

Planning Committee

Date: Wednesday, 28th August, 2019

Time: 2.00 pm

Venue: Brunswick Room - Guildhall, Bath

Agenda

To: All Members of the Planning Committee

Councillors:- Matt McCabe (Chair), Vic Clarke, Sue Craig, Sally Davis, Lucy Hodge, Duncan Hounsell, Eleanor Jackson, Hal MacFie, Manda Rigby and Brian Simmons

Permanent Substitutes:- Councillors: Rob Appleyard, Alison Born, Gerry Curran, Michael Evans, Andrew Furse, Liz Hardman, Ruth Malloy, Vic Pritchard and Ryan Wills

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. We request that those filming/recording meetings avoid filming public seating areas, children, vulnerable people etc; however, the Council cannot guarantee this will happen.

The Council will broadcast the images and sounds live via the internet www.bathnes.gov.uk/webcast. The Council may also use the images/sound recordings on its social media site or share with other organisations, such as broadcasters.

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 Planning Committee 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/ecCatDisplay.aspx?sch=doc&cat=12942>

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.

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Additional information and Protocols and procedures relating to meetings

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Planning Committee- Wednesday, 28th August, 2019

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 CHAIR

To elect a Vice Chair for the ensuing Council year.

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 CHAIR

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

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

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

7. MINUTES OF THE PREVIOUS MEETING (Pages 5 - 26)

To confirm the minutes of the meeting held on 31 July 2019.

8. MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (Pages 27 - 128)
9. NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES (Pages 129 - 134)

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>

PLANNING COMMITTEE

Minutes of the Meeting held

Wednesday, 31st July, 2019, 2.00 pm

Councillors: Sally Davis (Chair), Rob Appleyard (Reserve) (in place of Lucy Hodge), Vic Clarke, Paul Crossley (Reserve) (in place of Matt McCabe), Duncan Hounsell, Eleanor Jackson, Manda Rigby, Brian Simmons and Ryan Wills (Reserve) (in place of Sue Craig)

24 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

25 ELECTION OF VICE CHAIRMAN

A Vice Chairman was not required on this occasion.

26 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from:

Cllr Sue Craig – substitute Cllr Ryan Wills
Cllr Lucy Hodge – substitute Cllr Rob Appleyard
Cllr Hal MacFie
Cllr Matt McCabe – substitute Cllr Paul Crossley

27 DECLARATIONS OF INTEREST

Cllr Duncan Hounsell declared a non-pecuniary interest in application no. 19/01488/FUL, 4 Uplands Road, Saltford. Cllr Hounsell was a member of Saltford Parish Council who had been consulted on this application; however, he had taken no part in the consideration of this matter at Parish Council level.

28 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was no urgent business.

29 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.

30 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 3 July 2019 were confirmed and signed as a

correct record.

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

The Committee considered:

- A report by the Head of Planning on various planning applications.
- Oral statements by members of the public and representatives. A copy of the speakers' list is attached as *Appendix 1* to these minutes.

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

Item No. 1

Application No. 19/01873/FUL

Site Location: St Joseph's Church, Sladebrook Road, Southdown, Bath – Erection of 9 dwellings, alterations to vehicular access, associated parking and landscaping, following demolition of redundant church building

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

A local resident spoke against the application.

The Agent spoke in favour of the application.

Cllr Crossley referred to a pending single Cabinet Member decision (E3150 – Supporting an Exemplar Housing Development). He queried whether when making the decision today a comment could be made regarding this decision as it would address matters such as shared ownership and restriction against the use of properties for HMO (Houses in Multiple Occupation) purposes.

The Deputy Head of Planning stated that any decision made at this meeting could not take into account a Cabinet single member decision that had not yet been made. The Committee must consider the information before it at this meeting and E3150 was not a material consideration in this case.

In response to a question the Case Officer and Highways Officer explained that the proposal to move the bus stop was to avoid potential conflict with people entering and exiting the site. Cllrs Crossley and Jackson felt that it was not necessary to move the bus stop from its current location.

Cllr Jackson pointed out that the Council had a policy in place for HMO properties and queried what proportion of properties in this area were HMOs.

The Deputy Head of Planning explained that the Committee must consider the application before it on its own merits. The application was not for HMO properties and if there were subsequently an application to change one of the properties to an HMO then this would have to be considered as a change of use under the existing policy.

Cllr Crossley stated that this was a Council application. He noted that there was an existing planning application to provide housing on this site and that it should, therefore, be approved. He had concerns that in the future there could be a change of use to HMO properties. He pointed out that the current policy only tested against registered HMOs in the area and stated that this should take into account all HMOs including those that were unregistered. He felt that the pending Cabinet member decision E3150 should be taken into account when making a decision on this application. This would ensure that there would be some shared ownership properties within the scheme, would push for the environmental standards set out in the pending decision and would place a restriction on the use of the properties to ensure that they were not turned into HMOs.

Cllr Crossley asked about the ownership of the hedge on the edge of the plot as it currently provided privacy for number 72 Sladebrook Road. He requested assurance that the hedge would not be removed without consultation with the residents of No. 72. The Case Officer explained that the retention of the hedge could be secured by condition and a landscaping scheme.

Cllr Crossley then moved that the Committee delegate to permit the application. This was seconded by Cllr Rob Appleyard.

The Deputy Head of Planning clarified that the application was not being put forward by the Council but by Aequus Construction Ltd. It should be treated on its merits as with any planning application and any conditions put forward must be relevant to the development. She also explained that the Highways Officer had recommended that the bus stop should be moved but if members felt that this was unnecessary then they could agree that it should remain in its current position.

The Case Officer stated that the bus stop could be positioned on the main frontage of the development. The Highways Officer explained that for ease of access for disabled people it would be preferable for the bus stop to be located on the road frontage of the site.

Cllr Jackson stated that she did not think the design of the properties was appropriate for a suburban area and should be improved.

Cllr Rigby supported the proposal to delegate to permit as a development on the site had already been approved and the application was policy compliant.

The Deputy Head of Planning explained that it would not be appropriate to add a condition to prevent the properties becoming HMOs in the future because the application currently referred to dwelling houses and not HMOs and that it was not possible to condition against a further change of use.

It was agreed that officers would:

- Investigate the ownership of the hedge and add a condition regarding its retention if necessary.
- Include the requirement for a Construction Management Plan as a condition.
- Relocate the bus stop ensuring that it remains on the frontage of the site.

The motion was put to the vote and it was RESOLVED by 8 votes in favour and 1 against to DELEGATE TO PERMIT the application subject to conditions.

Item No. 2

Application No. 19/01488/FUL

Site Location: 4 Uplands Road, Saltford, BS31 3JJ – Erection of detached 3 bed bungalow on land to rear of 4 Uplands Road

The Case Officer reported on the application and his revised recommendation to delegate to permit to enable revised plans that remove a proposed garage from the plans to be taken into account.

A local resident spoke against the application.

The Agent spoke in favour of the application.

Cllr Duncan Hounsell, local ward member, spoke against the application. He stated that this appeared to be practically a resubmission of a previously withdrawn application. He felt that infilling would cause harm to the local area and would be contrary to policy. The site was also located close to an electricity substation and had seven residential garden boundaries. There would be a negative visual impact due to the over-development of the site which would be harmful to the surroundings and the character of the area. He pointed out that Saltford Parish Council was also opposed to the application.

(Note: Cllr Hounsell then left the meeting having declared a non-pecuniary interest in this item and did not take part in the debate or vote on the application).

Cllr Crossley noted that this was back land development which he felt was incongruous and harmful to the character of the area. There would also be loss of amenity to local residents and the loss of a garden was not justified. He stated that the application was against policies D2, D4 and D7. He then moved refusal for the reasons set out above.

Cllr Jackson stated that it was important to retain gardens and felt that the application represented overdevelopment of the site. She seconded the motion.

The motion was put to the vote and there were 4 votes in favour and 4 votes against. The Chair then used her casting vote against the motion which was therefore LOST.

Cllr Rigby then moved that the Committee delegate to permit the application subject to conditions. This was seconded by Cllr Simmons.

The motion was put to the vote and there were 4 votes in favour and 4 votes against. The Chair then used her casting vote in favour of the motion. It was therefore RESOLVED to DELEGATE TO PERMIT the application subject to conditions.

(Note: Cllr Hounsell returned to the meeting at this point).

Item Nos. 3 and 4

Application Nos. 19/00137/FUL and 19/00147/LBA

Site Location: Double Hill Farm, Double Hill, Shoscombe – Internal and external alterations to existing farmhouse including reinstatement and conversion of attached outbuilding to form additional accommodation together with alteration of adjoining detached former milking parlour to form domestic annexe to main dwelling plus demolition of redundant adjoining silage store and lean-to store structures.

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

Representatives from Wellow and Shoscombe Parish Councils spoke in favour of the applications.

The agent and applicant spoke in favour of the applications.

Cllr Neil Butters, local ward member, spoke in favour of the applications. He stated that the proposal would improve the housing stock in the area bringing it up to current standards. It would also help to maintain the farm business, with a desirable place to live for the family and future generations. The applicants were long-standing members of the community and the proposal was supported by both Wellow and Shoscombe Parish Councils.

Cllr Jackson stated that the proposal would conserve a historic settlement and would enhance the area by securing the use of a heritage asset. It would also allow a fuller use of the building and would increase the sustainability of the site by enabling home-working. She moved that the Committee delegate to permit the applications.

Cllr Appleyard seconded the motion noting that there would be public benefit.

Cllr Crossley supported the proposal as he felt it represented a sympathetic restoration and would bring a listed building into better use. It would enhance the local setting bringing both public and social benefit and would be an asset to the village.

Cllr Rigby acknowledged that there would be some harm to the Green Belt due to the removal of the wall. However, she felt that this would be outweighed by the public benefit of improving the standard of the building.

For clarification the Deputy Head of Planning Development Management asked members to confirm that in their view there was harm to the listed building but that the harm was outweighed by the public benefits given. She confirmed that in their view the public benefits in this case including securing the optimum viable use of a heritage asset in support of its long term conservation and visual improvements to the site were amongst the reasons given and this was confirmed to be the case.

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

Item No. 5

Application No: 19/00383/FUL

Site Location: 2 Longhouse, The Hollow, Dunkerton – Erection of a detached double garage alongside the house

The Case Officer reported on the application and her recommendation to permit. She explained that the applicant had now provided further information which had been requested at the previous meeting. It was noted that the fall-back position, which could be built using permitted development rights, would be more harmful to the Green Belt than the proposal under consideration and was a realistic fall-back likely to be implemented.

A representative of the applicant spoke in favour of the application.

Cllr Neil Butters, local ward member, thanked the Committee for reconsidering the application in the light of the further information provided.

Cllr Rigby moved the officer recommendation to permit and this was seconded by Cllr Davis.

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

Item No. 6

Application No. 19/02130/FUL

Site Location: 39 Kensington Gardens, Walcot, Bath, BA1 6LH – Erection of garage and associated works following demolition of existing garage. Enlarge existing rear dormer window

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

Cllr Applyard moved the officer recommendation to permit and this was seconded by Cllr Jackson.

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

32 QUARTERLY PERFORMANCE REPORT

The Committee considered the quarterly performance report from April to June 2019. Members congratulated the arboriculturalists on their excellent performance.

RESOLVED: To NOTE the report.

33 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 3.55 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services

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BATH AND NORTH EAST SOMERSET COUNCIL

MEMBERS OF THE PUBLIC AND REPRESENTATIVES WISHING TO MAKE A STATEMENT AT THE MEETING OF THE PLANNING COMMITTEE ON WEDNESDAY 31 JULY 2019

MAIN PLANS LIST			
ITEM NO.	SITE NAME	SPEAKER	FOR/AGAINST
1	St Joseph's Church, Sladebrook Road, Bath	Dave Dixon	Against
		Chris Beaver (Agent)	For
2	4 Uplands Road, Saltford, BS31 3JJ	Russell Abel	Against
		Mr Mike Younie (Agent)	For
		Cllr Duncan Hounsell (Local Ward Member)	Against
3 & 4	Double Hill Farm, Double Hill, Shoscombe, Bath	Pat Caudle (Wellow Parish Council)	For (To share 6 minutes)
		Diana Aiken (Shoscombe Parish Council)	
		Will Drewett (Agent)	For (To share 6 minutes)
		David Cradock (Applicant)	
		Cllr Neil Butters (Local Ward Member)	For
5	2 Longhouse, The Hollow, Dunkerton	David Woodrow	For
		Cllr Neil Butters (Local Ward Member)	For

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BATH AND NORTH EAST SOMERSET COUNCIL
PLANNING COMMITTEE
31st July 2019
DECISIONS

Item No:	01	
Application No:	19/01873/FUL	
Site Location:	St Joseph's Church, Sladebrook Road, Southdown, Bath	
Ward: Southdown	Parish: N/A	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Erection of 9 No. dwellings, alterations to vehicular access, associated parking and landscaping, following demolition of redundant church building.	
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, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,	
Applicant:	Aequus Construction Ltd	
Expiry Date:	1st August 2019	
Case Officer:	Tessa Hampden	

DECISION PERMIT

1 Standard Time Limit (Compliance)

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

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

2 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.

3 Closure of Access (Bespoke Trigger)

The new accesses hereby approved shall not be brought into use until the existing vehicular access has been permanently closed and a footway crossing constructed, including the raising of dropped kerbs, in accordance with details which have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development is served by a safe access in the interests of highway safety in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

4 Bus Stop relocation Bespoke trigger)

No development above base course level shall commence until the existing bus stop has been relocated in accordance with details first submitted to and approved in writing by the Local Planning Authority. The bus stop shall be re located within the site frontage of the development.

Reason; To ensure the relocation of the bus stop to achieve a safe access to the site.

5 Visibility Splay (Pre-occupation)

No occupation of the development shall commence until the visibility splay shown on drawing number 0946-001 Rev A has been provided. There shall be no on-site obstruction exceeding 600mm above ground level within the visibility splay. The visibility splay shall be retained permanently thereafter.

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.

6 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.

7 Hard and Soft Landscaping (Compliance)

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

Reason: To ensure that the landscape scheme is implemented and maintained in accordance with Policies D1, D2 and NE2 of the Bath and North East Somerset Placemaking Plan.

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

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

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policies 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.

9 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.

10 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.

11 Drainage (pre commencement)

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

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

12 Drainage (pre commencement)

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

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

13 Housing Accessibility (Compliance)

The following dwellings hereby approved shall meet the optional technical standards 4(2) in the Building Regulations Approved Document M: units 8 and 9

Reason: Reason: To ensure that the optional technical standards for accessibility are met in accordance with policy H7 of the Bath and North East Somerset Council Placemaking Plan.

14 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

15 Reptile Mitigation Strategy (Compliance)

In accordance with Section 5 of the approved Ecology Assessment Update , clearance of the grassland habitat will be undertaken using a Precautionary Working Method Statement, under supervision of a Suitably Qualified Ecologist as follows:

- The grassland habitat will be made unsuitable for reptiles by implementing a progressive cut, encouraging the reptiles to move out of the works area;
- The vegetation will be cut down to ground level, from the south west section of the site towards the north east section of site, during months that reptiles are active, i.e. between March to October;
- If there is any delay between site clearance and commencement of construction, the grassland will be regularly cut to maintain the site unsuitable for reptiles;
- Should any reptiles be found during the construction period, the animal must be moved to a place of safety within suitable terrestrial habitat, for example the hedgerow and garden to the north east.

Sympathetic working practices will include:

- Three refugia (log piles) will be created along the southwest boundary, reusing sawn logs from felled trees. The locations are shown in Figure 4 (Ecological Mitigation and Enhancement Plan);

- Reptiles and amphibians will utilise stacked materials such as wood, stone, boards or metal sheets as refuges. The site will be kept tidy and stored materials will be kept off the ground on pallets where possible;
- Waste materials will be removed from site immediately or placed in skips.

Reason: to avoid harm to protected species

16 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 measures set out in the Ecological Mitigation and Enhancement Scheme (section 5 and Figure 4 of the Ecology Assessment Update (Ethos, April 2019)) 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 approved Ecological Mitigation 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.

17 Means of enclosure - (Bespoke trigger)

Notwithstanding the approved plans, no fences, gates, walls or other means of enclosure shall be erected or placed on the site until a revised plan illustrating the means of enclosure/boundary treatment has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policy CP6 of the Bath and North East Somerset Core Strategy and policies D1, D2, D3 and D4 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:

26 Apr 2019	19018 - 101A	LEVELS PLAN
26 Apr 2019	AP(0)01 REV P0	EXISTING SITE PLAN
26 Apr 2019	AP(0)02 REV P0	DEMOLITION SITE PLAN
04 Jun 2019	1861 AP(0)21 P1	UNIT B - PLOT 7 PLANS
04 Jun 2019	1861 AP(0)22 P1	UNIT B - PLOT 8 PLANS
04 Jun 2019	1861 AP(0)23 P1	UNIT B - PLOT 9 PLANS
04 Jun 2019	1861 AP(0)30 P1	PROPOSED SITE ELEVATIONS
04 Jun 2019	1861 AP(0)31 P1	UNIT A ELEVATIONS
04 Jun 2019	1861 AP(0)32 P2	UNIT B - PLOT 7 ELEVATIONS
04 Jun 2019	1861 AP(0)33 P2	UNIT B - PLOT 8 ELEVATIONS
04 Jun 2019	1861 AP(0)34 P2	UNIT B - PLOT 9 ELEVATIONS

04 Jun 2019	1861 AP(0)40 P1	ELEVATIONS
01 Jul 2019	1861 AP(0)10 REV P4	PROPOSED GROUND FLOOR SITE PLAN
01 Jul 2019	1861 AP(0)11 REV P3	SITE FIRST FLOOR PLAN
01 Jul 2019	1861 AP(0)12 REV P3	SITE ROOF PLAN
01 Jul 2019	TS070-1-GA-01-REV01	LANDSCAPE GENERAL ARRANGEMENT
01 Jul 2019	TS070-1-SW-01-REV01	LANDSCAPE SOFTWARES PLAN
01 Jul 2019	TS070-2-GA-01	PLOT 6 LANDSCAPE SECTIONS
03 Jul 2019	1861 AP(0)92 REV P3	ACCESSIBLE HOUSING DIAGRAM

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.

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Precautionary working methods:

Works must proceed only in accordance with the following measures for the protection of bats and birds:

- o a careful visual check for signs of active bird nests and bats shall be made of the interior and exterior of the building and its roof, and any crevices and concealed spaces, prior to any works affecting these areas
- o active nests shall be protected undisturbed until the young have fledged
- o works to the roof and any areas with concealed spaces or crevices shall be carried out by hand, lifting tiles and roof panels (not sliding) to remove them, and checking beneath each one. Soffits and masonry will be dismantled using a 'soft' approach taking care with cavity walls where present.

- o If bats are encountered works shall cease and the Bat Helpline (Tel 0345 1300 228) or a licenced bat worker shall be contacted for advice before proceeding. Reason: to avoid harm to protected species (bats and nesting birds)

Item No:	02	
Application No:	19/01488/FUL	
Site Location:	4 Uplands Road, Saltford, Bristol, Bath And North East Somerset	
Ward: Saltford	Parish: Saltford	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Erection of detached 3 bed bungalow on land to rear of 4 Uplands Road	
Constraints:	Saltford Airfield 3km buffer, Agric Land Class 1,2,3a, Policy CP9 Affordable Housing Zones, Housing Development Boundary, MOD Safeguarded Areas, SSSI - Impact Risk Zones,	
Applicant:	Mr Duncan Phillips	
Expiry Date:	3rd June 2019	
Case Officer:	Dominic Battrick	

DECISION Permit subject to revised plans.

Item No:	03		
Application No:	19/00137/FUL		
Site Location:	Double Hill Farm, Double Hill, Shoscombe, Bath		
Ward: Bathavon South	Parish: Shoscombe	LB Grade: II	
Application Type:	Full Application		
Proposal:	Alterations to existing farmhouse including reinstatement and conversion of attached outbuilding to form additional accommodation together with alteration of adjoining detached former milking parlour to form domestic annexe to main dwelling plus demolition of redundant adjoining silage store and lean-to store structures.		
Constraints:	White Ox Mead Air Strip 3km buffer, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Listed Building, LLFA - Flood Risk Management, Policy NE2A Landscapes and the green set, Policy NE3 SNCI, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,		
Applicant:	Mr D Cradock		
Expiry Date:	10th May 2019		
Case Officer:	Chloe Buckingham		

DECISION Delegate to PERMIT subject to conditions.

Item No:	04		
Application No:	19/00147/LBA		
Site Location:	Double Hill Farm, Double Hill, Shoscombe, Bath		
Ward: Bathavon South	Parish: Shoscombe	LB Grade: N/A	
Application Type:	Listed Building Consent (Alts/exts)		
Proposal:	Internal and external alterations to existing farmhouse including reinstatement and conversion of attached outbuilding to form additional accommodation together with alteration of adjoining detached former milking parlour to form domestic annexe to main dwelling plus demolition of redundant adjoining silage store and lean-to store structures.		
Constraints:	White Ox Mead Air Strip 3km buffer, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Listed Building, LLFA - Flood Risk Management, Policy NE2A Landscapes and the green set, Policy NE3 SNCI, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,		
Applicant:	Mr D Cradock		
Expiry Date:	10th May 2019		
Case Officer:	Chloe Buckingham		

DECISION Delegate to Consent subject to conditions.

Item No:	05
Application No:	19/00383/FUL
Site Location:	2 Longhouse, The Hollow, Dunkerton, Bath
Ward: Bathavon South	Parish: Dunkerton & Tunley Parish Council
LB Grade:	N/A
Application Type:	Full Application
Proposal:	Erection of a detached double garage along side the house
Constraints:	White Ox Mead Air Strip 3km buffer, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Contaminated Land, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Floodplain Protection, Policy HE2 Somersetshire Coal Canal & Wa, LLFA - Flood Risk Management, Policy NE1 Green Infrastructure Network, Policy NE5 Ecological Networks, Policy NE5 Strategic Nature Areas, Neighbourhood Plan, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones,
Applicant:	Mr Peter Woodrow
Expiry Date:	1st August 2019
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:

06 Feb 2019 Existing Plan and Site Location Plan
06 Feb 2019 Existing Front Elevation and Proposed Front Elevation
06 Feb 2019 Existing Rear Elevation and Proposed Rear Elevation
28 March 2019 Existing Side Elevation and Proposed Side Elevation
28 Mar 2019 Proposed Hardstanding
16 Apr 2019 Proposed Garage Specifications
16 Apr 2019 Proposed Site Plan and Access

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:	06		
Application No:	19/02130/FUL		
Site Location:	39 Kensington Gardens, Walcot, Bath, Bath And North East Somerset		
Ward: Walcot	Parish: N/A	LB Grade: N/A	
Application Type:	Full Application		
Proposal:	Erection of garage and associated works following demolition of existing garage. Enlarge existing rear dormer window.		
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, Conservation Area, Policy CP9 Affordable Housing Zones, MOD Safeguarded Areas, SSSI - Impact Risk Zones,		
Applicant:	Mr Daniel O'Riordan		
Expiry Date:	2nd August 2019		
Case Officer:	Rae Mephram		

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:

14 May 2019 BLOCK PLAN
14 May 2019 06 B PROPOSED PLANS
14 May 2019 07 B PROPOSED SOUTH ELEVATION AND SECTION B-B
14 May 2019 08 B PROPOSED WEST AND EAST ELEVATIONS AND SECTION A-A
14 May 2019 LOCATION 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.

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Bath & North East Somerset Council		
MEETING:	Planning Committee	AGENDA ITEM NUMBER <div></div>
MEETING DATE:	28th August 2019	
RESPONSIBLE OFFICER:	Simon de Beer – Head of Planning	
TITLE:	APPLICATIONS FOR PLANNING PERMISSION	
WARDS:	ALL	
BACKGROUND PAPERS:		
AN OPEN PUBLIC ITEM		

BACKGROUND PAPERS

List of background papers relating to this report of the Head of Planning 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.

