018	411 - P 301 REV P1	PROPOSED SECTION AA
25 Sep 2018	411 - P 302 REV P1	PROPOSED SECTION BB

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework.

Condition Categories

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

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

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

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

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

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

Where approval of further information is required you will need to submit an application to Discharge Conditions and pay the relevant fee via the Planning Portal at www.planningportal.co.uk or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

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Bath & North East Somerset Council	
MEETING:	Development Control Committee
MEETING DATE:	24th October 2018
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

Case Ref: 16/00694/UNDEV

Location: Land Between Convergence Of Durley Park And Durley Lane Durley Hill Keynsham

Breach: Without planning permission the change of use of land from agriculture to a mixed use of agriculture and the siting of a mobile home for residential purposes.

Notice Issued Date: 7 December 2017

Appeal Lodged: 11 September 2018

Case Ref: 16/00534/UNDEV

Location: 9 Wells Square Westfield Radstock Bath And North East Somerset BA3 3UF

Breach: Without planning permission, the formation of a vehicle access and creation of a parking area.

Notice Issued Date: 5 April 2018

Appeal Lodged: 11 September 2018

Case Ref: 16/00401/UNAUTH

Location: 34 Coombend Bath And North East Somerset BA3 3AN

Breach: Without planning permission the change of use of land from agriculture to a mixed use of agriculture and residential by the siting of two mobile homes for residential purposes.

Notice Issued Date: 06 April 2018

Appeal Lodged: 11 September 2018

App. Ref: 18/01149/OUT
Location: 9 Britten's Close Paulton Bristol Bath And North East Somerset BS39 7RZ
Proposal: Outline application for the erection of detached bungalow in land adjacent to existing property
Decision: REFUSE
Decision Date: 8 May 2018
Decision Level: Delegated
Appeal Lodged: 12 September 2018

App. Ref: 18/01560/FUL
Location: 63 Brassmill Lane Newbridge Bath Bath And North East Somerset BA1 3JD
Proposal: Conversion of the loft with a rear dormer and erection of a single storey rear extension (Resubmission)
Decision: REFUSE
Decision Date: 15 June 2018
Decision Level: Delegated
Appeal Lodged: 13 September 2018

App. Ref: 18/01791/FUL
Location: 52 Manor Road Saltford Bristol Bath And North East Somerset BS31 3AB
Proposal: Erection of raised rear terrace (Retrospective)
Decision: REFUSE
Decision Date: 15 June 2018
Decision Level: Delegated
Appeal Lodged: 13 September 2018

Case Ref: 15/00359/UNDEV
Location: Field Parcel 6034 North Stoke Lane North Stoke Bath
Breach: Without planning permission the change of use of land from agriculture to a mixed use of agriculture and residential through the siting of metal containers for residential purposes
Notice Issued Date: 27 September 2017
Appeal Lodged: 25 September 2018

App. Ref: 17/00545/FUL
Location: Field Parcel 6034 North Stoke Lane North Stoke Bath
Proposal: Erection of temporary agricultural workers dwelling (retrospective)
(resubmission).
Decision: REFUSE
Decision Date: 26 July 2017
Decision Level: Delegated
Appeal Lodged: 25 September 2018

App. Ref: 17/05140/AGRN
Location: Field Parcel 6034 North Stoke Lane North Stoke Bath
Proposal: Erection of side extensions and an outbuilding
Decision: Agricultural Prior Approval Not PD
Decision Date: 17 November 2017
Decision Level: Delegated
Appeal Lodged: 25 September 2018

Case Ref: 17/00268/UNAUTH
Location: Land Rear Of 18-25 Queenwood Avenue Fairfield Park Bath
Breach: Without planning permission the change of use of land from garden land (Sui Generis) to open and covered storage
Notice Issued Date: 25 April 2018
Appeal Lodged: 26 September 2018

App. Ref: 18/02457/FUL
Location: Weathertop Claverton Down Road Claverton Down Bath Bath And
North East Somerset
Proposal: Erection of single storey front garden room extension
Decision: REFUSE
Decision Date: 1 August 2018
Decision Level: Delegated
Appeal Lodged: 28 September 2018

App. Ref: 18/02502/FUL
Location: 74 Entry Hill Combe Down Bath Bath And North East Somerset
BA2 5NA
Proposal: Loft conversion to include dormer window extension to the rear
elevation, and roof lights to the front elevation.
Decision: REFUSE
Decision Date: 31 July 2018
Decision Level: Delegated
Appeal Lodged: 28 September 2018

APPEALS DECIDED

App. Ref: 17/04612/FUL
Location: Old North Chew Farm Norton Lane Chew Magna Bristol Bath And North East Somerset
Proposal: Erection of a single dwelling and associated car parking and landscaping, following demolition of 2 no. existing Dutch barns.
Decision: REFUSE
Decision Date: 2 January 2018
Decision Level: Chair Referral - Delegated
Appeal Lodged: 4 June 2018
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 11 September 2018

App. Ref: 18/00566/FUL
Location: 45 Brookfield Park Upper Weston Bath Bath And North East Somerset BA1 4JH
Proposal: Erection of single storey rear extension following partial demolition of existing outhouse and wall.
Decision: REFUSE
Decision Date: 5 April 2018
Decision Level: Delegated
Appeal Lodged: 31 July 2018
Appeal Decision: Appeal Allowed
Appeal Decided Date: 20 September 2018

App. Ref: 18/01190/FUL
Location: Portbridge Mill Limeburn Hill Chew Magna Bristol Bath And North East Somerset
Proposal: Erection of a replacement office/gym building following removal of existing outbuilding (Resubmission).
Decision: REFUSE
Decision Date: 9 May 2018
Decision Level: Chair Referral - Delegated
Appeal Lodged: 31 July 2018
Appeal Decision: Appeal Allowed
Appeal Decided Date: 20 September 2018

App. Ref: 17/03433/FUL
Location: 22 Entry Hill Combe Down Bath Bath And North East Somerset

BA2 5NQ

Proposal: Erection of 3 bed detached two storey dwelling with double garage to the rear of 22 Entry Hill

Decision: REFUSE

Decision Date: 21 September 2017

Decision Level: Delegated

Appeal Lodged: 5 June 2018

Appeal Decision: Appeal Dismissed

Appeal Decided Date: 24 September 2018

App. Ref: 18/00443/FUL

Location: 155 Newbridge Hill Newbridge Bath BA1 3PX

Proposal: Change of use of land to garden (use class C3) and creation of 3no car parking spaces.

Decision: REFUSE

Decision Date: 27 March 2018

Decision Level: Delegated

Appeal Lodged: 23 July 2018

Appeal Decision: Appeal Allowed

Appeal Decided Date: 5 October 2018