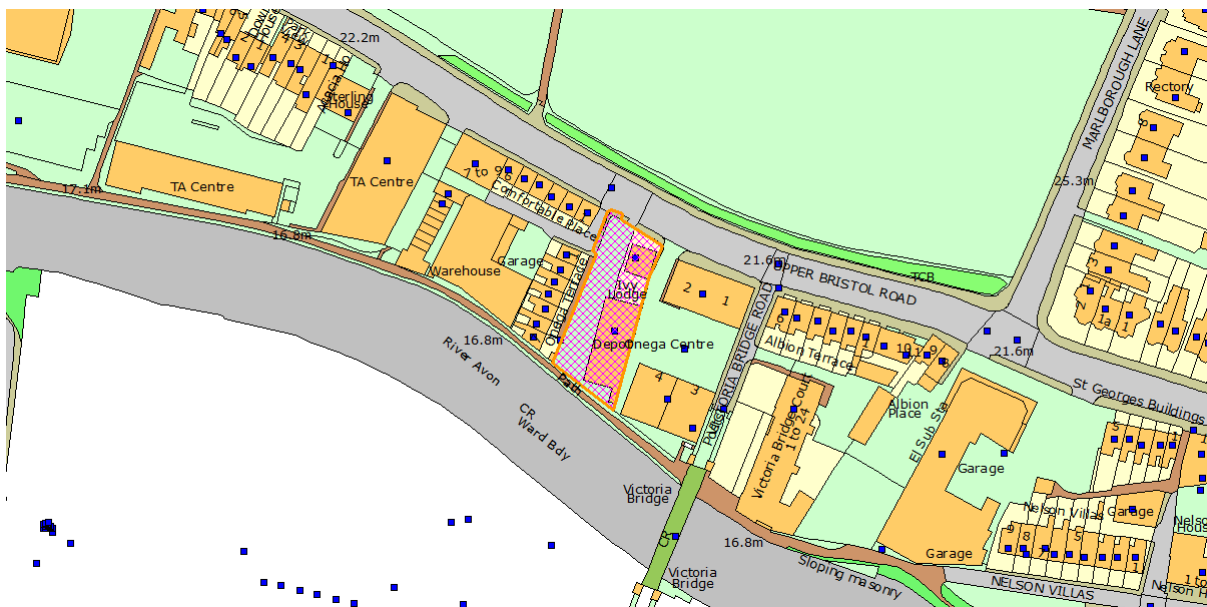
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ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	18/00201/FUL 4 September 2019	Mr Sean Kelly Food Machinery 2000 Ltd, Comfortable Place, Kingsmead, Bath, BA1 3AJ Erection of 25 flats with cycle storage and car parking, refuse store, footpath linkage, revised access arrangements, landscaping and associated works, following demolition of 2 x 2 bed flats and 180m2 of office space.	Kingsmead	Chris Griggs-Trevarthen	Delegate to PERMIT
02	19/01427/RES 31 August 2019	Rural Adventure Limited Employment Building Unit 2, Bell Lane, Chew Stoke, Bristol, Approval of reserved matters with regard to outline application 17/05325/OUT (Residential development of 5 dwellings and associated car parking and reorganisation of car parking for adjacent commercial premises). PLEASE NOTE: The Outline Planning Application was not an Environmental Impact Assessment Application.	Chew Valley	Chloe Buckingham	REFUSE
03	19/01685/FUL 11 June 2019	Ms Leigh Montgomery Parcel 3512, Bristol Road, Paulton, Bristol, Development of cafe and therapy rooms at mezzanine floor level with associated new access, external seating area and car parking.	Paulton	Christine Moorfield	REFUSE
04	19/01961/FUL 8 July 2019	Mr Olly Barkley 47 Lymore Avenue, Twerton, Bath, Bath And North East Somerset, BA2 1BB Change of use from 4-bedroom house in multiple occupation (Use Class C4) to 7-bedroom house in multiple occupation (Sui Generis). Erection of a two storey rear extension and single storey side extension following demolition of existing extension	Southdown	Dominic Batrick	PERMIT

05	19/02674/OUT 30 August 2019	Mr & Mrs Brain 154 Charlton Road, Keynsham, Bristol, Bath And North East Somerset, BS31 2LG Erection of 1 no. two-storey, two-bed dwelling attached to existing house with two allocated parking spaces (Outline application with all matters reserved).	Keynsham North	Rae Mephram	PERMIT
06	19/02946/FUL 26 August 2019	Cambridge Micro Applications 1985 Ltd Former Natwest Bank, 26 High Street, Keynsham, BS31 1DW, Change of use from bank (Use Class A2) to a day nursery (Use Class D1) and associated works	Keynsham North	Caroline Power	PERMIT
07	19/02942/LBA 26 August 2019	Cambridge Micro Applications Ltd 1985 Former Natwest Bank, 26 High Street, Keynsham, BS31 1DW, Internal and external alterations for the change of use from bank (Use Class A2) to a day nursery (Use Class D1) and associated works and installation 1no. fascia sign and 1no. hanging sign on main (eastern) elevation	Keynsham North	Caroline Power	CONSENT
08	19/02947/AR 26 August 2019	Cambridge Micro Applications 1985 Ltd Former Natwest Bank, 26 High Street, Keynsham, BS31 1DW, Erection of 1no. non-illuminated fascia sign and 1no. non-illuminated hanging sign on main (eastern) elevation	Keynsham North	Caroline Power	CONSENT

REPORT OF THE HEAD OF PLANNING ON APPLICATIONS FOR DEVELOPMENT

Item No: 01
Application No: 18/00201/FUL
Site Location: Food Machinery 2000 Ltd Comfortable Place Kingsmead Bath BA1 3AJ



Ward: Kingsmead	Parish: N/A	LB Grade: N/A
Ward Members:	Councillor Sue Craig	Councillor Andrew Furse
Application Type:	Full Application	
Proposal:	Erection of 25 flats with cycle storage and car parking, refuse store, footpath linkage, revised access arrangements, landscaping and associated works, following demolition of 2 x 2 bed flats and 180m2 of office space.	
Constraints:	Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Policy B1 Bath Enterprise Zone, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, British Waterways Major and EIA, British Waterways Minor and Householders, Conservation Area, Contaminated Land, 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 Sean Kelly	
Expiry Date:	4th September 2019	
Case Officer:	Chris Griggs-Trevarthen	
To view the case click on the link here .		

REPORT

REASON FOR REPORTING TO COMMITTEE

The application is subject to a viability assessment in respect of affordable housing.

DESCRIPTION

The application site comprises a parcel of land measuring approximately 0.12 hectares situated between Upper Bristol Road and the River Avon. The site comprises a Victorian building, Ivy Lodge, which has been subdivided into flats along the frontage with Upper Bristol Road and a light industrial unit to the rear of the site along the eastern boundary.

The site lies within the Western Riverside site allocation within the Placemaking Plan (SB8). The site also falls within the Bath Conservation Area and World Heritage Site and lies partially within flood zone 2 with the very southern edge of the site lying just within flood zone 3. It is also identified on the proposals map as a site with potentially contaminative historical use.

The proposal is to demolish the existing buildings on the site and erect 25 flats with cycle storage and car parking, refuse store, footpath linkage, revised access arrangements, landscaping and associated works.

The application originally proposed to erect 26 flats, but was amended during the course of the application to 25 flats.

PLANNING HISTORY

There is no relevant planning history on the site, but there are nearby planning permissions which are relevant considerations in respect of this application.

Onega Centre - Ref: 17/01204/FUL

Erection of apartment block accommodating 44 No. residential apartments (Class C3), a ground floor café / restaurant (Class A3), and associated works following the demolition of the existing buildings

PERMITTED - 4th October 2017

Bath Western Riverside - Ref: 06/01733/EOUT

A new residential quarter including up to 2281 residential homes and apartments (Class C3); up to 675 student bedrooms and associated communal areas (Class C3) (or alternatively up to 345 student bedrooms (Class C3) and a primary school (Class D1)); local shops, restaurants, and other community services and facilities (within Classes A1, A2, A3, A4, A5, D1); construction of new bridges, roads, footways and cycleways; associated infrastructure and facilities; accommodation works; and landscaping

PERMITTED - 20th December 2010

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

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

CONTAMINATED LAND: No objection, subject to condition

DRAINAGE AND FLOODING: No objection, subject to condition

HIGHWAYS: No objection, subject to conditions

PLANNING POLICY: No objection

HOUSING: Comments

The application triggers planning policy CP9 and requires 30% affordable housing.

VIABILITY ASSESSORS: Comments

Overall, having re-appraised the development with the benefit of updated information from the Applicant, along with recent sales evidence, C&W consider that the scheme clearly shows a Viable Position at a Policy Compliant level of Affordable Housing, being 8 Shared Ownership Units.

LANDSCAPE: Not acceptable in current form

The existing western site boundary forms a visual and physical barrier between Onega Terrace and the proposed pedestrian through route.

There are insufficient trees and landscaping within the car park and its positioning is awkward. This could lead to problems with establishment and potential for damage to trees and cars alike.

The pedestrian route is gated and whilst the proposed opening hours is better than its total closure/ad hoc opening, it is still considered that a permanent route without restriction would be better.

The proposed lighting represents a missed opportunity to light the parking and pedestrian route in a less intrusive way.

The proposed steps between the tow path and the ground level will limit accessibility and options for a ramped or stepped access should have been fully considered.

Additional landscaping and tree planting is welcome to the public realm fronting the tow path. However, the space provided is not sufficiently generous in its depth resulting in overly narrow planting beds and tree centres too close to the façade of the proposed building.

While it is considered that the design development of the proposals is moving in the right direction and that they are an improvement on the previous iteration, it is also considered that there is room for further improvement.

URBAN DESIGN: Not acceptable in current form

The footpath to the west does have the length to be able to ramp down to the river side to enable the route to be accessible for all. This should be designed in. All routes should be public and open at all times. The clear line of sight to the river is welcome.

The redline boundary should include the pavement in front of the building on Upper Bristol Road, and the public realm here needs to be designed and delivered comprehensively. It is not appropriate for the development not to repair the continuous pavement line here.

The proposal competes with those proposed on the site adjacent to Midland Bridge in terms of height, massing and scale, and is overbearing to Onega Terrace and Comfortable Place. It should be designed to transition between these elements, and this requires a lower building form that takes up less footprint of the site. Both adjacent sites and beyond have a break between the frontage building to UBR and the rest of the block for example.

Elevations to public space are largely blank and inactive. It looks like an alleyway that is not overlooked has been created adjacent to the Onega site coming off the Upper Bristol road. Parking and access dominate the public realm.

The roof has large expanses of flat roof atop the mansards. Other schemes with this approach contribute negatively to the city's roofscape. Both near and distant verified views are required to demonstrate the impact this approach has on this scheme, which is also likely to be negative.

There doesn't appear to be a drawing depicting all proposed public realm and architectural materials. Use of natural Bath stone as described in the DAS is appropriate though extent of ashlar / rubble and exact locations should be clarified.

Sustainable construction policies should be complied with, including the requirement for on-site renewables.

ARCHAEOLOGY: No objection, subject to conditions

HISTORIC ENGLAND: No objection

ECOLOGY: No objection, subject to conditions

CRIME PREVENTION DESIGN ADVISOR: No objection

NATURAL ENGLAND: Comments

Natural England regards the river corridor as supporting habitat for the SAC which means that effects on the corridor can affect the SAC and need to be considered through Habitats Regulations Assessment.

In order to ensure that the river corridor can continue to function as supporting habitat for the SAC, Natural England and Bath & North East Somerset Council require development proposals to demonstrate that there will be a zero increase in lightspill on the river surface and no more than 1 lux increase in light spill on bankside vegetation, both during construction and once the proposal is operational.

CANAL AND RIVERS TRUST: No objection, subject to conditions

ENVIRONMENT AGENCY: No objection, subject to conditions

BATH PRESERVATION TRUST: Objection

First comments: Object on the basis of overdevelopment of the site, detrimental impact on the setting of non-designated heritage assets and the historic townscape and poor quality response to site context.

This scheme fails to assimilate with or contribute to the local townscape character. Whilst some effort has been made to avoid completely overshadowing Onega Terrace by abruptly stepping down the riverside elevation and in the car park courtyard, nevertheless the scheme looks to sit hard, high, bulky and tight on the site, with no permeability or access offered to the river from the street. The excessive amount of development proposed generates a requirement for parking which in turn compromises the planning of the scheme. The irregularity of the arrangement of void to solid produces a design that is tense and unsettling.

We cannot see how the applicant has analysed or understood the site and local context in any meaningful way in order to inform the final design which we regard as unworthy of a key riverside site in the World Heritage Site.

This site should be developed in a more fragmented, permeable way with varied forms and roofscapes in order to lessen its impact both locally and in longer views and to sit more comfortably on this small site. In particular the historic local context (formal frontages to street and distinct, detached warehouse buildings to riverside) should inform how the scheme is designed. The flat stepped-back roofs present a blank and barren 5th elevation sitting on the valley floor; whilst precedent for this roof form has been set at BWR that has illustrated how uninteresting and over-dominant flat stepped-back roofs are in the townscape. We strongly recommend that the applicant is required to articulate and vary the roofscape. The elevation of the block along the towpath should follow the line of the

towpath (in plan) to conform to historic relationships between the towpath and built forms behind, and the change in heights needs to be managed with more subtlety.

Whilst the applicant argues that the addition of a bland classically inspired terrace to the Upper Bristol Road elevation assists in repairing the streetscape, in that it will extend the classical terraced language of the street, the facts are against this. The proposed street elevation lacks authenticity and in any case, as the maps in the Heritage Report show, Georgian terraces were not built on this section of road. The history of this site is largely bound up in the piecemeal 19th century riverside development of Bath; so there is no authenticity in this response to the streetscape.

Whilst the adjacent permitted development has not yet been built out, it is regrettable that this scheme has failed to reference or identify with the forms and design of that scheme, to ensure a cohesive and visually harmonious entity over the two sites. Instead, the buildings will sit hard up and discordantly against each other.

We note no Landscape Visual Impact Assessment has been included with the submission. Given the sensitive location of this site on the valley floor and on the river frontage, we would expect some analysis of impact in long views into the site from vantage points around the city.

Second comments: The revisions go some way to relieving the overbearing character of this scheme on the local townscape, but there is still harm from the heavy monolithic footprint of the building. The submission of a LVIA is welcome and there are design changes including the rationalisation of fenestration on the south elevation and revised roof storey on the west elevation.

The changes do not go far enough to allow this development to assimilate comfortably within the distinctive grain of the local townscape or the conservation area and WHS. It is of a scale and massing that is still dominant and jarring with local character. The combined use of a mansard roof turning into a step back roof form is clumsy. The large expanse of grey flat roof will be harmful in long views and the material of the sloping roof element of the west elevation should be rethought as the expanse of grey is again blank and intrusive in views.

There is a predominance of grey cladding in the eastern balconied portion of the south elevation; this should be replaced with a different material such as Bath stone or even a high quality timber cladding to reference the approved application adjacent and to make a visual transition to this scheme. The ground floor elevations are still inadequate in that they do not interface well with the towpath public realm; there could be more designed architectural interest and landscaping at this level.

The proposed scheme by virtue of its design, massing, form and scale would be harmful to the setting of designated heritage assets, would neither preserve nor enhance the character and appearance of the conservation area, would be detrimental to the visual amenity of the street scene and the riverside and would detract from the special qualities of the WHS.

TRANSITION BATH: Objection

Non-compliance with policy SCR1 (10% renewables). Although the Design and Access statement specifies solar PV, it doesn't specify how much, and this solar PV doesn't seem to appear on any of the roof plans or elevations.

Support the inclusion of 52 secure bicycle places. Would have liked to have seen more than one electric car charging place, and provision of car club parking which might alleviate the resident's need to own and park their own cars on surrounding streets.

THIRD PARTIES/NEIGHBOURS: 6 letters of OBJECTION have been received. The main issues raised were:

Concerns about potential overlooking and overshadowing of Onega Terrace

Lack of clarity about the two-way traffic access to the development and potential loss of overnight parking spaces for Onega Terrace

Concern about the increase in traffic and pedestrian movements and errors in the submitted transport statement

Objections to the lack of affordable or social housing within the proposals

Concerns about the lack of parking provision for the proposed development which will increase on-street parking which is already insufficient to accommodate local residents

2 Letters making GENERAL COMMENTS have been received. The main issues raised were:

Concerns about the lack of parking provision

Consider that the flat roofs may invite gulls to nest

Concern about overlooking between the proposed development and the south-west corner of the Onega Place development.

POLICIES/LEGISLATION

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:
- o Policy GDS.1 Site allocations and development requirements (policy framework)
- o Policy GDS.1/K2: South West Keynsham (site)
- o Policy GDS.1/NR2: Radstock Railway Land (site)
- o Policy GDS.1/V3: Paulton Printing Factory (site)
- o Policy GDS.1/V8: Former Radford Retail System's Site, Chew Stoke (site)

RELEVANT CORE STRATEGY POLICIES

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:

SD1 Presumption in favour of sustainable development
DW1 District Wide Spatial Strategy
B1 Bath Spatial Strategy
B4 World Heritage Site
CP2 Sustainable Construction
CP4 District Heating
CP5 Flood Risk Management
CP6 Environmental Quality
CP7 Green Infrastructure
CP9 Affordable Housing
CP10 Housing Mix
CP13 Infrastructure Provision

RELEVANT PLACEMAKING PLAN POLICIES

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:

SU1 Sustainable Drainage
SCR1 On-site renewable energy
SCR2 Roof-mounted/Building integrated Scale Solar PV
SCR5 Water Efficiency
D1 General Urban Design Principles
D2 Local Character and Distinctiveness
D3 Urban Fabric
D4 Streets and spaces
D5 Building Design
D6 Amenity
D8 Lighting
D10 Public realm
HE1 Historic Environment
NE2 Conserving and Enhancing Landscape and Landscape Character
NE3 Sites, Species and Habitats
NE4 Ecosystem Services
NE5 Ecological Networks
NE1 Development and Green Infrastructure
NE6 Trees and Woodland Conservation
PCS1 Pollution and Nuisance
PCS5 Contamination
PCS7A Foul Sewerage Infrastructure
H5 Retention of Existing Housing Stock
LCR7B Broadband
LCR9 Increasing the Provision of Local Food Growing
ED2B Non-strategic Industrial Premises
ST1 Promoting Sustainable Travel

ST7 Transport requirements for managing development
SB8 Western Riverside

National Planning Policy Framework (February 2019) and the National Planning Practice Guidance can be awarded significant weight.

LOW CARBON AND SUSTAINABLE CREDENTIALS

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. The application has been assessed against the policies as identified and these have been fully taken into account in the recommendation made.

OFFICER ASSESSMENT

The main issues to consider are.

1. Principle of development
2. Affordable housing
3. Flood risk
4. Design, character and appearance
5. Residential amenity
6. Highways and parking
7. Ecology
8. Trees and woodland
9. Contaminated Land
10. Archaeology
11. Surface water drainage
12. Sustainable construction and renewable energy
13. Planning obligations and CIL
14. Other matters
15. Planning Balance
16. Conclusion

1. PRINCIPLE OF DEVELOPMENT

The application site forms part of the wider Western Riverside allocation area (Policy SB8) which is identified as being allocated for a residential led redevelopment for around 1,500 dwellings. There is an existing outline planning permission for the comprehensive redevelopment of the BWR site to the south of the river under reference 06/01733/EOUT, the first phase of which is nearly complete.

The proposals for 25 residential flats are considered to be consistent with the allocation and are therefore acceptable in principle.

Policy H5 seeks the retention of the existing housing stock and seeks to prevent development which would result in the net loss of existing residential accommodation. The application proposals would result in the loss of the 2 existing flats within Ivy Lodge.

However, these would be replaced by the proposed 25 residential flats resulting in a net increase in the number of dwellings on the site of 23. The proposals are therefore considered to accord with policy H5.

Policy ED2B seeks to prevent the loss of non-strategic industrial accommodation if there is a strong economic reason to do so. The lack of employment space in the city is restraining growth and there is a need to resist the loss of further industrial space within the city. However, this site is part of a wider allocation for residential redevelopment under policy SB8 and, as such, is a key part of the strategy for delivering housing within the enterprise zone along the river. The loss of such industrial floorspace is therefore anticipated by the strategy and the allocation and, in this context, it is considered that there is not a strong economic reason to retain the industrial floorspace on this site. The proposals therefore accord with policy ED2B of the Placemaking Plan.

2. AFFORDABLE HOUSING

Policy CP9 requires that developments of more than 10 dwellings provide 30% on-site affordable housing. The current proposal is for 25 dwellings and therefore policy CP9 requires the provision of 8 affordable dwellings (7.5 rounded up).

Originally, the applicant submitted a viability assessment to try and demonstrate that the proposals would not be viable with a policy compliant level of affordable housing. The scheme as originally submitted proposed to provide 6 x discounted market units, thereby providing only 24% affordable housing in a less preferable tenure type.

Following a review of the viability appraisal submitted by the applicant and subsequent negotiations, it has been determined that the site can provide 8 affordable dwellings on-site. The application has therefore been revised to provide 8 on-site affordable dwellings. The Council's housing team have agreed that these can be provided as 100% shared ownership tenure. This represents 32% affordable house provision and is considered to bring the development in line with policy CP9.

This is to be secured via a s106 legal agreement to between the applicant and the council.

3. FLOOD RISK

The south western corner of the site falls within flood zone 2 (between 1 in 100 and 1 in 1,000 annual probability of flooding) and a small portion of the southern edge of the site falls within flood zone 3a (1 in 100 or greater annual probability of flooding). The proposed residential flats are classified as 'more vulnerable' development in accordance with the flood risk vulnerability classification table in the NPPG.

The flood risk vulnerability and flood zone 'compatibility' table within the NPPG indicates that 'more vulnerable' development within flood zone 3a can be appropriate provided that the sequential and exception tests are passed.

The sequential test requires that development is directed to sites at the lowest risk of flooding first before allowing development in higher risk flood zones. However, paragraph

162 of the NPPF states that where planning applications come forward on sites that have been allocated through a sequential test in the development plan, applicants do not need to apply the sequential test again.

The site falls within the Western Riverside allocation in the Placemaking Plan (Policy SB8) which was subject to the sequential test at plan making stage. It is therefore considered that the sequential Test does not need to be applied to this application.

For the exception Test to be passed, it should be demonstrated that the development would provide wider sustainability benefits to the community that outweigh the flood risk and that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

In regard to the benefits to the community which outweigh the flood risk, this is considered in the planning balance section of the report below.

Policy SB8 does also require that a sequential approach to site layout should be informed by a site specific flood risk assessment (FRA). A site specific FRA has been submitted by the applicant. This demonstrates that the floor levels of the development will be set well above the 1 in 1000 year flood level. It also indicates that the existing wall separating the site from the tow path will be set back, thus increasing the area of flood water storage adjacent to the site. The FRA also explains that all of the proposed flats have dry access towards the Upper Bristol Road in the event of an evacuation. Details of an emergency flood plan can be appropriately secured by condition.

The submitted FRA has been reviewed by the Environment Agency who has raised no objection to the proposals. It is therefore considered that the development will be safe for its lifetime and will not increase flood risk elsewhere. This part of the Exceptions test is therefore considered to be passed.

In light of the above and subject to the consideration of the rest of Exception Test in the planning balance section of this report, it is considered that there is no objection to the development on flood risk grounds.

4. DESIGN, CHARACTER AND APPEARANCE

The application site, as stated, is situated within the Bath Conservation Area as well as the wider UNESCO World Heritage Site. The site is close to the Grade II* listed Victoria Bridge which crosses the River Avon to the south-west.

The existing industrial warehouses on the site do not make a positive contribution towards the character and appearance of the Conservation Area nor does the gated access or parking area associated with it.

The existing residential properties, Ivy lodge, is an example of a Victorian dwelling which has some character to it in terms of its use of natural bath stone, its bay window and its fenestration pattern. However, the building has clearly been significantly altered over time. It has been subdivided into flats, had PVCu replacement windows and had other

alterations including a large, incongruous flue. Ivy Lodge is also considered to be an anomaly along this section of the Upper Bristol Road frontage which is characterised by much taller buildings. It is therefore considered to make only a neutral contribution towards the character and appearance of the Conservation Area and is not considered to be a non-designated heritage asset.

The proposed development takes a 'U-shaped' block form with two distinct frontages; one fronting onto Upper Bristol Road and the other fronting the river. The space in the centre of the site will be occupied by a communal car park. A small area of landscaping is provided alongside the towpath on the riverside frontage of the development.

The Upper Bristol Road frontage is three and a half storeys, comprising three full storeys with a fourth storey within a mansard style roof. The building is to be faced in Ashlar Bath stone beneath a metal standing seam roof. The building is conventional in appearance and represents a moderately contemporary interpretation of the Georgian style. The building incorporates a mansard style roof with coped verges and windows which are vertical in emphasis. The building draws its style from the adjacent frontage building approved as part of the Onega Centre development which is nearly identical in terms of design and appearance. Policy SB8 requires that any development north of the river has an appropriate townscape that relates to the scale of Upper Bristol Road. The proposed development achieves this and it is therefore considered that the scale and design of the proposed Upper Bristol Road frontage is acceptable.

The riverside frontage building sits between the Onega Centre to the east, which comprises a residential block design in a contemporary interpretation of an industrial style, and Onega Terrace, a terrace of traditional, two and half storey Victorian dwellings. The proposed development responds to both of these contexts, particularly through its form and scale. The river frontage elevation steps down from 4 storeys adjacent to the Onega Centre to 3 storeys adjacent to Onega Terrace. The building is also set back from the boundary with Onega Terrace to help further manage this transition in terms of scale.

Both frontages are linked by a three and half storey block, located along the eastern boundary of the site, which steps down with the slope of the site. Although presenting a large footprint and mass of building, the step in building height helps to articulate this block and its scale is in keeping with the context. Furthermore, the linking block is largely concealed from wider views by the frontage buildings on the Upper Bristol Road and the riverside.

The Bath Western Riverside Supplementary Planning Document (BWR SPD) sets out a number of Design Codes applicable to this site. On the north bank of the river, the Design Codes prescribe heights of 3-5 storeys; the application proposal is compliant with this aspect of the code. In terms of details, the Design Codes go on to advise a high solid to void ratio with fenestration to reflect the rhythms and patterns of this part of the conservation area. Both proposed blocks have been designed with a high solid to void ratio with the use of solid masonry; glazing on both the roadside building and riverside building respects their contexts. It is also a requirement of the Design Codes that the riverside buildings are subservient to the buildings sited on Upper Bristol Road. The proposed riverside building is marginally lower than the Upper Bristol Road building and would appear visually subservient.

Policy SB8 also sets out a number of other design requirements for development within the allocation area.

Firstly, it requires development to have a high density urban form. The current proposal for 25 flats on a site which measures 0.12 hectares has a density of 208 dwellings per hectare. This high density is considered to be consistent with this requirement of policy SB8.

It requires development to have public access to and along the riverside. The current proposals front onto the riverside and the towpath. Pedestrian access is provided through the site by virtue of a segregated footpath which runs along the west side of the parking area and links down onto the towpath. Part of this pedestrian access is gated, so pedestrian will not be completely unimpeded. However, the applicant has agreed that the gate shall only be closed over night for security purposes and shall be open to the public at all other times. This can be secured by condition.

Policy SB8 also requires that proposals do not detract from important views over the site. To this end, the application is accompanied by a landscape and townscape appraisal which demonstrates that the proposal will not impact upon any important significant views over the site. The site lies immediately to the north of the 8 storey 'Royal View' development on the south side of the river which dominates many of the views over this site.

The proposal also include enhancements to the public realm along the tow path through the incorporation of a small area of landscaping which includes new tree planting and benches built into the retaining walls at the base of the new riverside building. The proposal results in a widening of the footpath along this section of the towpath and provides a small enhancement in terms of green infrastructure along the river corridor. Whilst the Landscape Officer maintains some concerns about the space afforded for this area, it is considered to be an improvement on the existing situation which sees the towpath hard up against a stone retaining wall.

The courtyard between the two frontage buildings is largely dominated by the parking area. This is disappointing, but a consequence of the high density urban form and the parking standards expressed in policy ST7. The courtyard does include a segregated, tree-lined pedestrian footpath along the western boundary of the site which connects to the towpath. This helps to provide an attractive route through the development and is an improvement on the existing situation whereby the majority of the site is hardstanding with no connection to the towpath.

With respect to any buildings or other land in a conservation area the Council has a statutory requirement under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that conservation area. Here it is considered that the proposed development will preserve the conservation area as the existing industrial building and Ivy Lodge make only a neutral contribution to the character and appearance of the area, and will be replaced by a scheme which has regard to its context. The proposed development will also respect the Outstanding Universal Values of the World Heritage Site, its authenticity and integrity; it is not considered that any harm to the WHS will result from this development.

There is also 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.' As stated above the application site is situated near to the Grade II* Victoria Bridge. However, it is set back some considerable distance with the adjacent Onega Centre development positioned between the proposed development and the bridge. Furthermore, the proposals provide public realm enhancements to the towpath which features in views of the bridge from the surrounding area. The proposed development, in terms of its scale, height and design respect the views of Victoria Bridge and are therefore considered to preserve its setting.

This is consistent with the conclusions of Historic England who do not consider that the development proposals would cause adverse harm to the Conservation area or Victoria Bridge.

In conclusion, the design and external appearance of both proposed buildings, and the redevelopment proposal as a whole, is considered to be appropriate to its context and represents a high standard of design which will not cause harm to any heritage assets, designated or otherwise.

5. RESIDENTIAL AMENITY

Onega Terrace fronts onto the western boundary of the site and comprises a terrace of two and a half storey, Victorian dwellings. These properties have very limited rear gardens, due to the industrial development to the west, and their main outlook is to the east, towards the application site. There is a small public footpath which provides access to the front of all of these properties, but does not connect through to the river towpath.

The majority of Onega Terrace is between approximately 16 - 18m away from the West elevation of the proposed development. This separation is considered sufficient to prevent the 4 storey block from appearing overbearing or resulting in any significant loss of light or outlook from these properties. Furthermore, given the urban context, this distance is considered sufficient to prevent harmful overlooking from occurring towards the front windows of Onega Terrace.

The end of terrace property, 7 Onega Terrace, is situated adjacent to the riverside frontage block. The gap between the front of no. 7 Onega Terrace and the side of the proposed block is approximately 10m. Whilst significantly closer to the proposed development than the rest of Onega Terrace, the proposals respond to this relationship by stepping down the scale of development from 4 to 3 storeys. This reduction in scale ensures that the levels of light and outlook experienced by 7 Onega Terrace will not be significantly harmed by the proposed development.

The west side elevation of the riverside block does not contain any windows and therefore does not offer any opportunities for overlooking 7 Onega Terrace.

The proposed development abuts the boundary with the Onega Centre development to the east. Similar to the current proposals, the Onega Centre development comprises two blocks: one fronting onto Upper Bristol Road and one located on the river frontage. There are no windows in the east elevation of the Upper Bristol Road frontage block and the position of the proposed development adjacent to this is therefore unlikely to have any significant impacts in terms of light, outlook or privacy of this accommodation.

The linking section of the proposed development is largely situated adjacent to the communal car park of the Onega Centre development and therefore would not have any adverse impact in terms of amenity.

The position of the proposed development along the river frontage means that the south-east corner of the proposed building and the south-west corner of the Onega Centre would be located relatively close together.

Concern had been raised by the developer of the Onega Centre that the position of windows on the first, second and third floors of east elevation of the proposed development had the potential to offer opportunities for overlooking into private bedrooms at a close range. Following negotiations, revised drawings were submitted which incorporated the use of obscure glazing in the east elevation of the proposed building. All of the windows utilising obscure glazing are either secondary windows or serve a bathroom and therefore it is considered that the use of obscure glazing will not harm the living conditions of the potential occupiers. This can be secured by condition.

Furthermore, it is considered that the proposed riverside block will not have a significant impact upon the outlook or light received by any windows serving habitable rooms within the Onega Centre development.

Within the proposed development itself, each of the proposed flats is provided with a good level of light, outlook and privacy. Whilst there is only limited communal outdoor space, the site is in very close proximity to Victoria Park and the newly created open space on the other side of the river in Bath Western Riverside. It is therefore considered that the proposed development will provide a good residential living environment for the potential occupiers.

6. HIGHWAYS AND PARKING

The proposals include the removal of the existing vehicular access direct onto the Upper Bristol Road and alterations to the existing Upper Bristol Road / Onega Terrace junction. The Highways Officer considers that the rationalisation of the accesses and the alterations to the junction will improve access for larger vehicles and will also improve visibility along the Upper Bristol Road. Swept path analysis has been provided, and this includes diagrams showing how delivery vehicles may access the site. It is acknowledged that there would be a need for some delivery vehicles to undertake a reversing manoeuvre to enter / leave the site. However, this should be weighed against the overall benefit of the improvements that are being delivered at the adjacent junction and, on balance, is considered acceptable.

In terms of parking, the existing property on the site, Ivy Lodge, comprises 2 x 2 bedroom flats which are both available without any parking provision. Against the current parking standards, the existing properties have a deficit of 4 parking spaces. The proposed development comprises 19 x 1 bedroom flats and 6 x 2 bedroom flats and would therefore have a parking requirement for 31 spaces and 5 visitor spaces (36 total).

An accessibility assessment has been submitted with the application to help guide how appropriate a reduction in residential car parking provision would be. Having reviewed the assessment the Highways Officer considers that a reduction of up to 50% could be justified due to the accessibility of the site, in particular its relative proximity to the city centre, Bath Spa and Oldfield Park rail stations and its location on a major bus route.

This would bring the parking requirement of the site down to 18 spaces. However, given the existing deficit of 4 spaces, the need for which would be lost with the demolition of Ivy Lodge, it is considered that the parking requirement against ST7 for this development is 14 spaces.

The application proposes to include 16 parking spaces, including 2 disabled spaces. The application is therefore considered to provide an appropriate level of parking. It is therefore considered that the proposal would comply with policy ST7.

7. ECOLOGY

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

Completed ecological and bat surveys have been submitted with the application.

The existing residential building on the site is confirmed as supporting roosts for soprano pipistrelle bats. A European Protected Species licence will be required and the Council will need to be confident that the proposal meets the "three tests" of the Habitats Regulations, i.e. that the conservation status of the affected species will not be harmed; that there is no suitable alternative, and that there "imperative reasons of overriding public interest" are demonstrated.

The Council's ecologist is satisfied that the proposal will not harm the conservation status of the affect species, subject to relevant conditions being applied to secure suitable mitigation and enhancement measures.

In terms of whether there are suitable alternatives, this must be considered in the context that the site is allocated for residential redevelopment (Policy SB8). The alternatives to the destruction of the roosts would therefore be to try and retain them in-situ and redevelopment around them. However, given the constraints of the site and the anomalous nature of the existing building in the street scene, it is not considered practical or feasible to do so. Retaining Ivy Lodge, in-situ would compromise the comprehensive

development of the site and lead to a more fragmented and poorer scheme. It is therefore considered that there are no suitable alternatives.

The question of whether there are imperative reasons of overriding public interest is considered in the planning balance section below.

The other main ecological issue on this site is the impact of lighting on the river. Light spill modelling has been submitted with the application and reviewed by the ecologist. Concerns raised by the ecologist have resulted in the number of the external windows on the riverside elevation being removed from the design to reduce the level of to internal light spill onto the river. The applicant's lighting engineer has confirmed that this measure, potentially combined with other measures as listed and as confirmed by the applicant as feasible, would further reduce the light spill from the building sufficiently to meet the required very low levels of light spill onto the river from the development. The final details of the internal lighting design, and inclusion of any necessary further measures, can therefore be secured by condition

Subject to the relevant conditions, the council's ecologist considers the scheme is ecologically acceptable and the risk of a likely significant effect on the Bath & Bradford on Avon Bats Special Area of Conservation (SAC), or bats of the SAC, or habitats on which they depend (including the River Avon) can be excluded.

8. TREES AND WOODLAND

There are no existing trees on the site. The proposals include the provision of 7 new trees on the site, resulting in a net positive impact in terms of green infrastructure. The proposal is therefore considered to comply with policy NE6 of the Placemaking Plan.

9. CONTAMINATED LAND

The application has been submitted with a preliminary contamination risk assessment report (Paddock Geo Engineering. January 2018. Ref: P17-082pra_v2) which has been reviewed by the Contaminated Land Officer and the Environment Agency

Taking account of the sensitive nature of the development (i.e. residential dwellings) the potentially contaminative historical use of the site and surrounding area and sensitivity of the local environment (Controlled Waters - River Avon adjacent) and the findings and recommendations of the contamination risk assessment, the Contaminated Land Officer and Environment Agency have raised no objection subject to conditions requiring a further investigation and risk assessment, a remediation strategy and a verification report. Subject to these matters being secured, the proposal is considered to comply with policy PCS5.

10. ARCHAEOLOGY

A desk-based archaeological assessment (Lanpro, September 2017) has been submitted and reviewed by the Council's Archaeologist. The assessment concludes that the

available archaeological records suggest that there is low potential for the study site to contain archaeological remains of a prehistoric, Roman and/or early medieval date. It states that the current buildings within the study site, Ivy Lodge and warehouse, are considered to be of some historic interest due to their original function as a drill hall and headquarters building for the North Somerset Yeomanry and it recommends that these buildings are subject to a programme of building recording prior to their demolition.

The Council's Archaeologist agrees with the conclusions of the assessment and has recommended that a watching brief and historic building recording conditions be secured as part of any permission.

11. SURFACE WATER DRAINAGE

The existing site contains only a foul water sewer and it would appear that both surface water and foul flows from the current discharge to the Wessex Water sewerage system.

The application has been accompanied by a drainage statement setting out the drainage approach for the proposed development. The underlying geology and proximity to the river means that infiltration is unlikely to be feasible in this instance. Instead the application proposes to discharge surface water runoff from the site at a restricted rate into the River Avon.

Surface water runoff will be managed on site with the use of attenuation based SuDS which may comprise cellular crates or a storage tank. Onsite attenuation will be provided for the 1:100 year event including 40% climate change allowance.

This approach will allow surface and foul water flows to be separated and has been supported by the Drainage and Flood Risk Team subject to a detailed drainage strategy being secured by condition. The proposal is therefore considered to comply with policy SU1 of the Placemaking Plan.

12. SUSTAINABLE CONSTRUCTION AND RENEWABLE ENERGY

Policy CP2 of the Core Strategy requires sustainable design and construction to be integral to all new developments. The Design and Access statement includes a list of sustainability measures incorporated into the scheme including the following:

- o High level of insulation
- o Vehicle electric charging point
- o High performance thermal bridging designs
- o Effective heating control and high efficiency heating generation plant
- o Solar panels to provide renewable energy generation
- o Provision of energy display devices
- o Provision of suitable drying spaces
- o Building fabric

The application was originally submitted prior to the Sustainable Construction SPD being adopted in November 2018 and therefore has not been accompanied by the latest

sustainable construction checklist. However, these matters can be secured by condition to ensure a reduction in carbon emissions from anticipated (regulated) energy use by at least 19% in line with the SPD.

Policy SCR1 places a requirement for all major development proposals to provide sufficient renewable energy generation to reduce carbon emissions from anticipated (regulated) energy use in the building by at least 10%. This can be secured by condition.

Additionally, Policy SR5 requires all dwellings meet the national optional Building Regulations requirement for water efficiency of 110 litres per person per day. There is also a requirement for a scheme of rainwater harvesting for the residents to be provided. These matters can be secured by condition.

13. PLANNING OBLIGATIONS AND CIL

The proposed residential development will be charged at a CIL rate of £100 per square metre. CIL funds can then be spent towards items of infrastructure on the Council's Regulation 123 list.

In accordance with the B&NES Planning Obligations SPD (April 2015), there is also a requirement for the developer to provide a targeted recruitment and training (TR&T) opportunities and contribution towards any associated costs. The requirement for a development of this scale is set out below:

Work Placements = 5
Contribution = £825

These matters are to be secured via as part of the 106 legal agreement between the applicant and the council.

14. OTHER MATTERS

One of the comments received in relation to this application was concerned about that the flat roof areas of the development would encourage gulls to nest on the site. Urban gulls are a recognised issue within the city and areas of flat roof can provide attractive nesting grounds. However, with appropriate management this can be avoided. It is therefore considered that an urban gull management plan is secured by condition.

15. PLANNING BALANCE

As discussed in the flood risk section above, part of the exceptions test requires it be demonstrated that the development would provide wider sustainability benefits to the community that outweigh the flood risk.

Taking account of the three pillars of sustainability (social, environmental and economic), the proposed development provides a number of wider sustainability benefits to the community which are summarised below:

The provision of 25 homes, including 8 affordable, is a key benefit in line with the strategy for focusing new housing development in Bath (set out in DW1 of the Core Strategy) and for urban intensification (set out in B1 of Core Strategy). It also helps to contribute towards the aims of the allocation of providing 1,500 homes in the Western Riverside area (as set out in policy SB8).

The provision of homes in line with these policies has a number of wider sustainability benefits including social benefits, such as meeting identified housing need, environmental benefits, such as reducing the need to build new homes in the countryside, and economic benefits, such as increase economic activity associated with the construction of the development and the increase in population of the local area.

The development also provides environmental benefits in terms of removing a relatively unsightly industrial building and its associated yard and providing a quality new development which opens up and connects to the riverside. The improvements to the towpath provided as part of the development are also a key environmental benefit of the scheme.

The rationalisation of the accesses and the alterations to the junction to improve access for larger vehicles and improve visibility along the Upper Bristol Road are also a recognised benefit of that the scheme will have for the wider community.

In light of the above, it is considered that there are sufficient wider sustainability benefits to the community to outweigh the identified flood risk. It is therefore considered that the exceptions test has been met.

16. CONCLUSION

The proposals accord with the above listed relevant policies of the Bath and North East Somerset Core Strategy and the Bath and North East Somerset Placemaking Plan and, in accordance with paragraph 11 of the National Planning Policy Framework, should be approved without delay (subject to the completion of a s106 agreement).

RECOMMENDATION

Delegate to PERMIT

CONDITIONS

0 DELEGATE TO PERMIT

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

a) 8 units of on-site affordable housing in accordance with the Planning Obligations SPD (April 2015)

b) A Targeted Recruitment and Training Programme provide 5 work placements and financial contribution of £825 in accordance with the Planning Obligations SPD (April 2015).

2.) Subject to the prior completion of the above agreement, authorise the Head of Planning 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 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. This shall include details of the following:

1. Deliveries (including storage arrangements and timings);
2. Contractor parking;
3. Traffic management;
4. Working hours;
5. Site opening times;
6. Wheel wash facilities;
7. Site compound arrangements;
8. Measures for the control of dust;

The construction of the development shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure that safe operation of the highway and in the interests of protecting residential amenity in accordance with policies D6 and ST7 of the Bath and North East Somerset Placemaking Plan. This is a pre-commencement condition because any initial construction or demolition works could have a detrimental impact upon highways safety and/or residential amenity.

3 Protective Fencing - Waterway (Pre-commencement)

No development shall commence until details of protective fencing to be erected to safeguard the waterway infrastructure during construction of the development have been submitted to and agreed in writing by the Local Planning Authority. Thereafter the approved details shall be implemented in accordance with the agreed details during the construction of the development.

Reason: To comply with the National Planning Policy Framework as the ecological environment in this location is sensitive and should be protected from disturbance, dust, run off, waste etc. entering the canal. This is a pre-commencement condition because any initial construction or demolition work could result in material entering the river if protective fencing is not in place.

4 Archaeology - Watching Brief (Pre-commencement)

No development shall commence, except archaeological investigation work and demolition required to undertake such work, until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a controlled watching brief during ground works on the site, with provision for excavation of any significant deposits or features encountered, and shall be carried out by a competent person(s) and completed in accordance with the approved written scheme of investigation.

Reason: The site is within an area of significant archaeological interest and the Council will wish to examine and record items of interest discovered in accordance with Policy HE1 of the Bath & North East Somerset Placemaking Plan. This is a pre-commencement condition because archaeological remains and features may be damaged by the initial development works.

5 Archaeology - Historic Building Recording (Pre-commencement)

No development or demolition shall commence, except archaeological investigation work, until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a record of those parts of the building(s), which are to be demolished, disturbed or concealed by the proposed development, and shall be carried out by a competent person(s) and completed in accordance with the approved written scheme of investigation.

Reason: The site is within an area of significant archaeological interest and the Council will wish to examine and record items of interest discovered in accordance with Policy HE1 of the Bath & North East Somerset Placemaking Plan. This is a pre-commencement condition because archaeological remains and features may be damaged by the initial development works.

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

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

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

(ii) an assessment of the potential risks to:

- o human health,
- o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- o adjoining land,

- o groundwaters and surface waters,
- o ecological systems,
- o archaeological sites and ancient monuments;

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

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with policy PCS5 of the Bath and North East Somerset Placemaking Plan and chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition because the initial works comprising the development have the potential to uncover harmful contamination.

7 Contaminated Land - Remediation Scheme (Pre-commencement)

No development shall commence, except for ground investigations and demolition required to undertake such investigations, 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 policy PCS5 of the Bath and North East Somerset Placemaking Plan and chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition because the initial works comprising the development have the potential to uncover harmful contamination.

8 Contaminated Land - Verification Report (Pre-occupation)

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

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with policy PCS5 of the Bath and North East Somerset Placemaking Plan and chapter 15 of the National Planning Policy Framework.

9 Contaminated Land - Unexpected Contamination (Compliance)

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

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with policy PCS5 of the Bath and North East Somerset Placemaking Plan and chapter 15 of the National Planning Policy Framework.

10 Materials - Submission of Materials Schedule (Bespoke Trigger)

No construction of the external walls of the development shall commence until a schedule of materials and finishes to be used in the construction of the external surfaces, including roofs, has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include:

1. Detailed specification of the proposed materials (Type, size, colour, brand, quarry location, etc.);
2. Photographs of all of the proposed materials;
3. An annotated drawing showing the parts of the development using each material.

Samples of any of the materials in the submitted schedule shall be made available at the request of the Local Planning Authority.

The development shall thereafter be carried out 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.
Materials

11 Sample Panel - Walling (Bespoke Trigger)

No construction of the external walls of the development shall commence until a sample panel of the natural rubble stone and natural ashlar stone walling to be used has been erected on site, approved in writing by the Local Planning Authority, and kept on site for

reference until the development is completed. The development shall be undertaken in accordance with the approved details.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with policies 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.

12 Architectural Details (Bespoke Trigger)

No construction of the external walls of the development shall commence until details of the following have been submitted to and approved in writing by the Local Planning Authority:

1. Typical window details including returns and reveals;
2. All Rainwater goods;
3. Typical parapet details;
4. Typical column detail;
5. Balustrade details including fixings and finishes.

Thereafter the development shall be constructed 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.

13 Pedestrian gate (Compliance)

The defined pedestrian through-route and gate adjacent to the western boundary of the site (as shown on drawing number 1549-131 REV N) shall be kept open and available for use by members of public outside of the hours of 20:00 to 06:00.

Reason: To ensure that there is pedestrian connectivity and permeability through the site to the towpath in accordance with policy SB8 and D3 of the Bath and North East Somerset Placemaking Plan.

14 Highways Works (Pre-occupation)

No occupation of the development shall commence until the highway works shown on drawing number 1549-131 Rev K have been completed in accordance with the approved details.

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.

15 Landscaping and Maintenance Scheme (Pre-occupation)

No occupation of the development shall commence until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority showing details of the following:

1. All trees, hedgerows and other planting to be retained;
2. A planting specification to include numbers, size, species and positions of all new trees and shrubs;

3. Details of existing and proposed walls, fences, other boundary treatment and surface treatments of the open parts of the site;
4. Details of all improvements to the riverside towpath;
5. A programme of implementation and maintenance for the landscaping scheme.

Reason: To ensure the provision of an appropriate landscape setting to the development in accordance with policies D1, D2, D4 and NE2 of the Bath and North East Somerset Placemaking Plan.

16 Implementation of Landscaping and Maintenance Scheme (Bespoke Trigger)

All hard and 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 of implementation agreed in writing with the Local Planning Authority.

Any trees or plants indicated on the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority. All hard landscape works shall be permanently retained and maintained 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.

17 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:

1. Method statement for pre-construction and construction phases to provide full details of all protection and mitigation measures, including proposed pre-commencement checks and update surveys and precautionary working methods, for the avoidance of harm to wildlife and protected species including but not limited to: bats; reptiles; nesting birds; and proposed notification of findings by the applicant's ecologist by email to the LPA ecologist prior to commencement of works;
2. Detailed proposals for a bat mitigation and compensation scheme to include provision of replacement roost opportunities to at least equivalent ecological value to the existing roosting opportunities; and for additional provision including incorporation of integral features within the fabric of buildings on the facades facing the river Avon;
3. Detailed proposals for implementation of the wildlife mitigation and enhancement measures and recommendations of the approved ecological report, including wildlife-friendly planting / landscape details; provision of additional bat and bird boxes, provision for swift; with proposed specifications, models, numbers and positions to be shown to scale on plans; 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 the approved 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 Placemaking Plan. The above condition is required to be pre-commencement as it involves approval of measures to ensure protection of wildlife that would be otherwise harmed during site preparation and construction phases.

18 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, completion and implementation of the bat and ecological protection, mitigation and enhancement measures 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 Bat and Ecological Protection and Enhancement measures, to prevent ecological harm and to provide biodiversity gain in accordance with National Planning Policy Framework and policies NE3 NE5 and D5 of the Bath and North East Somerset Placemaking Plan.

19 Internal and External Lighting Design (Bespoke Trigger)

No new external or internal lighting shall be installed without the following details first being submitted to and approved in writing by the Local Planning Authority:

1. Details of proposed lighting design; to include proposed lamp models and manufacturer's specifications, positions, numbers and heights; details of predicted lux levels and light spill; details of additional measures to further reduce light spill from the building and details of all necessary measures to limit use of lights when not required and to prevent upward light spill and light spill onto the River Avon, trees, boundary vegetation and adjacent land; and to avoid harm to bat activity and other wildlife; and
2. Details of a scheme to maintain, monitor and report on operational light and light spill onto the River Avon and onto site boundaries and vegetation and to report to the Local Planning Authority on findings of the scheme within the first 12 months and again after five years of occupation, and proposed remediation measures as applicable;

The lighting shall be installed, maintained, operated and monitored thereafter in accordance with the approved details.

Reason: To avoid harm to bats and wildlife in accordance with policies NE3 and D8 of the Bath and North East Somerset Placemaking Plan.

20 Obscure glazing - East elevation

The windows in the east elevation of plots 12, 19 and 25 (as annotated on drawings 1549-132 REV M and 1549-133 REV K) shall be obscurely glazed and non-opening unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed. Thereafter the window shall be permanently retained as such.

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

21 Detailed Drainage Scheme (Bespoke Trigger)

No development shall commence, except for demolition, ground investigations and remediation, until a detailed scheme for surface water drainage is submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall thereafter be completed in accordance with the approved details prior to the occupation of the development.

If investigations suggest that the proposed outfall to the river is not appropriate, an alternative method of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority and completed 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 direct discharge to the Avon is appropriate prior to any initial construction works which may prejudice the surface water drainage strategy.

22 Closure of Access (Bespoke Trigger)

The new access hereby approved shall not be brought into use until the existing vehicular access has been permanently closed and a footway crossing constructed, including the raising of dropped kerbs, in accordance with details which have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development is served by a safe access in the interests of highway safety in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

23 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.

24 Finished Floor Levels (Compliance)

The development hereby permitted shall be constructed with finished floor levels set at a minimum 20.70mAOD as per the submitted Flood Risk Assessment.

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

25 Flood Warning Evacuation Plan (Pre-occupation)

No occupation of the development shall commence until a Flood Warning Evacuation Plan has been submitted to and approved in writing by the Local Planning Authority. This plan shall address the matters required pursuant to chapter 14 of the National Planning Policy Framework and the National Planning Practice Guidance. Thereafter the approved Flood Warning Evacuation Plan shall be implemented for the lifetime of the development.

Reason: To limit the risk of flooding by ensuring the provision of satisfactory means of flood management and incident response on the site in accordance with policy CP5 of the Bath and North East Somerset Core Strategy and the National Planning Policy Framework.

26 Water Efficiency (Compliance)

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

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

27 Rainwater Harvesting (Pre-occupation)

No occupation of the approved development 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.

28 Urban gull management strategy (Pre-occupation)

No occupation of the development shall commence until a strategy for the management of urban gulls has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved strategy will be implemented for the lifetime of the development.

Reason: To prevent the development contributing towards the nuisance caused by urban gulls and in the interests of residential amenity in accordance with policy D6 of the Placemaking Plan.

29 Sustainable construction (Pre-occupation)

No occupation of the approved development shall commence until approved the following tables and documents (as set out in the Council's Sustainable Construction Supplementary Planning Document, Adopted November 2018) demonstrating that the development achieves a 19% reduction in regulated carbon emission (10% to be provided by on-site renewable energy generation) have been submitted to and approved in writing by the Local Planning Authority:

1. Table 2.2 (Calculations);
2. Table 2.3 (Renewable Technologies for Track 1);
3. Building Regulations Part L post-completion documents for renewables;
4. Building Regulations Part L post-completion documents for energy efficiency;
5. Microgeneration Certification Scheme (MCS) Certificate/s

Reason: To ensure that the approved development complies with Policy SCR1 of the Placemaking Plan (renewable energy) and Policy CP2 of the Core Strategy (Sustainable construction).

30 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:

SK/001/RG_001 SITE LOCATION PLAN
1549-125 REVISION B REFUSE STORE
1549-131 REV N SITE AND GROUND FLOOR PLAN
1549-132 REV M FIRST FLOOR PLAN
1549-133 REV K SECOND AND THIRD FLOOR PLAN
1549-134 REV J PROPOSED ROOF PLAN
1549-141 REV L PROPOSED SOUTH AND WEST ELEVATIONS
1549-140 REV K PROPOSED NORTH AND EAST ELEVATION
1549-147 REV F PROPOSED GENERAL SECTIONS THROUGH BUILDING
1549-161A LANDSCAPE PLAN
0842-009 SWEPT PATH ANALYSIS

DECISION MAKING STATEMENT

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

INFORMATIVES

1. The detailed drainage strategy should include all the items listed on page 38-39 of the west of England Sustainable Drainage Developer Guide. We would expect the applicant to pass Micro Drainage files for the proposed drainage system, which should demonstrate its performance during high river levels - i.e. surcharged outfall or closed flap valve.
2. The applicant is advised to contact Toby Pearce, Works Engineer, Canal and Rivers Trust on 07717225772 to ensure that the proposal complies with their 'Code of Practice for Works adjacent to the waterway'.
3. The applicant shall note that future residents will not be entitled to residents parking permits in accordance with Single Executive Member Decision E2911, dated 14th November 2016. This is due to the number of existing permits exceeding the supply of parking spaces within the Controlled Parking Zone. This, however, is considered to be at the developers risk given the sustainable location of this development proposal.
4. Off-site highway works will need to be undertaken as part of a Section 278 agreement (Highways Act) and these details would need to be agreed with the Highways Authority before any work commences on the site.

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.

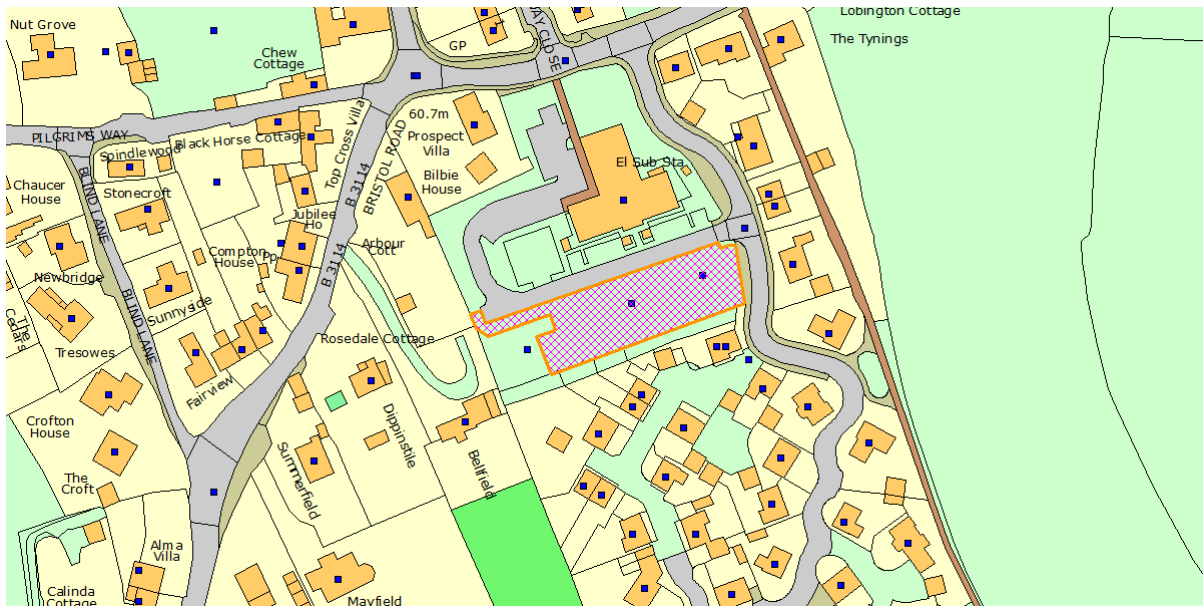
Community Infrastructure Levy

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

S106 Agreement

This permission is accompanied by an agreement under Section 106 of the Town and Country Planning Act 1990.

Item No: 02
Application No: 19/01427/RES
Site Location: Employment Building Unit 2 Bell Lane Chew Stoke Bristol



Ward: Chew Valley **Parish:** Chew Stoke **LB Grade:** N/A

Ward Members: Councillor Vic Pritchard Councillor Karen Warrington

Application Type: PI Permission (Approval Reserved Matters)

Proposal: Approval of reserved matters with regard to outline application 17/05325/OUT (Residential development of 5 dwellings and associated car parking and reorganisation of car parking for adjacent commercial premises).

PLEASE NOTE: The Outline Planning Application was not an Environmental Impact Assessment Application.

Constraints: Bristol Airport Safeguarding, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Contaminated Land, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Policy GDS1 Site Allocations, Housing Development Boundary, Policy NE1 Green Infrastructure Network, Policy NE5 Ecological Networks, Policy NE5 Strategic Nature Areas, Neighbourhood Plan, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodrome,

Applicant: Rural Adventure Limited

Expiry Date: 31st August 2019

Case Officer: Chloe Buckingham

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

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

As Chew Stoke Parish Council has supported this application and Cllr Karen Warrington has called the application in to committee if the Council are minded to refuse a chair report was written. The chair of committee has decided to take the application to committee for the following reasons;

There may be room to reassess the extent of the impact of this development.

DESCRIPTION OF SITE AND APPLICATION:

The application site is accessed off Bell Lane in Chew Stoke and is bounded by residential housing to its east and north, a commercial building to its west and the Chew Medical Practice and a nursery to its north. Acacia House to the west is permitted for uses falling within Use Class B1 as well as a café, Chew Kitchen, operating from the premises. The application site is located within the Bath/Bristol Green Belt.

The application is a reserved matters application following on from the outline application which saw all matters reserved (access, appearance, landscape, layout and scale) for the erection of 5 dwellings with associated car parking and re-provision of the car parking for the adjacent commercial premises known as Acacia House.

Relevant Planning History:

DC - 06/03515/FUL - PERMIT - 31 January 2007 - Erection of 38 dwellings, three buildings for employment use and a building for community use together with access road and car parking, landscaping and public open space, after demolition of existing buildings.

DC - 17/05325/OUT - PERMIT - 2 July 2018 - Residential development of 5 dwellings and associated car parking and reorganisation of car parking for adjacent commercial premises (Outline Planning with All Matters Reserved)

DC - 19/01214/FUL - PERMIT - 21 May 2019 - Change of use of part ground floor from office (use class B1) to cafe (use class A3) and erection of ground floor kitchen extension (retrospective) with erection of first floor extension and outbuilding and alterations to car park and access layout.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS CONSULTATIONS:

Cllr Karen Warrington:

Request that the application be referred to Committee if the officer is minded to refuse. This is a piece of land that has been left untouched since the Medical Practice started, despite marketing as an employment space. Little or no interested was received. Outline planning for residential was granted in 2017.

The residential development is in keeping with the rest of the residences in Dairy Way and a piece of land that is currently an eyesore will be developed.

Internal consultees, thus far, have no objections, subject to conditions. This includes Planning Policy.

Chew Stoke Parish Council: Further to supporting the granted outline application, 17/05325/OUT, the parish council supports this reserved matters application.

The Parish Council is pleased that the design has taken into account concerns that it raised in its response to the outline application:

Car-parking - This remains the over-riding concern of nearby residents. When visiting local residents to discuss this application, all of them complained about the inconsiderate and dangerous on-road parking that is occurring on Dairy Way particularly around the road junctions. It is understood that this issue cannot be addressed as part of this application and the parish council understand that local residents are intending to discuss this matter with the various parties operating from the Medical Practice to try to seek an improvement in the parking situation. It is noted that the 5 proposed houses have 2 dedicated parking spaces each as well as a visitor parking bay in the Acacia House car-park. This meets with the recommended parking requirements as specified in the Chew Valley Neighbourhood Plan. It is also noted that adequate parking provision is being made for Acacia House/Chew Kitchen.

Scale, mass and height of the development - The parish council is pleased that the housing layout has been configured into 2 blocks to spread the massing on the site. The parish council considers that the height and scale of the proposed houses is acceptable given the topography, adjacent buildings and the scale, mass and heights of the already consented business units on the site.

Design of the houses - The parish council considers the proposed materials to be acceptable when considering the context of the location and materials used in adjoining properties. The sloping nature of the site has posed challenges to development: it is noted that whilst there is stepped access to the fronts of the 3 houses facing Bell Lane, they all have unimpeded ramped access to the rear. Design features to reduce overlooking of neighbouring properties have been incorporated.

Ecology: No objection

Planning Policy: No objection- outstanding matters to be resolved regarding the design.

Arboriculture: No Objection.

Highways: No Objection subject to one condition.

Contaminated Land: No objection subject to 4 conditions.

Drainage: Not acceptable in current form.

Landscape: Not acceptable in current form.

Education: No objection.

Third party comments: 1 comment has been received. The main points being:

The latest plans for development of land near the surgery appear to be in keeping with the existing development and considers the parking needs of new residents incl. designated

'visitor' vehicle parking spaces. Nearby Chew Kitchen and Chew Medical Practice parking is already at capacity.

If permission is granted following necessary approval, Chew Medical Practice and its tenants (in particular Magna Minors children's nursery) requests careful attention to ensure that the construction site is safely contained and the main access road remains mud free.

POLICIES/LEGISLATION

The Development Plan for Bath and North East Somerset comprises:

- Bath & North East Somerset Core Strategy (July 2014)
 - Bath & North East Somerset Placemaking Plan (July 2017)
 - West of England Joint Waste Core Strategy (2011)
 - 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)
 - Neighbourhood Plans

RELEVANT CORE STRATEGY POLICIES

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:

DW1 District-wide spatial strategy
CP2 - Sustainable construction
CP3 Renewable energy
CP6 Environmental quality
CP7 Green Infrastructure
CP8 Green Belt
CP10 Housing mix

RELEVANT 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:

SD1 Presumption in favour of Sustainable Development
D1 - D8 & D10 General Urban design principles: Local Character & Distinctiveness; Urban Fabric; Streets and Spaces; Building Design; Amenity; Infill and Backland Development; Lighting; Public Realm
SU1 Sustainable drainage
NE1 Development and Green Infrastructure

NE2 Conserving and enhancing the landscape and landscape character
NE2A Landscapes setting of settlements
NE3 Sites, species and habitats
NE4 Ecosystem services
NE5 Ecological networks
NE6 Trees and woodland conservation
GB1 Visual amenities of the Green Belt
ST1 Promoting sustainable travel
ST7 Transport requirements for managing development
SCR2 Roof mounted/building integrated scale solar PV
SCR5 Water efficiency
H7 Housing accessibility
PCS5 Contamination
ED2B Non-strategic industrial premises

Chew Valley Area Neighbourhood Development Plan dated 13 April 2017

HDE1 - Rural Landscape Character
HDE2 - Settlement Build Character

National Planning Policy Framework (February 2019) and the National Planning Practice Guidance can be awarded significant weight.

LOW CARBON AND SUSTAINABLE CREDENTIALS

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. The application has been assessed against the policies as identified and these have been fully taken into account in the recommendation made.

OFFICER ASSESSMENT

PRINCIPLE OF PROPOSED USE:

The principle of development has already been established under the outline application reference 17/05325/OUT. The land was allocated in the Bath and North East Somerset Local Plan (GDS Site V8) for a comprehensive mixed use scheme including about 30 dwellings and workshops for B1, B2 and B8 business uses. This policy has been saved as part of the Bath and North East Somerset Placemaking Plan. The housing element of the scheme (planning permission 06/03515/FUL) was completed some years ago for 38 houses alongside a doctors' surgery. Three employment buildings (Use Class B1) were proposed as part of the approved plans, one of which has been built so far (Employment Building 1, now known as Acacia House). The application site, and Chew Stoke as a whole, is located within the Bath/Bristol Green Belt.

The site is located outside the Housing Development Boundary of Chew Stoke. However, it was decided in the outline application that given the site's location on a previously developed site and the extant planning permission for two, two storey employment

buildings on the site, the proposed residential development was not inappropriate development and is not unacceptable in principle.

The site remains allocated for mixed use development under saved Local Plan Policy GDS1.V8, including workshops for business use within B1, B2 and B8 of the Use Classes Order and is considered to represent a non-strategic industrial site which is protected for commercial use under Placemaking Plan Policy ED.2B. The view of Economic Development Officers is that there is demand for employment buildings similar to those permitted on the site, and that in the absence of any evidence of an unsuccessful marketing strategy to support the non-delivery of the employment units, it is considered that the proposal is contrary to Policy ED.2B.

However, at the outline planning application stage the applicant submitted an Independent Viability Assessment in support of the application which concluded that the two remaining commercial buildings consented at the application site are not viable due to the lack of commercial demand and values achievable and there is therefore little point in marketing the land for such purposes. The NPPF states that the costs of any requirements likely to be applied to development, such as requirements for affordable housing, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.

In the previous outline application Independent Assessors were appointed by the Council who reviewed the market viability and financial viability of Use Class B1 development at the site. Whilst a potential cost saving within the Applicant's viability assessment ranging from c.£98K to c. £159.5K has been identified which would result in a lower viability deficit that stated, the Council's Independent Assessors have concluded that the permitted commercial development on the site is unviable from both a market and financial perspective. Therefore, it was concluded within the outline application that the principle of the proposed residential development rather than the commercial use was acceptable.

CHARACTER AND APPEARANCE:

Within the previous outline application it was considered that, with some design refinement, the proposed development would respond positively to the site context and could be designed to avoid the site being overly dominated by car parking.

The character of Chew Stoke was assessed in the original application for the redevelopment of the wider site (06/03515/FUL) as being a combination of 'rural and semi-rural', with the 'majority of buildings being simple in form, scale and in terms of their detailed design' with building heights 'generally between 1.5 to 2 storeys with varying plan depths and widths'. Placemaking Plan Policy D2 states that development proposals should respond positively to the site context, in particular to local character (including uses, landmarks, layout, streets and spaces, siting, spacing, set-back, building lines, roofscapes, materials, building forms and features.) Development proposals should also respond appropriately to urban morphology, including consideration of historic grain, routes, block and plot patterns, mix of uses, building heights, massing and scale and local vernacular.

The proposed materials are cedar cladding on the dormer windows and reconstituted Shearstone Cottage Finish in Old Heather & Blackmoor which is the material that was specified and agreed by the Local Planning Authority for the extant commercial buildings and has been used on the adjacent Acacia House, along with timber cladding. It is noted that there are a mixture of materials used within the area and the proposed materials for this development are considered acceptable and in-keeping with the area.

The submitted comparative plan showing the extant planning permission layout for commercial premises and the proposed development layout for residential development (PA080a dated 29/3/19) shows that pedestrian access along the south side of Bell Lane has been omitted and that the northern gable end of House 2 comes very close to the carriageway edge. However, it is agreed that this layout is not uncommon in the area, and properties on Dairy Way also show exposed gable ends and show houses that are also very close to the carriageway edge. It must also be noted that whilst the pedestrian access along the south side has been omitted, all the dwellings have a level access to the rear.

However, the height and proportions are considered to be like townhouses which are not reflective of the more rural surrounding area. The proposed dwellings are 9.4m in height, 5.4m to the eaves, 6.5m in length and 9.2m in width. Compared with the surrounding properties approved in the 2006 application which are around 8.5m in height, 4.6m to eaves, 8.8m in length and 6.8m in width, the proposed properties are designed to be of the proportions of townhouses.

Whilst the three properties to the rear are stepped down by 1m, the properties to the front are not stepped down and this height combined with the increase in gradient of the land by 1m from the surrounding dwellings and the protruding dormer windows on the houses to the front give an overly-dominating and over-bearing appearance that is not in-keeping with the rural character of the area or the streetscene. The scheme is contrary to policies GB1, D2, D4 and D5 of the Placemaking Plan (2017) and policies HDE1 and HDE2 of the Chew Valley Neighbourhood Plan (2017).

It is important to note here that within the previous 2006 application (ref: 06/03515/FUL) the site in question was approved for employment buildings. One of the employment buildings had a hipped roof and was permitted in a similar position to the proposed houses 3-5. It had a total of 7.2m in height and 5.6m to the eaves and the employment building fronting the site where houses 1 and 2 are positioned was single storey with a hipped roof and 4.2m in height and 2.4m to the eaves. The heights of the dwellings in this application are higher than the previously permitted heights of the buildings in this location.

Bell Lane rises in height by approximately 1m from Dairy Way towards Acacia House and the proposed dwellings are considered to be very prominent due to the steep pitch of the roofs and the overly-large and dominating front dormer windows on the houses to the front. It is important to note here that within the previous application reference 06/03515/FUL, whilst the employment buildings to the rear were two-storey these were approximately 1m lower in height than the proposed houses and the building fronting the site was single storey with a hipped roof.

Therefore, the applicant was asked to reduce the pitch of the roofline to reduce the dominating impact of the dwellings and to make the dormer windows on dwellings 1 and 2

flush fitting so as to be the same as the three dwellings to the rear. Revised plans have not been forthcoming as the applicant has explained that the proposal is not viable unless they are 3-bedroom properties and the reduction in height would remove the third bedroom in the roof. However, no information has been submitted to support this statement. Responses from the agent have also explained that there is a need for more three bedroom properties in the area. However, policy HDE4 of the Chew Valley Neighbourhood Plan explains that there is a need for more 2 and 3 bedroom properties on small scale sites. Therefore, it can be argued that there is also a demand for more 2-bed houses in the area. It should also be made clear that the Placemaking Plan was adopted in July 2017 and this now outdates the policies in the Chew Valley Neighbourhood Plan which was adopted in April 2017.

LANDSCAPE AND GREEN BELT:

At present the steeply pitched roofs and the overly-dominating dormer windows to the front are considered to amount to over-development which is also considered to detract from the visual amenities of the Green Belt contrary to policies GB1, D2 and D4 of the Placemaking Plan (2017).

PLANNING OFFICER'S ASSESSMENT OF HIGHWAY IMPACTS:

There is no objection to the layout as presented and the proposed parking is considered to be appropriate for the type of dwellings. The parking levels for the commercial building is secured by an earlier planning condition, and a further recommendation is made relating to the residential property parking. There will be a minor amendment to the highway to facilitate the dropped kerbs, and the applicant should be advised to contact the Highway Maintenance Team at Highways@bathnes.gov.uk with regard to securing a licence under Section 184 of the Highways Act 1980 for the amendment of a vehicular crossing.

Whilst a condition has been recommended regarding keeping the areas allocated for parking and turning on the submitted plan clear of obstruction and not to be used other than for the parking of vehicles in connection with the development hereby permitted, this condition is not considered necessary as there is sufficient parking shown for the dwellings in line with policy ST7 of the Placemaking Plan (2017).

RESIDENTIAL AMENITY:

The application site shares its southern boundary with residential properties on Dairy Way. The ground level of the application site is set at a notably higher level than the ground level of neighbouring Dairy Way dwellings. Whilst the layout shows an acceptable separation between these properties, the height of the dwellings combined with the topography of the site being approximately 1m higher combined with the overly-large front dormer windows creates an over-dominating and over-bearing effect on the residents of the properties directly opposite fronting Dairy Way. The proposal is therefore, contrary to policy D6 of the Placemaking Plan (2017).

ECOLOGY:

Conditions attached to the outline consent requiring details of landscape design and pre-commencement checks for wildlife prior to removal of vegetation have been attached the

previous outline application and such conditions would be attached to this permission if the scheme were acceptable. However, as the scheme is unacceptable for the reasons as discussed within the report, such conditions are not necessary.

LAND CONTAMINATION:

Historically the application site has been in a potentially contaminative use as a factory/works with tanks. Given the sensitive nature of the proposed residential development, it is considered reasonable and necessary to attach a condition to any permission granted requiring an investigation and risk assessment of the nature and extent of contamination on site, to be submitted for approval by the Local Planning Authority. In addition, a detailed remediation scheme is likely to be required to bring the site to a condition suitable for the intended use; a condition is recommended requiring this to be submitted to the LPA for approval. Unless the investigation and risk assessment confirm that a remediation scheme is not required, a verification report demonstrating the effectiveness of the remediation should also be required to be submitted for approval prior to occupation of the proposed development. However, as the scheme is unacceptable for the reasons as discussed within the report, such conditions are not necessary.

DRAINAGE:

The applicant has proposed to manage surface water by way of a soakaway or other infiltration method. This approach is generally supported. However, it is necessary to demonstrate the viability of using infiltration to manage surface water. Two conditions were attached to the reserved matters application which have not been discharged and as such infiltration testing and soakaway design is required to be undertaken to verify that soakaways will be suitable for the proposed development prior to development commencing. In the event that infiltration testing shows that soakaways are not appropriate, an alternative method of surface water drainage would be required to be submitted for approval to the LPA and installed prior to the occupation of the development. However, as the scheme is unacceptable for the reasons as discussed within the report, such conditions are not necessary.

SUSTAINABILITY:

There is sufficient outdoor space to grow plants and vegetables and so it is considered that the proposal would comply with policy LCR.9.

Placemaking Plan Policy SCR5 requires that all dwellings meet the national optional Building Regulations requirement for water efficiency of 110 litres per person per day; this can be secured by condition. Rainwater harvesting or other methods of capturing rainwater for use by the residents, such as water butts, will be required for all residential development, where technically feasible. This would normally be included as a condition but as the scheme is unacceptable for the reasons as discussed conditions are not necessary.

The submitted sustainable construction checklist is considered acceptable and compliant with policy CP2 of the Core Strategy (2014).

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The design of the dwellings is not in-keeping with the rural character of the area due to the height and prominent dormer windows. The height and design of the dwellings will have an over-dominating impact which will have a significant detrimental impact on the character and appearance of the streetscene and the visual amenities of the Green Belt in this location. Furthermore, the dwellings will have an over-bearing effect on the residents of properties fronting Dairy Way to the North East of the site. The proposed development is therefore contrary to policies D2, D4, D5, D6 and GB1 of the Bath and North East Somerset Placemaking Plan (2017) and policies HDE1 and HDE2 of the Chew Valley Neighbourhood Plan (2017).

PLANS LIST:

This decision relates to plan references;

3217_PA 085 received 16th April 2019

3217_PA 051A, 3217_PA 055B, 3217_PA 060A, 3217_PA 062A, 3217_PA 064A, 3217_PA 066A, 3217_PA 068A, 3217_PA 075A, 3217_PA 077A, 3217_PA 078A, 3217_PA 080A and 3217_PA 050A received 4th April 2019.

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.

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. Whilst the above application has been refused by the Local Planning Authority please note that CIL applies to all relevant planning permissions granted on or after this date. Thus any successful appeal against this decision may become subject to CIL. Full details are available on the Council's website www.bathnes.gov.uk/cil

REPORT
REASON FOR REPORTING APPLICATION TO COMMITTEE:

This application is to be considered by committee as Paulton Council support the scheme but the case Officer is recommending the scheme be refused. The Chair of the Planning Committee considers it is not clear as to the scale of the common good in this case and therefore considers there is room for discussion at committee including a site visit.

DESCRIPTION OF SITE AND APPLICATION:

The purpose of this planning application as originally submitted sought to change the use of the agricultural barn on the site to provide a ground floor cafe area serving hot drinks and light refreshments. The application also seeks to provide for a change of use of a mezzanine area which has been created within the barn for the use as therapy and treatments rooms.

The ground floor cafe would have a floor area of approx. 176m². There would be a small outdoor seating area for tables and chairs within the gravelled area adjacent to the south elevation of the barn building. The therapy and treatment rooms would have an area of 45m². A car park will also be created and is shown to allocate parking for cafe, beauty and therapy, and staff use.

The application relates to a smallholding on the outskirts of Paulton Village. The site is within the Paulton Conservation Area.

Relevant history

03/01065/FUL - New tank sewer, chambers, powered screen chamber and control kiosk - Permitted on 27 May 2003.

03/02358/FUL - Erection of stables - permitted on 8 Jan 2004.

06/02968/FUL - Erection of a barn - Refused on 9 November 2006.

07/02411/FUL - PERMIT - 17 July 2008 - Erection of a barn (Resubmission)

11/00054/COND - DISCHG - 7 March 2011 - Discharge of conditions 2 and 3 of application

07/02411/FUL (Erection of a barn (Resubmission))

In respect of PREAPP18/04390/PA02 the applicant was advised that should an application for the Use of the building as therapy rooms and café be submitted then it would be likely that it would be recommended for refusal.

It is noted that some works have been carried out to the barn which were not included within the development that was permitted by permission 07/02411/FUL. This has resulted in the barn as constructed being unlawful. As an unlawful development a change of use of the building could not be considered. The description of the development has been amended to read 'Development of cafe and therapy rooms at mezzanine floor level with associated new access, external seating area and car parking.'

The proposal has to be considered as a new development and re- consultations exercise has been carried out in this regard. The fact that the agricultural barn on the site does exist on the site is a material consideration, but carries little weight as the building is unauthorised.

No details in respect of the play area and or seating area have been provided with the application.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

78 Letters have been received in respect of this proposal. 18 of which have were received after the reconsultation process.

Two letters of objection have been received and 76 letters of support.

The comments in support raise the following issues:

This is a much needed facility in Paulton

This proposal is in a good location which is easily accessible
There are limited existing facilities in Paulton
The proposal will have a positive impact on Paulton and other businesses in the area.
The site is within walking distance of the town
The use will provide jobs
Parking for visitors cars and cycles will be available on site.
The use will compliment the football club opposite.
The proposal will not impact on the amenity of nearby residents.

The main reasons for objection are as follows:
The proposed access will conflict with the access to the football club.
The road is in poor condition and this will contribute to its wear and tear.
The proposed use will have a detrimental impact on the amenity of nearby residents.
Results in the loss of agricultural land/building in this rural location.
Loss of hedge row is unacceptable

PLANNING POLICY

In light of the fact that the description of the proposal has had to change the Policy Team has made the following comments:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan comprises the Bath & North East Somerset Core Strategy (CS), adopted in July 2014, the Bath & North East Somerset Placemaking Plan (PMP), adopted in July 2017, saved policy GDS1 (in relation to four partly implemented sites) of the Bath and North East Somerset Local Plan (BANESLP), adopted in October 2007 and the West of England Joint Waste Core Strategy (JWCS), adopted in 2011. The site lies within an area which does not have a neighbourhood plan which has been made, or passed at referendum.

It is understood that the existing building is unauthorised and therefore the application is being considered as a new building within the open countryside. The comments are revised as follows;

As this application is being considered as a new building policy RE.6 no longer applies. Policy RE.1 relates to employment uses in the countryside. As the site sits outside of the housing development boundary policy RE.1 applies. The policy states the following

Proposals for employment uses in the countryside outside the scope of Core Strategy Policies RA1 and RA2 will be permitted providing they are consistent with all other relevant policies, and involves:

i) replacement of existing buildings;

In this case the revised description includes the provision of a new building within the open countryside. Therefore the proposal is contrary to policy RE.1 of the Placemaking Plan.

DRAINAGE

No objection. Proposal will have minimal impact on drainage and flood risk. No further comments following reconsultation.

HIGHWAYS

The proposal includes a scheme that would alter the vehicular access location to the site and no objection to this revised location is raised. The closure of the existing access and creation of a new access would need to be secured if a planning permission was granted. The proposed parking area is extensive and suitable surfacing would need to be provided and any new access would need to be provided with a bound surface for a distance of at least ten metres from the carriageway.

Other than the existing public footpath, which would not always be suitable for use by pedestrians accessing the site, the scheme is located in a relatively isolated position and there is no footway along part of Bristol Road. Given that the existing use appears to be unauthorised, there is a need for the highway authority to consider the proposal as an entirely new development. Due to the location, there would be a significant dependence on car use to access the development, and the supporting documentation does not suggest otherwise. Given this, the proposed use of the site would appear to conflict with Policy ST.1 of the adopted Placemaking Plan. A highway safety objection is therefore raised for the following reason:

The proposal, located in an isolated position, with poor pedestrian connections and not well served by public transport, is contrary to the key aims of Policy ST.1 of the Bath & North East Somerset Placemaking Plan (adopted July 2017) and the National Planning Policy Framework, which seek to facilitate the use of sustainable modes of transport.

Further information has been provided by the applicant in relation to the pedestrian access to the site, and a plan is included that shows the route to the site from the town centre. Although the overall route distance is not significant, the lack of footway on a section of Bristol Road and the potential speed of traffic at this location remains a concern (the speed limit is derestricted along part of the route). This route is unlikely to be attractive to all customers and could be a potential safety concern. Should planning permission be granted, the highway authority would want to seek a contribution towards speed limit alterations on Bristol Road. Any new development at this location which could generate a high number of trips each day would need to accord with the principles of Policy ST.1 of the adopted Placemaking Plan, and this is not likely to be the case in this instance. However, it is also recognised that other policies may apply to the reuse of agricultural buildings.

The applicant has questioned why recent applications at the Cam Valley Sports Ground (Purnell Sports Club) have not been treated in the same way by the highway authority.

The following applications were referenced, and comments relating to each are provided to ensure clarity:

18/04726/ FUL Erection of "Ball Stop Nets" and container for storage of ball stop nets and posts. The highway authority was not consulted, it would not be expected that the proposal for this type of development would result in any additional movements to /from the site.

18/02923/CLPU Change of use from sports machinery storage to sports clubroom, W.Cs and kitchen, including installation of two windows to east elevation and glass front door in front of existing/remaining roller door. This was a certificate of lawful use application, and

the planning authority concluded that the proposed works do not constitute operational development or a change of use. There was no highway comment.

17/05575/FUL Erection of a single storey clubhouse. This was considered to be an ancillary function to the sports ground. Pedestrian access to the site had been reviewed as part of an earlier application for the sports ground, with the highway authority raising concerns regarding the standard of pedestrian access at that time.

This review demonstrates that the highway authority has been consistent with the advice provided in response to planning applications on this section of Bristol Road.

The earlier comments regarding the car park surface, access arrangement alterations and public footpath remain, and these should be considered. The comments regarding the existing use of the site are noted, although it is for planning colleagues to consider whether this has a bearing on the planning decision in this case.

Further Comments Received 6th August: I refer to the above application and the additional information received on 22nd July 2019. It is also noted that an updated Site Plan, Drawing 20190725- 165-R00-SG, has been submitted. My further highways comments are as follows:

Earlier comments identified concerns regarding the use of loose materials within the car park area, and that there was a need to ensure that this material was not drawn onto the public highway. Having reviewed the submitted plans, it is still not absolutely clear what surface materials will be used in the different parts of the car park. An area of bound surfacing would be required at the site access, and this does not appear to be shown. Any planning approval would need to secure the access design, including an agreement of the surfacing areas. In addition, the closure of the existing vehicular access would need to be secured. All highway works would need to be undertaken as part of an appropriate highways licence or agreement.

The highway authority maintains the earlier objection to the planning application for sustainability reasons.

ECOLOGY

The proposed changes to the existing building are unlikely to have any impacts on ecology, subject to a check for nesting birds. Works to the building present the opportunity to provide bird nesting features such as swallow nest cups and swift nest boxes.

The proposed new access requires removal of a section of hedge. The proposals include replacing the removed section of hedge by planting up the existing access. A plan has been submitted which makes reference to this: 20190315_165 Cadence Bristol Rd Master Layout r00SG (15.4.2019) but the text which accompanies the plan makes reference to a solar park and killing existing vegetation through the application of herbicide - I believe this to be an error. The species list for the replacement hedge is acceptable but again the text makes reference to honeysuckle which is not in the proposed species list. This plan therefore needs to be corrected and re-submitted.

The Placemaking Plan and NPPF require ecological enhancements as part of any planning application. An existing area of hardstanding is proposed for use as a customer car park and the proposals therefore present an opportunity for further planting around the car park area (particularly the southern and eastern boundaries) which would add ecological interest as well as providing additional connectivity within the landscape. The same species mix should be used as for the access which is to be planted up.

Honeysuckle and small native fruit trees could be included within the mix to provide additional invertebrate interest and foraging for dormice and badger.

As this area is known to be used by various bat species, including light-sensitive Horseshoe bats, there should be no new external lighting as part of the proposals unless prior approval has been given by the LPA.

PROW

Public footpath CL16/4 runs through the application site as shown in purple on the attached plan. The line, width and surface of the public footpath must not be affected during or after the development.

ECONOMIC DEVELOPMENT

Economic Development is supportive of this application due to the likely intensification of employment land.

Full comments: The current use as a barn is likely to have a very low level of staffing. Using the Homes and Communities Employment Density Matrix 1 it can be seen that the proposed usage will result in 10 FTE jobs (A3 mid-range estimate ($17.5m^2 \times 173/17.5 = 9.8$)). The remainder of the space is Sui Generis as beauty rooms so unable to be calculated. Due to the provision within this space it is likely that it will also require a level of employment.

Therefore, Economic Development is supportive of this application due to intensification of employment land and associated uplift in employment.

LANDSCAPE

The applicant is seeking planning permission for the conversion of an agricultural barn to a wellness centre and cafe.

The existing barn is located towards the head of a minor tributary valley of the River Cam in open countryside to the north of the settlement of Paulton at approximately 85m AOD. Ground levels rise to the south and east of the site but fall to the Cam valley to the north.

The site is bounded to the west by the Bristol Road and to the east by the rather unsightly and intrusive post and rail fencing which separates the site from the rough grass land containing strip lynchets to its east. A public right of way crosses the site from south west to north in close proximity to the barn (PROW CL16/4).

The site lies within the Paulton Conservation Area and the landscape setting of the Settlement of Paulton.

The initial application for the construction of the barn in September 2006 was refused. It was considered that "the proposed development due to its size and location, would have an adverse impact upon the rural character of the area, thereby adversely impacting upon the character and appearance of this part of the Paulton Conservation Area."

The subsequent application was granted permission. As proposed in the original application the Barn's facades were to have horizontal tongue and groove timber walling to a height of 1.620m and there after vertical timber space boarding. It was to be approximately 18m long by 12m wide by 4m high with sliding barn doors at its southern end and ten roof lights. The roofing material does not appear to have been specified but a

later application to discharge conditions indicates that it was to be light grey fibrous cement (11/00054/COND).

The development proposal has previously been the subject of a pre-application inquiry (18/04390/PA02) and the pre-application report included in the submission suggests that the Barn was not constructed as permissioned. The report states that "the barn is visible from the road and as permitted should have been constructed so that it has a relatively unobtrusive appearance as a functional agricultural building. However as you are aware the barn as existing does not reflect the barn as permitted." The report advised that if an application for the proposal as outlined was submitted it would be recommended for refusal.

The proposed barn elevations drawing submitted with the application would suggest the existence or proposed use of coloured cladding material, and glazed access doors and fenestration on the southern elevation that may be appropriate for a warehouse building on an industrial estate but are wholly inappropriate for a agricultural farm building in a rural location

within a Conservation area and the designated landscape setting of a settlement (Cadence Planning 190315_165_cadence_bristol-rd_proposed-barn-elevations-r02_SG dated 20.03.2019). The bike racks and the proposed additional parking for 13No vehicles are also inappropriate and the proposed landscaping in the form of a short length of native species hedge is totally inadequate and does not mitigate the significant adverse impact of the existing barn or the proposed development. The development proposals would be likely to be detrimental to the special character and appearance of the conservation area, local landscape character, local features, local distinctiveness and views.

The proposal would result in an adverse impact on landscape and this adverse impact has not been adequately mitigated.

An objection to the development proposals is raised.

A further layout/landscape plan has been submitted and the Landscape Officer has added the following comments:

For the reasons stated in my previous response I continue to consider that the development proposals would be likely to be detrimental to the special character and appearance of the conservation area, local landscape character, local features, local distinctiveness and views.

While the additional hedge proposed would help to screen and filter views of the proposed car park from the north east and south east it would not adequately mitigate the adverse landscape impact of the proposed development as a whole on landscape character, local distinctiveness, features and views.

I also continue to consider that the proposed development as a whole would neither conserve the special character and appearance of the conservation area; nor would it conserve and enhance the landscape setting of the settlement of Paulton.

I therefore continue to consider that the proposed development would have a significant adverse impact on landscape and that this adverse impact would not been adequately mitigated.

CONSERVATION

The application proposes converting an existing barn (not built in accordance with the approved drawings) into a café, with external seating and a beauty and therapy facility.

Formalising the car park will be more visually intrusive than the existing arrangements and as result have a harmful impact on the rural character of this part of the Paulton conservation area. The proposed parking is permanent - describing it as temporary in the Planning Statement because cars will not be there all the time is disingenuous. Any benefits of hedge screening along the highway will to a degree be negated by the fact that there is public access to the site via a public footpath.

Even allowing for closure of the existing access with planting, the new vehicular access plus splays will result in more visually prominent access and probably greater visibility of the building and any external play area and equipment associated with it.

The site access drawing refers to play equipment but there are no clear details of the extent, design and treatment of surfaces - all of which could be visually intrusive and incongruous in the context of this rural site.

The application description is for a cafe and therapy rooms (two separate business operations ?) but the Planning Statement refers to the animals being an attraction suggesting that a more intensive visitor attraction is envisaged. If this is the case it should be made explicit in the application so that the proposals can be properly assessed (more parking, demand for other on site facilities etc).

Permission was originally given for what should have been a functional agricultural building clad in timber. The submission refers cladding in RAL 6004 (blue/green colour) which is likely to make the building more visually prominent.

As submitted the proposal is contrary to Place Making policy HE1.

PARISH COUNCIL/TOWN COUNCIL

The Parish Council support the application in principle however preferred materials are required. It is requested that a condition is put on the application for the applicant to produce materials for approval and that the unauthorised mezzanine is regularised.

POLICIES/LEGISLATION

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on

other July 2014. The Core Strategy now forms part of the statutory Development Plan and will be

given full weight in the determination of planning applications. The Council's Development Plan

now comprises:

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

CORE STRATEGY

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

DW1 : District Wide Spatial Strategy

SV1: Somer Valley Spatial Strategy

CP 6: Environmental Quality

The Paul ton Conservation Area Character Appraisal (2003) is also adopted as Supplementary Planning Guidance.

RELEVANT PLACE MAKING PLAN POLICIES

D 1: General Urban Design Principles

D 2: Local Character and Distinctiveness

D. 3: Urban Fabric

D. 5: Building Design

D. 6: Amenity

HE 1: Historic Environment

NE 6: Trees and Woodland Conservation

RE1: Employment Uses in the Countryside

CR 1 and 2 : Sequential test and Impact assessment.

ST1: Promoting Sustainable Travel

NE2: Conserving and Enhancing the Landscape and Landscape Character

NE2A: Landscape Setting of Settlements

ST2A: Recreation Routes

National Planning Policy Framework 2018 and the National Planning Practice Guidance 2014.

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.

There is no made neighbourhood plan for Paulton.

LOW CARBON AND SUSTAINABLE CREDENTIALS

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. The application has been assessed against the policies as identified and these have been fully taken into account in the recommendation made.

OFFICER ASSESSMENT

The barn is visible from the road and as permitted should have been constructed so that its appearance was that of a relatively unobtrusive functional agricultural building.

The barn has not been constructed in accordance with the approved plans. A mezzanine floor, steps and windows have been inserted into the building and these works have resulted in the building appearing not looking like a 'functional agricultural building'.

The original permission was granted as it was accepted that a sizeable agricultural building was needed to house the number of goats that were intended to be kept on this parcel of land.

The applicant is now applying for a change of use of the agricultural building. She wishes to convert the ground floor area of the barn into a café that will serve hot and cold drinks and light refreshments. Hours of opening times are 10:00-17:00 Monday -Friday, 09:00-16:00 Saturdays and the premises will not open on Sundays and bank holidays.

The site is quite steeply sloping and is of undulating ground with medieval strip lynchets on the eastern side of the field. The site has archaeological interest however the works to lay a new sewer across the site in 2003 appear to have destroyed any lynchets within the specific location of the proposed barn.

The main issues in relation to this proposal are as follows:

The principle of the development

Highways and access

The impact on the Conservation Area and rural environment

Impact on amenity

The principle of the development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan comprises the Bath & North East Somerset Core Strategy (CS), adopted in July 2014, the Bath & North East Somerset Placemaking Plan (PMP), adopted in July 2017, saved policy GDS1 (in relation to four partly implemented sites) of the Bath and North East Somerset Local Plan (BANESLP), adopted in October 2007 and the West of England Joint Waste Core Strategy (JWCS), adopted in 2011. The site lies within an area which does not have a neighbourhood plan which has been made, or passed at referendum.

The relevant policies to consider with regard to the principle of the development are Policies DW1, SV1 of the Core Strategy and Policies RE1, CR1 and CR2 of the Placemaking Plan and as the site is in an unsustainable location ST1 is relevant.

As a matter of principle as the proposal is for a commercial development in the countryside it is contrary to Policies DW1 and SV1 of the Core Strategy as these policies seek to protect the natural environment and guide development to previously developed land, particularly within settlement boundaries. It must also be recognised that as the existing building is unauthorised the proposal has to be considered as a new building for a cafe and therapy use; it cannot be considered as a change of use. In these circumstances the proposal is considered to be contrary to Policy RE1.

Policy RE1 states that proposals for employment uses in the countryside will be acceptable where

i) it replaces the existing building,

ii) results in the limited expansion, intensification or redevelopment of existing premises, and

iii) would not lead to the dispersal of activity that predudices town centre and village vitality and viability.

The proposed use is also considered to be a town centre use and in this case no assessment has been made as to the effect of the use on the viability and vitality of the adjoining village of Paulton and no information has been submitted about the potential for other village centre premises to be used for the proposed use, as required by Policies CR1 and CR2. Accordingly, the proposal is considered to be contrary to Policies RE1, CR1 and CR2 of the adopted Placemaking Plan.

The impact on the Conservation Area and rural environment.

The mezzanine floor level is to be converted in to a holistic therapy and treatment rooms where clients will be able to receive beauty treatments and therapies provided by the applicant.

The southern elevation, which is currently open, will be enclosed with similar cladding materials to match the existing elevations of the building. Door and window openings will be set within this elevation at ground level to provide natural daylight and access into the ground floor café area.

The footprint of the building will not increase and there will be no external changes to the building other than to enclose the southern elevation. The client acknowledges the unauthorised changes to the external appearance of the building and this application seeks to address these works undertaken without the benefit of planning permission.

Parking will be provided within a field that in part, provides access for Wessex Water. Much of this field is already gravelled to allow access and parking for Wessex vehicles. A new site entrance is proposed 20m to the north to allow for safer access and egress into the site. This newly created access will result in the loss of some boundary vegetation. The applicant is proposing to permanently block up and close the existing entrance with landscaping.

The existing barn is located towards the head of a minor tributary valley of the River Cam in open countryside to the north of the settlement of Paulton at approximately 85m AOD. Ground levels rise to the south and east of the site but fall to the Cam valley to the north.

The site is bounded to the west by the Bristol Road and to the east by post and rail fencing which separates the site from the rough grass land containing strip lynchets to its east. A public right of way crosses the site from south west to north in close proximity to the barn (PROW CL16/4).

The site lies within the Paulton Conservation Area and the landscape setting of the Settlement of Paulton. The proposed barn elevations drawing submitted with the application suggest the use of coloured cladding material, and glazed access doors and fenestration on the southern elevation that are seen to be inappropriate for a building in a rural location within a Conservation area and the designated landscape setting of a settlement.

The proposed additional parking for 13 no. vehicles is also inappropriate in terms of its visual appearance. The car park has been located away from the main barn and is aligned at 90 degrees to the road thereby encroaching into the 'countryside' making it particularly visible and therefore visually inappropriate in this rural location.

The proposed landscaping in the form of a short length of native species hedge is not considered to be adequate and does not mitigate the significant adverse impact of the existing barn or the proposed development.

Outside areas are referenced such as seating and play area and these areas along with surface treatment materials will be likely to have a harmful impact on the character and appearance of the locality.

The development is not seen to conserve and enhance the landscape setting of Paulton and the landscape character, views and features of the area. The development would have an adverse impact on the landscape setting of the town and measures have not been taken to mitigate this impact and therefore the development is unacceptable. It is therefore considered that the proposed development by virtue of its design, scale, massing, position and use of external materials would adversely affect the natural beauty of the landscape of the area contrary to policies NE2 NE2A of the Placemaking Plan for Bath and North East Somerset (2017) and Part 15 of the NPPF (National Planning Policy Framework).

It is also considered that the development proposals will be detrimental to the special character and appearance of the conservation area, local landscape character, local features, local distinctiveness and views.

There is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. In this case by virtue of the design, scale, massing, position and the external materials of the proposed development it is not considered that the development would preserve the character and appearance of this part of the Conservation Area and its setting. The proposal does not therefore, accord 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 16 of the NPPF.

In accordance with the provisions of the NPPF the Council must consider if the level of harm amounts to substantial or less than substantial harm. In this case it is considered that the harm is less than substantial and therefore in accordance with paragraph 196 of the NPPF this harm must be weighed against the public benefits of the proposal.

The public benefits of the proposal are associated with the café and therapy room, and the employment it will generate. No information has been given with regards to the demand for a café or therapy room in this particular location and consequently there is no information about other locations that could provide the same service but where it would comply with planning policy and be in a more sustainable location. Accordingly, it is not considered that there is an over-riding public benefit that justifies the harm associated with the proposed development in this location.

Highways and access

A new site entrance is proposed 20m to the north to allow for safer access and egress into the site. The applicant is proposing to permanently block up and close the existing entrance and is willing to accept a condition stating the existing site entrance must be permanently closed before the use of the café and therapy units commences.

Further information has been provided by the applicant in relation to the pedestrian access to the site, and a plan is included that shows the route to the site from the town centre. Although the overall route distance is not significant, the lack of footway on a section of Bristol Road and the potential speed of traffic at this location remains a concern (the speed limit is derestricted along part of the route).

This route is unlikely to be attractive to all customers and could be a potential safety concern. In this respect should planning permission be granted, the highway authority would want to seek a contribution towards speed limit alterations on Bristol Road. Any new development at this location which could generate a high number of trips each day would need to accord with the principles of Policy ST.1 of the adopted Placemaking Plan, and this is not likely to be the case in this instance.

POLICY ST2A: states: Development will not be permitted where public rights of way are harmed and development proposals affecting a publicly accessible recreational route will be expected to maintain and/or incorporate the route within the scheme.

Public footpath CL16/4 runs through the application site as shown in purple on the submitted plan. The line, width and surface of the public footpath must not be affected during or after the development and in this respect a condition could be attached to any permission granted.

Impact on amenity

As there are no residential properties within close proximity of the site and given the scale, massing and siting of the proposed development, the proposal is not considered to cause significant harm to the amenities of any adjacent occupiers through loss of light, overshadowing and overbearing impact although due to the proximity to the footpath and due to the potential for increased traffic generation nearby residents could suffer a minimal loss of privacy, noise and traffic disturbance. However this impact would not be seen to be of such a level that refusal on this basis only would be justified. In this respect the proposal could accord with policy D6 of the Placemaking Plan for Bath and North East Somerset (2017) and part 12 of the NPPF.

Conclusion

Whilst it is accepted that the proposed development is not strictly a proposal for an 'employment use' it is accepted that some employment will occur and therefore Policy RE1 of the Placemaking Plan is relevant. However, due to its location outside of any settlement boundary it is considered to be contrary to this policy. In addition, the development which includes the construction of a car park is considered to detract from the character and appearance of the area and in addition creates a use in a location that is car dependant and is also likely to lead to harm to pedestrian safety.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposal will result in development outside of any settlement boundary, contrary to policies DW1 and SV1 of the Core Strategy and policies RE1, CR1 and CR2 of the Bath and North East Somerset Placemaking Plan (2017) and the provisions of the National Planning Policy Framework (2019).

2 The proposal by virtue of the size and design of the proposed building and the provision of the associated car park fails to preserve or enhance the character of the surrounding Conservation Area and detracts from the landscape setting of the area. The proposal is therefore contrary to Policy HE1 and Policies NE2 and NE2A of the Bath and North East Somerset Placemaking Plan (2017) and the provisions of the National Planning Policy Framework (2019).

3 The site is located where it is not served by a footway along this part of Bristol Road. This could lead to harm to pedestrian safety and lead to a significant dependence on car use to access the development and therefore, the proposed use of the site conflicts with Policy ST.1 of the Bath and North East Somerset Placemaking Plan (2017).

PLANS LIST:

16 Apr 2019 R00_SG PROPOSED BIKE RACK ELEVATIONS
Apr 2019 R00_SG PROPOSED LANDSCAPE PLAN
16 Apr 2019 R00_SG(1) ROOF PLANS
Apr 2019 R01_SG PROPOSED BIKE RACK LAYOUT PLAN
16 Apr 2019 R01_SG TOPOGRAPHICAL SURVEY 2
Apr 2019 R01_SG(1) EXISTING BARN ELEVATIONS
Apr 2019 R01_SG(1) EXISTING BARN FLOOR PLANS
16 Apr 2019 R02_SG TOPOGRAPHICAL SURVEY
16 Apr 2019 Drawing 16 Apr 2019 R02_SG(1) PROPOSED BARN FLOOR PLANS
16 Apr 2019 R03_SG BLOCK PLAN
16 Apr 2019 R04_SG PROPOSED PARKING LAYOUT PLAN
OS Extract 16 Apr 2019 R02_SG SITE LOCATION PLAN Public

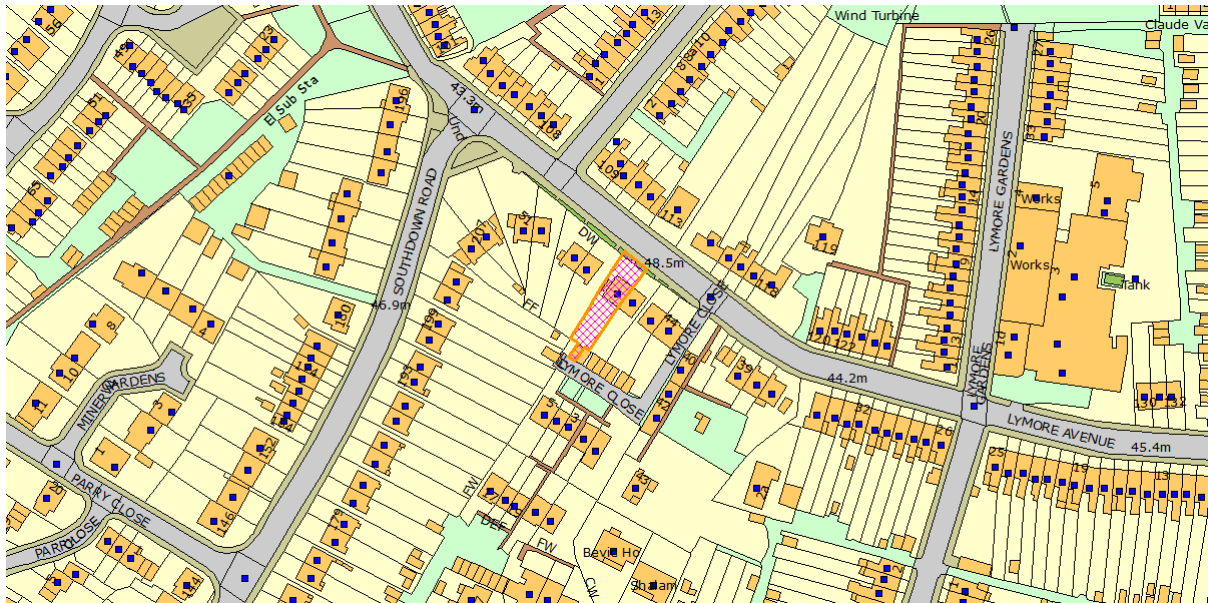
Community Infrastructure Levy

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority please note that CIL applies to all relevant planning permissions granted on or after this date. Thus any successful appeal against this decision may become subject to CIL. Full details are available on the Council's website www.bathnes.gov.uk/cil

In determining this application the Local Planning Authority considers it has complied with the aims of 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: 04
Application No: 19/01961/FUL
Site Location: 47 Lymore Avenue Twerton Bath Bath And North East Somerset BA2 1BB



Ward: Southdown **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Paul Crossley Councillor Dine Romero
Application Type: Full Application
Proposal: Change of use from 4-bedroom house in multiple occupation (Use Class C4) to 7-bedroom house in multiple occupation (Sui Generis). Erection of a two storey rear extension and single storey side extension following demolition of existing 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, HMO Stage 1 Test Area (Stage 2 Test Req), MOD Safeguarded Areas, SSSI - Impact Risk Zones,
Applicant: Mr Olly Barkley
Expiry Date: 8th July 2019
Case Officer: Dominic Battrick
To view the case click on the link [here](#).

REPORT
REASON FOR REPORTING APPLICATION TO COMMITTEE:

The application was referred to the Committee Chair in accordance with the Council's Scheme of Delegation. Cllr Paul Crossley, ward member for Southdown, formally requested that, should officers be minded to permit the application, consideration be given to determination of the application by Planning Committee. Material planning reasons were given by the ward member in objection to the application, contrary to officer recommendation. The Chair has considered the application and decided that the application will be determined by the Planning Committee, commenting as follows:

"I am concerned about the size of this application and its impact locally."

DESCRIPTION OF SITE AND APPLICATION:

47 Lymore Avenue is a two storey semi-detached house located in a residential area in the Southdown area of Bath. The property is lawfully in operation as a 4-bedroom house in multiple occupation (HMO), with licencing records indicating the property has been operating as a HMO prior to the adoption of Bath's article 4 direction restricting the change of use of C3 dwellings to C4 HMOs.

The C4 Use Class includes HMOs for 3 to 6 unrelated occupants. The proposed development consists of a two storey and single storey rear extension and a single storey side extension, together with internal alterations to increase the number of bedrooms from 4 to 7, resulting in a change of the Use Class from C4 to sui generis.

RELEVANT PLANNING HISTORY:

No recent/relevant planning history.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

CONSULTATIONS AND REPRESENTATIONS:

Highways and Traffic - SUPPORT, subject to conditions:

- The change of use and associated increase in the number of bedrooms is likely to increase the occupancy of the house marginally by independent individuals and may raise concerns over increased parking demand in the vicinity of the site, particularly in an area where on-street parking is unrestricted.
- The site is in a sustainable location with good access to a range of services, facilities and public transport links.
- The development includes the provision of 2 additional off-street car parking spaces.
- Car ownership for rented accommodation is statistically lower than owner occupied households.
- Without adopted parking standards on HMOs, it is difficult to demonstrate that the additional 4 (now 3) bedrooms will result in an unacceptable increased demand for parking, or a demonstrable harmful impact on local highway conditions.
- Refusal of this application on parking grounds would be contrary to paragraph 109 of the NPPF
- No objection, subject to conditions requiring the parking area to be kept clear for parking, and for the access to be constructed with a bound and compacted surfacing material.

OTHER REPRESENTATIONS / THIRD PARTIES:

40 representations received; 38 objecting to the application and 2 in support or providing neutral comments. The comments are summarised as follows:

- This is a family residential area where HMO development is inappropriate.
- An 8 bedroom HMO would set a new extreme level for the size of HMOs in the area.
- The area already has a high number of students and HMOs.
- The change of use class to sui generis would remove restrictions on the number of occupants.
- There is a demand for student accommodation and declining permission for student accommodation will not reduce student numbers.
- More students should be accommodated on campus.
- The proposal supports the housing market for HMOs without the loss of a C3 residential house.
- The two storey rear extension is out of keeping with extensions in the area.
- Loss of light and overshadowing to the rear of the adjoining semi-detached house (no. 46) and the adjacent 48 Lymore Avenue.
- The application speculates that the neighbouring side elevation window that directly faces the proposed side extension serves a non-habitable room. This window serves a home office that is used daily.
- Adverse amenity impacts of noise, disturbance and waste accumulation resulting from increased occupancy of HMO.
- The relatively small increase in student numbers from the development will not result in a noticeable increase in noise.
- Reduced garden size for existing HMO.
- Loss of street parking space that may be used by all residents in an area of heavy demand for parking.
- Insufficient on-site parking for a HMO of the proposed size.
- Most students do not own a car in Bath.
- Highway safety concerns with use of proposed access onto a busy road that includes a bus route, several nearby junctions and traffic relating to a nearby school.
- Concern that occupants will use private parking spaces belonging to residents of Lymore Close.
- Problems of illegal parking.
- Concerns parking have been assessed during summer when student vehicles are away.
- Disturbance from contractor vehicles and other construction related disturbance.
- History of noise complaints of previous tenants.
- Risk of subsidence from retaining wall.
- There has been a history of sewerage problems and the development will increase the strain on the sewers.
- Loss of council tax revenue.

Cllr Paul Crossley, ward member for Southdown, has formally objected to the application on the following grounds:

- "1. The application effectively doubles the size of the property.
2. It destroys the symmetry and vernacular of the housing styles along Lymore Ave. which is a terrace/semis of 3-4 bedroom housing.

3. It is damaging to the setting of the World Heritage designation of the City in that it is completely out of place in this traditional row of terrace and semi property.
4. the new house can potentially house 16 students and this will have a dramatic impact on the car parking in the road which is already full to capacity and cannot take this extra demand.
5. The increased occupation represents a loss of amenity to a residential setting in terms of the increased coming and going of its inhabitants throughout the day and night.
6. The shared amenity space within the house is not adequate for the number of residents.
7. The side extension will result in loss of light to the neighbour.
8. The waste facilities proposed are not adequate for a house of this size.
9. The loss of the garden to create parking space will result in the loss of a street parking space and is yet more loss of our green infrastructure in which garden space is becoming increasingly important."

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:

DW1: District Wide Spatial Strategy
 B1: Bath Spatial Strategy
 B4: The World Heritage Site and its Setting
 CP6: Environmental Quality

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
D3: Urban Fabric
D5: Building Design
D6: Amenity
HE1: Historic Environment
ST1: Promoting Sustainable Travel
ST7: Transport requirements for managing development

NPPF:

The adopted National Planning Policy Framework (NPPF) was revised in July 2018 and is a material consideration due significant weight. The following sections of the NPPF are of particular relevance:

Section 2: Achieving Sustainable Development
Section 9: Promoting Sustainable Transport
Section 12: Achieving well-designed places
Section 16: Conserving and enhancing the historic environment

Due consideration has also been given to the provisions of the National Planning Practice Guidance (NPPG).

SPDs

The following supplementary planning documents are also relevant in the determination of this application:

The City of Bath World Heritage Site Setting Supplementary Planning Document (August 2013)
The Bath City-wide Character Appraisal (August 2005)
The Houses in Multiple Occupation in Bath Supplementary Planning Document (November 2017)

LOW CARBON AND SUSTAINABLE CREDENTIALS

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. The application has been assessed against the policies as identified and these have been fully taken into account in the recommendation made.

LOW CARBON AND SUSTAINABLE CREDENTIALS

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. The application has been assessed against the

policies as identified and these have been fully taken into account in the recommendation made.

OFFICER ASSESSMENT

PLANNING ISSUES:

The main issues to consider are:

- Principle of Development
- Character and appearance
- Residential amenity
- Parking and highway safety
- Other matters

OFFICER'S ASSESSMENT:

Principle of development:

The Council has adopted the 'Houses in Multiple Occupation in Bath' Supplementary Planning Document, updated in November 2017, which supports policy H2 of the B&NES Placemaking Plan. The SPD provides tests to assess over-concentration of HMOs within Bath's article 4 direction area, and other harmful impacts resulting from the change of use of a C3 family dwelling to a HMO. The policy and SPD are in place to support the assessment of planning applications for this change of use from C3 to C4 use, required by virtue of the article 4 direction. This is in order to control against the proliferation of further C4 properties with the loss of C3 properties, and the associated harmful impacts of this imbalance associated with high concentrations of HMOs. However, as the proposed development relates to an existing lawful HMO, recognised as C4 use, the SPD and policy H2 do not apply to this proposal.

The proposed development will not result in a loss of C3 housing or increase the number of HMOs in the area, but will provide a modest increase in overall single occupancy households residing in the area. Policy CP10 supports housing mix in line with national policy, where a mix of housing types and households is encouraged in the interest of community cohesion. The proposal is not contrary to this policy.

Overall, the proposed development is not contrary to any adopted planning policies that would restrict the proposed development in principle. The enlargement of the house must be assessed on matter of design and highway safety.

Character and appearance:

Policy D1, D2, D3 and D5 of the Placemaking Plan require proposals to have regard to the character and appearance of the development and its impact on the character and appearance of the host dwelling and wider area. Development proposals will be supported where, amongst other criteria, they contribute positively to and do not harm local character and distinctiveness. Development is expected to respond to the local context in terms of appearance, materials, siting, spacing and layout and the appearance of extensions should respect and complement their host building. Policy HE1 requires development that has an impact upon a heritage asset, whether designated or non-designated, will be expected to enhance or better reveal its significance and setting.

47 Lymore Avenue is a two storey house with a hipped roof. The proposed enlargement of the house consists of a two storey rear extension with a reduced height hipped roof located towards the detached end of the elevation. There is an additional single storey extension that is proposed to wrap around the side and rear of the two storey extension and original house.

The two storey side extension that was initially proposed has been reduced to a single storey extension, occupying a similar footprint, height and bulk to the existing conservatory lean-to. While this was primarily reduced for reasons of amenity, this has the benefit of reducing the visual impact of the development from the street scene and public realm.

The rear extension, while large, is not considered disproportionate or out of keeping with the host building or the overall character of the area. The spacing of the two storey wing from the boundary with the adjoining semi-detached house and the reduced roof height maintain a degree of subservience to the main house. Although the scale of the extensions overall are considered to be at the limit of what is likely to be supported, the extensions are acceptable for what is an enlargement of a house, regardless of its occupancy type. It is considered that two storey rear extensions can be supported in this area without significant harm to the overall character of the area.

External materials are proposed to match the host building on the front elevation and the roof, with cream coloured render on the side and rear elevation walls. It is recommended that details of the render are conditioned to ensure that it is sympathetic to the stonework of the building.

Regarding the proposed parking area at the front, there are several neighbouring properties that have provided driveways and the formation of this parking area is not out of keeping with the character of the street scene. The existing raised gravelled frontage has one fairly large shrub but overall offers limited visual amenity value and its loss is not considered detrimental, when weighed against the parking benefits considered separately below.

There is a duty to consider the impact of the proposed development on the setting and significance of the World Heritage Site, which is a designated heritage asset. However, the proposal is not of a scale or prominence that would be harmful to this heritage asset. The development will not result in harm to the Outstanding Universal Value of the World Heritage Site, its authenticity or integrity.

The proposal is therefore in accordance with policies B4 and CP6 of the Core Strategy, policies D1, D2, D3, D5 and HE1 of the Placemaking Plan and sections 12 and 16 of the National Planning Policy Framework.

Residential amenity:

Policy D6 sets out to ensure developments provide an appropriate level of amenity for occupiers of the development and surrounding properties in terms of privacy, outlook and natural light, and that significant harm is avoided to private amenity by reason of loss of light, increase noise, smell, overlooking, traffic or other disturbance.

The concerns of impacts on residential amenity can be broadly summarised into: adverse impacts of the proposed extension on adjacent properties; the harm to amenity resulting from expansion of occupancy of the HMO; and the amenities of future occupiers of the proposed development.

With the exception of a ground floor side elevation window facing the enclosed garden area towards the adjoining semi-detached house, there are no other side elevation windows proposed. The rear elevation windows will not provide intrusive overlooking, given the existing first floor windows and the ample distances to dwellings beyond the rear of the site. The proposals will not result in a loss of privacy.

Concerns of overbearing impacts and loss of light from the extensions have been considered. Upon site inspection, it was confirmed that the first floor side elevation window of 48 Lymore Avenue serves as room used as an office. The initially proposed two storey side extension would have been sited directly in front of this window, at close proximity, likely resulting in a considerable loss of light. To overcome this, the side extension has been reduced to a single storey which will not impact the office at 48 Lymore Avenue and will have no greater material impact than the existing lean-to.

The proposed rear elevation drawing indicates a 45 degree angled line from the adjacent ground floor rear elevation window of 46 Lymore Avenue, which is the window most at risk of overshadowing and loss of light from the proposed rear extension towards this property. While the B&NES local policy framework has not adopted design standards such as the 45 degree test, it is a helpful indicator that the rear extension will not provide an unacceptable overbearing impact on the adjoining semi-detached house.

With regards to 48 Lymore Avenue, the ground level of the neighbouring property is approximately 1 metre lower than the application site, increasing the relative height of the extensions from the perspective of 48 Lymore Avenue. However, due to the physical separation of the two houses, the impact of the two storey extension would be similar to the impact upon 46 Lymore Avenue. The single storey side and rear extension will be sited close to the boundary of 48 Lymore Avenue but is not at a height that will provide unacceptable overbearing or overshadowing impacts to the neighbouring property.

The reduction of the side extension to a single storey within the revised plans has removed the smallest of the bedrooms proposed on the first floor, reducing the total number of bedrooms from 8 to 7. While a larger occupancy house will result in an increase in waste accumulation and comings and goings to the property, the lifestyle impacts commonly associated with HMOs are unlikely to fundamentally change given that the property is currently in, and will remain, in use as a HMO. A 7 bedroom HMO is not significantly more intensified than a 6 bedroom HMO which may be permitted within the remit of the existing lawful C4 use. In this case, the occupancy increase from 4 to 7 will not result in a demonstrable increase in noise and disturbance.

Regarding the amenities of occupiers of the HMO, the removal of 1 proposed bedroom from the original scheme helps reduce the strain on the communal facilities. The bedroom that was removed was the smallest in floor space and would have offered a particularly cramped room for future occupiers. Provided that the resulting HMO meets the licencing requirements, which are assessed independent of this application, the amenities of the

premises are sufficient for the proposed use. The increased footprint of the extension includes space to the side of the house of limited amenity value and sufficient garden space is retained.

The house will provide sufficient space to the front and side of the house for refuse and recycling storage, which may be easily transferred to the highway for collection.

Overall, as amended, the proposed development will not unacceptably harm the amenities of neighbours or future occupiers and is in accordance with policy D6.

Parking and highway safety:

Policy ST7 states that development will only be permitted provided, amongst other things, the development avoids an increase in on street parking in the vicinity of the site which would detract from highway safety and/or residential amenity.

The property is a 4 bedroom HMO with 1 off-street parking space. The proposal will increase the number of bedrooms to 7, whilst expanding the parking area to provide a total of 3 spaces.

It is acknowledged that the property is located in a residential area with a high demand for street parking. Many representations received state that the supply often does not meet demand. It is also recognised that a street parking space will be lost to expand the width of the off-street parking, and concerns are raised that the 3 spaces are insufficient for the enlarged HMO.

The Highways Officer was consulted to consider the application and raises no objection to the application. The consultation response states that, without adopted parking standards on HMOs, it is difficult to demonstrate that the addition of 4 bedrooms (now 3 bedrooms) will result in an unacceptable increased demand for parking. This is factoring in that the Government has surveyed that rented accommodation often has reduced car ownership than owner occupied households of a similar type. The additional 2 off-street spaces help offset the potential increase in demand and the loss of 1 street parking space.

Furthermore, the site is located in a sustainable location with a good access to a range of services, facilities and public transport links where car use is less encouraged.

Paragraph 109 of the revised National Planning Policy Framework (NPPF) states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts will be severe. Refusal of this application on the grounds expressed in the objections would be contrary to this policy.

It is therefore concluded that the proposed development is in compliance with policies ST1 and ST7 of the Placemaking Plan and section 9 of the National Planning Policy Framework.

Other Matters:

Concern has been raised that by exceeding the limits of the C4 Use Class, the restrictions on the number of occupants will be lost. The HMO will still be bound by the requirements of HMO licencing, where standards apply for bedrooms and internal facilities that dictate occupancy numbers. The occupancy levels would be restricted by the size of the house and HMO licensing requirements.

Disturbance during construction carries little weight in the assessment of this planning application. Contractors' vehicles would be expected to observe the highway code and private property must not be obstructed. Illegal parking during construction works or in relation to the occupation of the development or in general is a matter for the police.

Regarding previous noise complaints of tenants, this is not directly material to this application and specific noise disturbance incidents should be investigated by Environmental Protection.

The retaining wall proposed for the parking area does not raise significant concerns of subsidence. Paragraph 179 of the NPPF states that, with regards to land stability issues, the responsibility of securing a safe development rests with the developer and/or landowner.

Matters of sewage are to be dealt with under building regulations. Loss of council tax is not a material planning consideration.

CONCLUSION:

The proposal is considered to be compliant with all relevant policies and it is recommended that the application is permitted, with conditions on external materials and parking/access arrangements.

RECOMMENDATION

PERMIT

CONDITIONS

1 Standard Time Limit (Compliance)

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

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

2 Materials (Compliance)

The ashlar stone walling and tiled roofing materials to be used shall match those of the existing building in respect of type, size, colour, pointing, coursing, jointing, profile and texture.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policies 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 Materials - Sample of Render (Bespoke Trigger)

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

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policies 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 Parking (Compliance)

The area allocated for parking, as indicated on submitted plan reference 03A received 14 August 2019, 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.

5 Bound/Compacted Vehicle Access (Compliance)

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

Reason: To prevent loose material spilling onto the highway in the interests of highways safety in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

6 Plans List (Compliance)

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

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

PLANS LIST:

This decision relates to the following plans:

Site Location Plan - 234 01 - received 02/05/2019
Block Plan - 234 02 - received 02/05/2019
Existing Plans - 234 04 - received 08/05/2019
Existing Elevations and Section A-A - 234 05A - received 10/07/2019
Proposed Plans - 234 06A - received 10/07/2019
Proposed Elevations - 234 07A - received 10/07/2019
Site Plan and Rear Elevation - 234 03A - received 14/08/2019

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.

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

Works in the highway

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

Protected Species

Bats are protected species under EU and national law. If bats are found during the construction phase, works must cease the Bat Helpline (Tel 0345 1300 228) or a licenced bat worker must be contacted for advice before proceeding.

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: 19/02674/OUT
Site Location: 154 Charlton Road Keynsham Bristol Bath And North East Somerset BS31 2LG



Ward: Keynsham North **Parish:** Keynsham Town Council **LB Grade:** N/A
Ward Members: Councillor Brian Simmons Councillor Vic Clarke
Application Type: Outline Application
Proposal: Erection of 1 no. two-storey, two-bed dwelling attached to existing house with two allocated parking spaces (Outline application with all matters reserved).
Constraints: Bristol Airport Safeguarding, Agric Land Class 3b,4,5, Coal - Standing Advice Area, Policy CP9 Affordable Housing Zones, Housing Development Boundary, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodrome,
Applicant: Mr & Mrs Brain
Expiry Date: 30th August 2019
Case Officer: Rae Mephram
To view the case click on the link [here](#).

REPORT
Reason application taken to committee

Application referred to Chairman following objection from Keynsham Town Council. The Chairman decided that the application should be heard by the Planning Committee for the following reason:

This requires an assessment of this size of development and whether or not the plot can support it

Site description and proposal

154 Charlton Road is an end terrace property located within the Keynsham Housing Development Boundary. This application is for the erection of a 2no bed., 2no. storey property with 2no. parking spaces. The application is for Outline permission with all matters reserved.

Relevant history

None.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation responses

Keynsham Town Council - Object - Keynsham Town Council object to planning application 19/02674/OUT as the proposal is an overdevelopment of the site putting pressure on all the boundaries. Therefore, the application is contrary to the Bath and North East Somerset Council's Planning Policies D2 (Local Character and Distinctiveness). The Town Council reiterates Highways and Traffic's response in respect of the parking allocation and provision of secure covered cycle spaces.

Highways - The proposed two-bed dwelling requires the provision of two off-street car parking spaces. Whilst submitted plan reference 70939/02/101 indicates the provision of two off-street car parking spaces, their dimensions as indicated in the key are 2.4-metres by 4.8-metres, which is the minimum acceptable. However, the actual length of the two spaces, as defined by the dotted line is 9.4-metres, representing a shortfall of 200mm and Highway Development Control (HDC) is concerned that a car is likely to overhang the adopted public footway to the detriment of the safety of vulnerable road users. The applicant should be requested to revise the plan accordingly.

The applicant should also be advised that the proposed dwelling requires the provision of a minimum number of two secure, covered cycle parking spaces.

Drainage and Flooding - No objection. Proposal will have minimal impact on drainage and flood risk.

Third party representations

None received.

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
DW1 - District Wide Spatial Strategy
KE1 - Keynsham 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
H7 - Housing Accessibility
LCR9 - Increasing the Provision of Local Food Growing
SCR5 - Water Efficiency
ST1 - Promoting sustainable travel
ST7 - Transport requirements for managing development

Consideration has been given to the National Planning Policy Framework and the National Planning Practice Guidance.

LOW CARBON AND SUSTAINABLE CREDENTIALS

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. The application has been assessed against the policies as identified and these have been fully taken into account in the recommendation made.

OFFICER ASSESSMENT

Principle of development

The proposal is located within the Keynsham Housing Development Boundary and as such the principle of residential development is acceptable.

Character and appearance

The site is located on a corner plot adjacent to Charlton Road and Lays Drive. The proposal would continue on the existing terrace with a 2no. storey dwelling containing 20.no bedrooms.

The existing plot is somewhat smaller than its immediate neighbours, however does provide outside space and 2no. parking spaces in accordance with ST7. Although the outside space is a little limited, the development would not be cramped and the proposal is not considered to constitute overdevelopment.

The dwelling has been set forward from its immediate neighbour at 154, which follows the rhythm of the existing terrace. A porch has not been included, however not all dwellings within the terrace have porches attached.

The outline proposal is considered to be acceptable in terms of character and appearance.

Highways

Highways initially raised an objection to the scheme due to the proposed parking spaces not meeting the minimum space requirements. Revised plans have been submitted with the spaces meeting the requirements, and the addition of the provision of covered cycle storage. The proposal is considered to comply with policies ST1 and ST7.

Residential amenity

Some overlooking would occur from neighbouring properties, however this is not outside what would be expected in a residential area and would not cause significant harm to residential amenity.

Drainage

The proposal would have minimal impact on drainage or flooding.

Increasing the provision of local food growing

Policy LCR9 states that all residential development will be expected to incorporate opportunities for informal food growing where possible. The proposal, although only having limited amenity space, does have outside areas and window boxes etc could be incorporated by any future residents.

Water efficiency

Policy SCR5 states that all dwellings will be expected to meet the national optional Building Regulations requirement for water efficiency of 110 litres per person by day, and to incorporate rainwater harvesting methods where technically feasible. This requirement would be secured by condition.

Conclusion

Overall, the proposal is considered to be compliant with local and national policies, and is recommended for approval.

RECOMMENDATION

PERMIT

CONDITIONS

1 Outline Time Limit (Compliance)

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

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

2 Reserved Matters (Pre-commencement)

Approval of the details of the appearance, means of access, landscaping, layout and scale of the proposal (hereinafter called the reserved matters) shall be obtained from the Local Planning Authority before any development is commenced.

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

3 Parking (Pre-occupation)

No occupation of the development shall commence until 2no. parking spaces have been provided on-site and should be retained permanently thereafter.

Reason: To ensure that adequate and safe parking is provided in the interests of amenity and highway safety in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

4 Bicycle Storage (Pre-occupation)

No occupation of the development shall commence until bicycle storage for at least 2no. 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 in accordance with Policy ST7 of the Placemaking Plan.

5 Water Efficiency - Rainwater Harvesting (Pre-occupation)

No occupation of the approved dwellings shall commence until rainwater harvesting or other methods of capturing rainwater for use by the residents (e.g. Water butts) has been provided.

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

6 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.

7 Plans List (Compliance)

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

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

PLANS LIST:

This decision relates to:

01 Aug 2019 70939/02/101 REV A COMBINED SITE LOCATION PLAN, EXISTING AND PROPOSED BLOCK 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.

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.

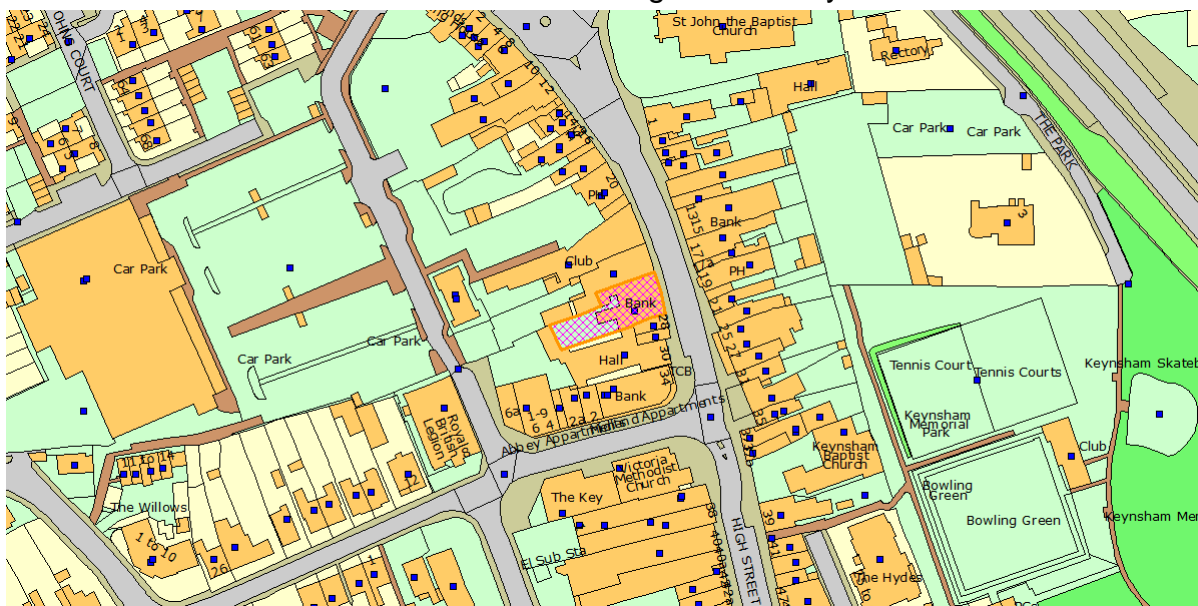
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Community Infrastructure Levy

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

Item No: 06
Application No: 19/02946/FUL
Site Location: Former Natwest Bank 26 High Street Keynsham BS31 1DW



Ward: Keynsham North **Parish:** Keynsham Town Council **LB Grade:** II
Ward Members: Councillor Brian Simmons Councillor Vic Clarke
Application Type: Full Application
Proposal: Change of use from bank (Use Class A2) to a day nursery (Use Class D1) and associated works
Constraints: Agric Land Class 3b,4,5, Air Quality Management Area, Conservation Area, Policy CP12 Bath City Centre Boundary, Policy CP9 Affordable Housing Zones, Policy CR3 Primary Shopping Areas, District Heating Priority Area, Housing Development Boundary, Listed Building, Policy NE1 Green Infrastructure Network, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodrome,
Applicant: Cambridge Micro Applications 1985 Ltd
Expiry Date: 26th August 2019

Case Officer: Caroline Power To view the case click on the link here .
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REPORT

Number 26 High Street currently used as a bank is a grade II listed building within the designated conservation area. The building dates from the late 18th century with later alterations including the 20th century bank frontage.

This proposal is for internal and external alterations for the change of use from bank (Use Class A2) to a day nursery (Use Class D1) and associated works and installation 1no. fascia sign and 1no. hanging sign on main (eastern) elevation. It is accompanied by listed building and advertisement consent applications.

The application has been referred to Development Management Committee due to the objections received from Keynsham Town Council.

Planning History;

DC - 00/01614/FUL - PERMIT - 25 September 2000 - Installation of 60cm satellite dish
DC - 02/02041/LBA - RF - 15 October 2002 - New external signs and installation of Automatic Cash Machine
DC - 02/02081/AR - RF - 15 October 2002 - Internally illuminated advertisements
DC - 03/00309/AR - CON - 18 March 2003 - Display of non-illuminated projecting sign and fascia sign (resubmission)
DC - 03/00344/LBA - CON - 21 March 2003 - Alterations to external signage.
DC - 05/00610/LBA - RF - 19 April 2005 - Cut existing frame, cill and wall and lower ATM to DDA compliant height of 1250mm. and make good to match existing
DC - 05/00637/FUL - RF - 13 April 2005 - Repositioning of ATM cash dispenser
DC - 15/00098/AR - CON - 22 April 2015 - Display of 1 no. internally illuminated fascia sign, 1no. externally illuminated hanging sign and 1 no. non-illuminated wall mounted nameplate.
DC - 15/00099/LBA - CON - 22 April 2015 - External alterations to include installation of new signage.
DC - 18/00472/LBA - CON - 4 April 2018 - Works to remove external Signage and ATM, and internal fixtures, fittings, furniture and equipment relating to operation of NatWest.
DC - 18/00667/FUL - APPRET - - External: Remove existing NatWest brand signage and ATM. Internal: Through-out the building, carefully remove non-original fixtures, fittings, furniture and equipment relating to the operation of the NatWest branch.
DC - 19/02942/LBA - PDE - - Internal and external alterations for the change of use from bank (Use Class A2) to a day nursery (Use Class D1) and associated works and installation 1no. fascia sign and 1no. hanging sign on main (eastern) elevation
DC - 19/02946/FUL - PDE - - Change of use from bank (Use Class A2) to a day nursery (Use Class D1) and associated works
DC - 19/02947/AR - PCO - - Erection of 1no. non-illuminated fascia sign and 1no. non-illuminated hanging sign on main (eastern) elevation

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Planning Policy - No Objection.

Highways - No Objection- See officer's assessment for more details.

Education -The area in which the application has been made has levels of provision which are above the average when compared with the average for all other areas in Bath and North East Somerset. The legislative market management guidance in the Childcare Acts outline that childcare must operate in a market unless there is an undersupply in an identified area and then the market may require local stimulation. This means that there is no objection to new provision entering the market.

Economic Development- Do not object to this application as a nursery would be complimentary to the retail offer within the High Street.

Drainage & Flooding - No objection or comment.

Waste - No comments received.

Environmental Protection- No objections. As the application indicates two small domestic style kitchens there would be limited need for commercial type extraction or ventilation, however if this should change it would need to be adequately controlled to safeguard local amenity and I propose a condition and an advisory note.

Keynsham Town Council - Object. There are serious concerns in respect of the traffic and highways safety implications being acceptable. It is envisaged that there would be an increase in on-street parking in the vicinity of the site which would affect highway safety on this narrow busy section of the conservation area. The proposal is therefore contrary to policy ST7 of the Placemaking Plan. Keynsham Town Council would question the suitability of this building for the purpose of a day nursery with no parking for staff or service users. The limited space for outside play facilities is a point of concern. Therefore, the development proposal does not positively respond to the site context in respect of use and is contrary to policy D2 of the B&NES Place Making Plan.

3 letters of Objections received;

- o Highlight concerns over the safety for children being dropped off and collected at this location and that any cars stopping outside would also be obstructing the road.
- o They also state that there are plenty of nurseries already in the area which have space to cater for the needs of Keynsham community. Another nursery will jeopardise the sustainability of other already long established pre schools and nurseries.
- o There is also little to no outdoor space which is not a good thing for babies and toddlers who need fresh air and outdoor stimulation.

POLICIES/LEGISLATION

The Development Plan for Bath and North East Somerset comprises:

- Bath & North East Somerset Core Strategy (July 2014)
- Bath & North East Somerset Placemaking Plan (July 2017)
- West of England Joint Waste Core Strategy (2011)
- 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)
- Neighbourhood Plans

RELEVANT CORE STRATEGY POLICIES

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:

KE1 - Keynsham Spatial Strategy
 KE2 - Town Centre/Somerdale Strategic Policy
 CP2 - Sustainable Construction
 CP5 - Flood Risk Management
 CP6 - Environmental Quality
 CP13 - Infrastructure Provision

RELEVANT 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:

D.1 General Urban Design Principles
 D.2 Local Character & Distinctiveness
 D.3 Urban Fabric
 D6- Amenity
 H.1- Historic Environment
 PCS2 -Noise and vibration
 KE2: Town Centre/ Somerdale Strategic Policy
 LCR2- New or replacement community facilities
 CR3- Primary Shopping Areas and Primary Shopping Frontages
 ST7- Transport requirements for managing development and Parking Standards

Guidance

Historic England Advice Note 2 Making Changes to Heritage Assets
 Keynsham Conservation Area Appraisal and Management Plan (2016)
 Keynsham Shopfront Guidance 2017

National Planning Policy Framework (February 2019) and the National Planning Practice Guidance (March 2014) can be awarded significant weight.

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

There is 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.

LOW CARBON AND SUSTAINABLE CREDENTIALS

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. The application has been assessed against the policies as identified and these have been fully taken into account in the recommendation made.

OFFICER ASSESSMENT

No. 26 is formed out of an 18th century, 2 storey cottage and shop unit that have, over the years, become increasingly commercialised, losing much of their domestic character. The site, until recently, operated as a bank. The shop front that was installed in the mid 20th century as part of the conversion to a bank has been relatively well executed using stone dressings, incorporating the original windows.

The building has a strong presence directly fronting onto this section of the High Street and is adjacent to a number of listed and non-designated heritage assets. Its dominating presence is reinforced by its shopfront designed in Regency style, articulated by Doric pilasters, providing a high status appearance for the building within the street, making a positive contribution to the conservation area.

The adjoining and surrounding buildings are used for a variety of retail and service purposes including a bank and takeaway to the south; The Fear Hall (a community facility) also to the south; Co-Op Funeral Services, the Conservative Club and the Old Bank Public House to the north. The wider area is characterised by the building's town centre location with significant properties in the surrounding including the St John Church (a major town landmark) to the north. The location of the No. 26, being close to the town's parish church, is evidence that it is located in the earlier part of the town centre and its narrow, enclosed garden to the rear strongly suggests that it has been built on a medieval burgage plot. The frontage forms a continuous group of shop units along this part of the High Street. To the rear, the site is surrounded by a mixture of taller buildings on both sides including Fear Community Hall's.

The proposals are to convert the whole building from A2 (financial services) to D1 (Non-residential institution, including the 1st floor, for day nursery accommodation. This application is to consider the proposed change of use and the implications of the change of use on issues such as Highways, Environmental Protection, the listed building and conservation area and amenity.

Change of Use from A2- D1

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan comprises among other documents the Bath & North East Somerset Core Strategy (CS), adopted in July 2014 and the Bath & North East Somerset Placemaking Plan (PMP), adopted in July 2017.

The site is located within the Primary Shopping Area within Keynsham Town Centre boundary as designated by the Placemaking Plan Adopted 2017.

Core Strategy Policy CP12 states that a range of development for town centre uses will be primarily located within the designated centres including community facilities, and that uses which contribute to maintaining the vitality, viability and diversity of centres will be encouraged. It also states that active ground floor uses will be maintained and enhanced.

Placemaking Plan Policy CR3 states that outside the Primary Shopping Frontage but within Primary Shopping Areas and Town Centres, the loss of Use Class A1 floor space will be permitted provided that a healthy balance and diversity of uses is retained and concentrations of uses other than Use Class A1 are avoided. It also states that the proposed use should still attract pedestrian activity and footfall to the centre and not have an unacceptable impact on the vitality and viability and diversity of the centre and should not significantly harm the amenity of the area. The proposed nursery (use class D1) will attract pedestrian activity and footfall to the centre and will maintain and not undermine the vitality, viability and diversity of the centre.

Within the Keynsham Conservation Area Character Appraisal it states that a visual appraisal backed by a retail report (GVA 2014) outlines that High Street has a lower than average trading and a high vacancy level. This indicates that the shops are collectively trading below company average levels. The GVA Study states; "Overall, Keynsham is a reasonably healthy centre and the Civic Centre development will provide a boost for the centre. However...the centre is vulnerable to impacts from the larger surrounding centres of Bristol and Bath, particularly for comparison goods shopping"

The retail studies also state that there is little capacity in the short term for more convenience or comparison stores. This will limit opportunities for further redevelopment. The retail study states that focus instead should be on the existing floor space stock, protecting it from proposals elsewhere and also ensuring that it provides a quality which is attractive to existing and new occupiers.

The proposed nursery (use class D1) will attract pedestrian activity and footfall to the centre and will maintain and not undermine the vitality, viability and diversity of the centre.

Currently the ground floor use is vacant and was last in A2 use. The proposal will create an active ground floor use with the main entrance door to the nursery and another door accessed from the street frontage/ High Street and a waiting room behind the main entrance. An active ground floor use will be maintained, and by occupying this vacant building, with investment in the property, the ground floor use will be an enhancement.

In conclusion there is no objection in planning policy terms in principle to the proposal.

Character and Appearance

On the front elevation the proposals include stone repairs to the masonry where the bank safe and ATM were installed. Other opportunities to improve the buildings fabric, such as restoring the sash windows and removing unsympathetic plant infrastructure are also proposed. To the rear is an enclosed garden space that is proposed to become a garden/play area. The applicants also propose to build a timber framed shelter within the back courtyard and form a small roof terrace on the modern single storey extension for another play area for the younger children. No other works are proposed externally.

The proposal by reason of its design, siting, scale, massing, layout and materials is acceptable and contributes and responds to the local context and maintains the character and appearance of the surrounding area. The proposal accords with policy CP6 of the adopted Core Strategy (2014) and policies D1, D2, D3, D4 and D5 of the Placemaking Plan for Bath and North East Somerset (2017) and part 12 of the NPPF.

Residential Amenity

The site is surrounded by a high stone wall that runs around the perimeter of the back garden. This contains the garden space that is currently neglected. Whilst the site is adjacent to a number of other buildings, it is not overlooked apart from the some windows belonging to Fear Hall. These windows light the main hall and toilets within this community building and are therefore unlikely to allow any privacy issues being too high to be accessible to the public.

The hours of operation will be 7.30am-6pm 51 weeks of the year. The nursery will close the week between Christmas and New Year. The nursery will be registered for 50 children. The ages of the children would be:-

- o 0-2 years old:- up to 6 children
- o 2-3 years old:- up to 12 children
- o 3-5 years old:- up to 32 children

The applicants anticipate that all children would attend full days and will typically be dropped off between 7.30-9am and collected between 4.30-6pm. Due to these attendance requirements for children, most staff work full days, with the exception of around 3 no. part-time staff and those full time staff on their weekly half day. A total of 13 no. staff will work on any given day. At least half of the staff are expected to use public transport to travel to/from work, cycle or car share. Most staff would arrive between 7-9am and typically leave between 4.30-6pm, but the bulk are expected between the hours of 8am - 6pm. Most parents would be expected to drop off/collect outside of peak retail hours. Children are generally dropped off between 7.30-9am and collected between 4.30-6pm.

Due to the nature of the proposed use, the site will be operating during normal working hours. The applicants have provided a Pirates and Princesses Travel Plan which includes various methods to ensure that parents understand how the nursery should be accessed and understand their wider responsibilities related to appropriate highways use. This has been assessed by the Council's Highways Officer and their assessment is set out in the Highways section of this report.

Given the design, scale, 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 part 12 of the NPPF.

Highways

The site is located within the town centre, and there is no opportunity to provide parking within the site. On-street waiting throughout the local area is controlled, and there are town centre car parks within walking distance of the site. There is limited short stay

parking on the High Street to the front of the building, and a bus stop is also located immediately to the north of the site. The application has been supported by a Transport Statement, and this considers the site access arrangements and the future operation of the proposed day nursery.

There is no objection to the principle of a day nursery within a town centre location, the site is located in a highly accessible position. However, there could clearly be concern regarding parents dropping off/ picking up children, and the operation of the nearby bus stop would be sensitive to that type of activity.

The submitted Transport Statement considers the parking opportunities and also presents travel patterns using data from the TRICS database and another local day nursery. The predictable arrival and departure rates that would be associated with the nursery use do appear to be reasonable. This shows that there would be a total of 23 arrivals to the site in the AM peak period, and eight of these would be by car. The departure rates in the PM peak would be of a similar level.

Given the location of the site, there is concern that some parents may choose to park illegally when dropping off / picking up children, and this issue is reviewed within the Transport Statement. The highway authority has to consider whether such concerns are a valid reason for a planning objection, with the parking restrictions on the High Street in place and subject to separate highways legalisation (an existing Traffic Regulation Order dictates the waiting restrictions along the High Street).

As parking along the High Street is already enforceable by the Council, it is concluded that this would not be a reasonable planning objection. Should parking problems arise on the High Street as a result of the development, the Council's parking enforcement team already have the appropriate powers to take the necessary action.

The pedestrian access to the building has been reviewed, and it is noted that there would be a waiting room with a reception provided as part of the design. This should ensure that parents and children are not over spilling into the street whilst waiting to enter the nursery.

Should planning permission be granted, the nursery would need to adopt a Travel Plan. This would need to include measures to ensure that travel by car is managed, promote sustainable travel and given the site location, the issue of local parking would need to be included as a specific measure.

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 9 of the NPPF.

Conservation Area

With regard to the surrounding conservation area, the proposed works to the principal elevations are considered to result in a beneficial impact upon the overall composition and appearance of this elevation, and thus in turn such works will also improve the contribution made by No.26 to the surrounding street scene.

The proposed signage is in keeping with the varied modern signage present within the Conservation Area, and is also similar to the previously approved signage associated with the occupation of the site by Nat West. Furthermore, the proposed signage will not impact on the overall experience and appreciation of No. 26 High Street or its position within the surrounding street scene and conservation area.

There is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. In this case by virtue of the design, scale, massing, position and the external materials of the proposed development it is considered that the 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 16 of the NPPF.

Planning Application in Respect of Listed Buildings

The proposals are to convert the whole building, including the 1st floor, to nursery accommodation and are predominantly for internal alterations to the listed building. These proposed works are generally minor, due to previous alterations, with much of the existing ground floor layout retained with new kitchen and toilet facilities easily installed without incurring loss of historic fabric. To the rear is an enclosed garden space that would easily transform to a play area, whilst the front elevation will benefit from stone repairs to the masonry where the bank safe and ATM were installed. Other improvements include the restoring the sash windows, replacing plastic fenestration with timber and removing unsympathetic plant infrastructure and asbestos.

The proposals are in the main respectful to the existing layout internally, retaining and utilising all the separate rooms for different uses. The main alteration will be the formation of a door within an original 18th century partition on the 1st floor. Whilst this is recognised as a loss of historic fabric, and the applicants acknowledge it as being of minor harm to the building, this harm needs to be assessed against paragraph 196 of the National Planning Policy Framework (NPPF).

Overall, it is considered that the proposals will put this listed building back into an optimum viable reuse as the entire building will be converted to D1 use. The proposed use is both "economically viable" and likely to result in key enhancement works to the buildings exterior improving the overall architectural and historic interest, and thus heritage significance, of the listed building. This is considered to be a public benefit that outweighs the harm identified through the insertion of the door in the early partition. It would, therefore, accord with Policy of the PMP and section 16 of the NPPF.

There is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant planning permission for development which affects a listed building or its setting, that the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Here it is considered that the proposals are consistent with the aims and requirements of the primary legislation and planning policy and guidance. The proposals would not have an unacceptable impact on the listed building or its setting and would preserve the significance of the designated

Heritage asset. The proposal accords with policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and part 16 of the NPPF.

Overall it is considered that, subject to the proposed Conditions, this application can be 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 Sound Attenuation (Compliance)

The rating level of noise emitted from any fixed plant and / or machinery associated with the development hereby approved shall not exceed background sound levels (LA90T) by more than 5dB (A). The rating level shall be determined by measurement or calculation at the boundary of the nearest noise sensitive premises or at another location that is agreed with the Local Planning Authority. The background noise level shall be expressed as an LA90 1 hour and the ambient noise levels shall be expressed as an LAeq 1 hour during the daytime [07:00-23:00] and shall be expressed as an LA90 and LAeq 5 minutes during the night [23:00-07:00].

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

3 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.

4 Travel Plan (Pre-occupation)

No occupation of the development shall commence until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be operated in accordance with the approved Travel Plan.

Reason: In the interest of encouraging sustainable travel methods in accordance with Policy ST1 of the Bath and North East Somerset Local Plan.

5 Hard and Soft Landscaping (Pre-occupation)

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

Reason: To ensure the provision of an appropriate landscape setting to the development in accordance with Policies D1, D2, D4 and NE2 of the Bath and North East Somerset Placemaking Plan.

6 Hard and Soft Landscaping (Compliance)

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

Reason: To ensure that the landscape scheme is implemented and maintained in accordance with Policies D1, D2 and NE2 of the Bath and North East Somerset Placemaking Plan.

7 No Storage Outside (Compliance)

No goods, materials, finished or unfinished products or parts, crates or refuse shall be stacked or stored outside any building on the site.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policy CP6 of the Bath and North East Somerset Core Strategy and policies D1, D2, D3 and D4 of the Bath and North East Somerset Placemaking Plan.

8 Hours of Use (Compliance)

The use hereby approved shall not be carried on and no customer shall be served or remain on the premises outside the hours of .

Reason: To safeguard the amenities of nearby occupiers in accordance with Policy D6 of the Bath and North East Somerset Placemaking Plan.

9 Plans List (Compliance)

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

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

PLANS LIST:

Drawing	01 Jul 2019	CPP4110.01A	EXISTING SITE LAYOUT PLANS
Drawing	01 Jul 2019	CPP4110.02A	EXISTING SITE PLAN AND ELEVATIONS
Drawing	01 Jul 2019	CPP4110.03A	PROPOSED SITE LAYOUT PLANS
Drawing	01 Jul 2019	CPP4110.04A	PROPOSED SITE PLAN ELEVATIONS AND SINAGE...
OS Extract	01 Jul 2019	CPP4110.OS-	SITE LOCATION PLAN

Condition Categories

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

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

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

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

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

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

Where approval of further information is required you will need to submit 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.

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

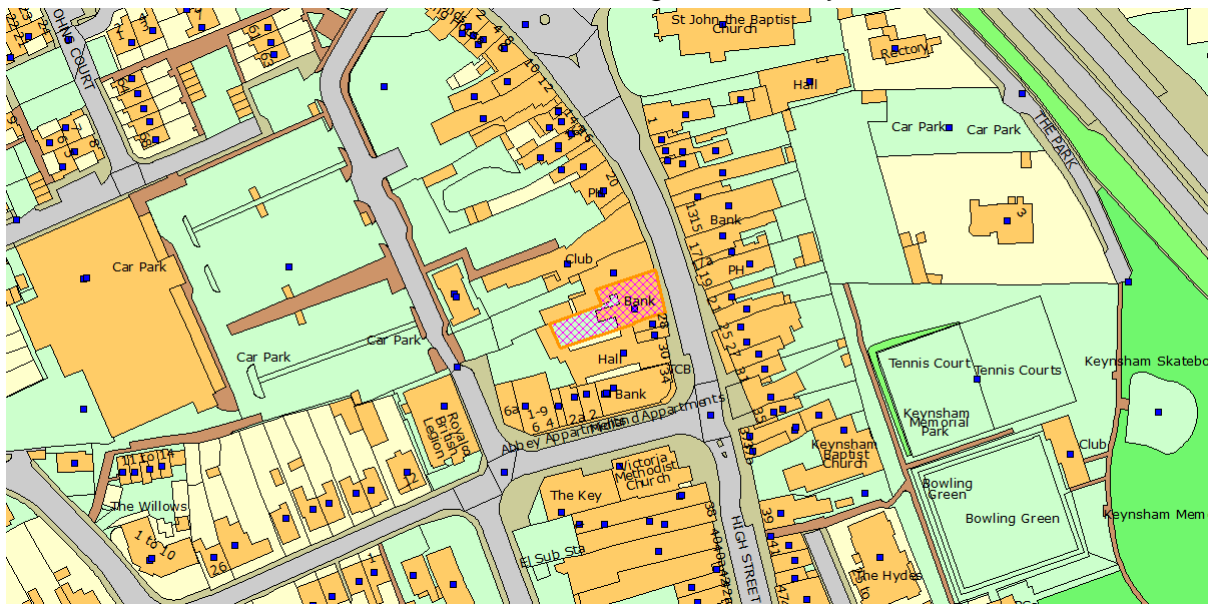
You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. **Before** commencing any development on site you should ensure you are familiar with the CIL process. If the development approved by this permission is CIL 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

The applicant is advised that with reference to the proposed kitchen uses, registration is required. Please use the link below:

<https://www.bathnes.gov.uk/services/environment/food-safety>

Item No: 07
Application No: 19/02942/LBA
Site Location: Former Natwest Bank 26 High Street Keynsham BS31 1DW



Ward: Keynsham North	Parish: Keynsham Town Council	LB Grade: II
Ward Members: Councillor Brian Simmons Councillor Vic Clarke		
Application Type: Listed Building Consent (Alts/exts)		
Proposal:	Internal and external alterations for the change of use from bank (Use Class A2) to a day nursery (Use Class D1) and associated works and installation 1no. fascia sign and 1no. hanging sign on main (eastern) elevation	
Constraints:	Agric Land Class 3b,4,5, Air Quality Management Area, Conservation Area, Policy CP12 Bath City Centre Boundary, Policy CP9 Affordable Housing Zones, Policy CR3 Primary Shopping Areas, District Heating Priority Area, Housing Development Boundary, Listed Building, Policy NE1 Green Infrastructure Network, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,	

Applicant:	Cambridge Micro Applications Ltd 1985
Expiry Date:	26th August 2019
Case Officer:	Caroline Power
To view the case click on the link here .	

REPORT

Number 26 High Street currently used as a bank is a grade II listed building within the designated conservation area. The building dates from the late 18th century with later alterations including the 20th century bank frontage.

This proposal is for internal and external alterations for the change of use from bank (Use Class A2) to a day nursery (Use Class D1) and associated works and installation 1no. fascia sign and 1no. hanging sign on main (eastern) elevation. It is accompanied by planning and advertisement consent applications.

This application has been referred to Development Management Committee due to the objections received from Keynsham Town Council.

Planning History;

DC - 00/01614/FUL - PERMIT - 25 September 2000 - Installation of 60cm satellite dish

DC - 02/02041/LBA - RF - 15 October 2002 - New external signs and installation of Automatic Cash Machine

DC - 02/02081/AR - RF - 15 October 2002 - Internally illuminated advertisements

DC - 03/00309/AR - CON - 18 March 2003 - Display of non-illuminated projecting sign and fascia sign (resubmission)

DC - 03/00344/LBA - CON - 21 March 2003 - Alterations to external signage.

DC - 05/00610/LBA - RF - 19 April 2005 - Cut existing frame, cill and wall and lower ATM to DDA compliant height of 1250mm. and make good to match existing

DC - 05/00637/FUL - RF - 13 April 2005 - Repositioning of ATM cash dispenser

DC - 15/00098/AR - CON - 22 April 2015 - Display of 1 no. internally illuminated fascia sign, 1no. externally illuminated hanging sign and 1 no. non-illuminated wall mounted nameplate.

DC - 15/00099/LBA - CON - 22 April 2015 - External alterations to include installation of new signage.

DC - 18/00472/LBA - CON - 4 April 2018 - Works to remove external Signage and ATM, and internal fixtures, fittings, furniture and equipment relating to operation of NatWest.

DC - 18/00667/FUL - APPRET - - External: Remove existing NatWest brand signage and ATM. Internal: Through-out the building, carefully remove non-original fixtures, fittings, furniture and equipment relating to the operation of the NatWest branch.

DC - 19/02942/LBA - PDE - - Internal and external alterations for the change of use from bank (Use Class A2) to a day nursery (Use Class D1) and associated works and installation 1no. fascia sign and 1no. hanging sign on main (eastern) elevation

DC - 19/02946/FUL - PDE - - Change of use from bank (Use Class A2) to a day nursery (Use Class D1) and associated works

DC - 19/02947/AR - PCO - - Erection of 1no. non-illuminated fascia sign and 1no. non-illuminated hanging sign on main (eastern) elevation

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Keynsham Town Council- Object - Keynsham Town Council have serious concerns in respect of the traffic and highways safety implications being acceptable. It is envisaged that there would be an increase in on-street parking in the vicinity of the site which would affect highway safety on

this narrow busy section of the conservation area. The proposal is therefore contrary to policy ST7 of the Placemaking Plan. Keynsham Town Council would question the suitability of this building for the purpose of a day nursery with no parking for staff or service users. The limited space for outside play facilities is a point of concern. Therefore, the development proposal does not positively respond to the site context in respect of use and is contrary to policy D2 of the B&NES Place Making Plan.

Avon and Somerset Police- We are Designing Out Crime Officers (DOCO) with a responsibility for Crime Prevention Through Environmental Design projects within Bath and North East Somerset. As a Constabulary we offer advice and guidance on how the built environment can influence crime and disorder. Paragraphs 91, 95 and 127 of the National Planning Policy Framework February 2019 require crime and disorder and fear of crime to be considered in the design stage of a development. Several other paragraphs also require the creation of safe environments within the context of the appropriate section.

Having viewed the information as submitted, we find the design to be in order and compliant with the principles of crime prevention through environmental design.

POLICIES/LEGISLATION

The Council has a statutory requirement under Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant listed building consent for any works to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

With respect to any buildings or other land in a conservation area the Council has a statutory requirement under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that conservation area.

The Revised National Planning Policy Framework (NPPF) 2019 is national policy in the conservation and enhancement of the historic environment which must be taken into account by the Council together with the related guidance given in the Planning Practice Guidance (PPG).

The Council must have regard to its development plan where material in considering whether to grant listed building consent for any works.

The statutory Development Plan for B&NES 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

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:

DW1 District-wide spatial Strategy
CP1 Retrofitting Existing Buildings
CP2 Sustainable Construction
CP6 - Environmental quality

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:

D.1 General Urban Design Principles
D.2 Local Character & Distinctiveness
D.3 Urban Fabric
D.4 Streets and Spaces
D.5 Building Design
D.6 Amenity
D.9 Advertisements & Outdoor Street Furniture
D.10 Public Realm
HE1 Historic Environment
ST7 Transport requirements for managing development and Parking Standards

LOW CARBON AND SUSTAINABLE CREDENTIALS

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. The application has been assessed against the policies as identified and these have been fully taken into account in the recommendation made.

OFFICER ASSESSMENT

No. 26 is formed out of an 18th century, 2 storey cottage and shop unit that have, over the years, become increasingly commercialised, losing much of their domestic character. The site until recently operated as a bank. As a result many alterations were carried out to the interior so that very little historic fabric or character survives, especially on the ground floor. The shop front that was installed in the mid 20th century as part of the conversion to a bank has been relatively well executed using stone dressings, incorporating the original windows. It is most unfortunate that later alterations to install an ATM and night safe have damaged the continuous stone façade at shop front level.

The building has a strong presence directly fronting onto this section of the High Street and is adjacent to a number of listed and non-designated heritage assets. Its dominating presence is reinforced by its shopfront designed in Regency style, articulated by Doric pilasters, providing a high status appearance for the building within the street, making a positive contribution to the conservation area. The location of the former bank, being close to the town's parish church suggests it is located in the earlier part of the town

centre and its narrow, enclosed garden to the rear strongly suggests that it has been built on a medieval burgrave plot.

The proposals are to convert the whole building, including the 1st floor, to nursery accommodation and are predominantly for internal alterations to the listed building. Indeed Historic England's list description for No. 26 states;" nothing survives inside either of the original room layout or any architectural features of note". The proposed works are generally minor, due to previous alterations, with much of the existing ground floor layout retained with new kitchen and toilet facilities easily installed without incurring loss of historic fabric.

To the rear is an enclosed garden space that would easily transform to a play area. The applicants also propose a small roof terrace on the modern single storey extension for another play area for the younger children. To the front elevation the proposals include stone repairs to the masonry where the bank safe and ATM were installed. Other opportunities to improve the buildings fabric such as restoring the sash windows, replacing UPVC windows and door on the rear elevation and removing unsympathetic plant infrastructure and asbestos are also proposed.

At 1st floor more of the domestic plan has been retained with less alteration to the overall layout. The proposals are in the main respectful of the historic layout retaining and utilising all the separate rooms for different uses. The main alteration at this level will be the formation of a door within an original 18th century partition. Whilst this is recognised as a loss of historic fabric and the applicants acknowledge it as being of minor harm to the building, this harm needs to be assessed against paragraph 196 of the National Planning Policy Framework (NPPF).

Consequently, it is acknowledged that the scheme being proposed would have some detrimental impact by the formation of the door at 1st floor level of this Grade II listed building. It is, therefore, established that this specific alteration would lead to harm being caused to the fabric and the character of the listed building. However, it is considered that, in the context of the building as a whole, the extent of harm would not reach the high test of substantial harm to the significance of the asset (the planform and the hierarchy of the rooms will still be legible, and the intervention would be minimal and clearly readable as a modern insertion). Consequently, in line with paragraph 196 of the National Planning Policy Framework (NPPF), 'less than substantial harm' should be weighed against the public benefits of the proposal, including securing its optimum viable use. In line with the statutory duty in section 16(2) of the Listed Buildings Act 1990 and the NPPF (paragraph 193) great weight is given to the desirability of preserving the building and its special interest, with greater weight to be given to more important assets including grade II listed buildings.

National Planning Policy Guidance advises that this harm should be assessed and measured. In this case the harm is at the lower end of the scale constituting minor harm. The public benefits may be anything that delivers economic, social or environmental progress as described in the National Planning Policy Framework (Paragraph 8), it must flow from the proposed development and should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, it also recognises that benefits do not always have to be visible or accessible to the public in order to be genuine public benefits. Public benefits may include heritage benefits, such as reducing or

removing risks to a heritage asset and/or securing its optimum viable use in support of its long term conservation. Therefore, ultimately there is a balance to be reached between the harm caused by the proposed conversion against the positive improvements that could be made to this neglected building.

Overall, it is considered that the proposals will put this listed building back into an optimum viable reuse as the entire building will be converted to D1 use. The proposed use is both "economically viable" and likely to result in key enhancement works to the buildings exterior, improving the overall architectural and historic interest, and thus heritage significance, of the listed building. This is considered to be a public benefit that outweighs the harm identified through the insertion of the door in the early partition. It would, therefore, accord with Policy of the PMP and section 16 of the NPPF.

With regard to the surrounding conservation area, the proposed works to the principal elevations are considered to result in a beneficial impact upon the overall composition and appearance of this elevation, and thus in turn such works will also improve the contribution made to the surrounding street scene.

The proposed signage is in keeping with the varied modern signage present within the Conservation Area, and is also notably similar to the previously approved signage associated with the occupation of the site by Nat West. Furthermore, the proposed signage will not impact on the overall experience and appreciation of No. 26 High Street or its position within the surrounding street scene.

As such, the proposed works will preserve, and enhance the character and appearance of Keynsham Conservation Area, and will not impact upon the heritage significance of listed buildings within the immediate surrounds of the site, through a change in setting.

This work will have a positive impact on the appearance or character of the conservation area. They are considered to assist the preservation of the listed building and consent is recommended. There is a duty placed on the Council under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 when considering whether to grant listed building consent for any works to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possess. Under Section 72 of the same Act it is the Council's duty to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. It is considered that full consideration has been given to these duties in reaching the decision to grant consent for the proposed works.

RECOMMENDATION

CONSENT

CONDITIONS

1 Time Limit - Listed Building Consent (Compliance)

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

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

2 Joinery Details (Bespoke Trigger)

No installation of ceilings and wall finishes, new doors and skirting boards ; shall commence until full details comprising a schedule of works to the interior and 1:20 drawings; 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 CP6 of the Bath and North East Somerset Core Strategy and Policy HE1 of the Bath and North East Somerset Placemaking Plan.

3 Schedule of Repairs (Bespoke Trigger)

Following removal of the paint and/or cleaning of the front elevation; in accordance with the approved plans and prior to any further works being undertaken a detailed schedule of any repair work to restore and repair the existing sash windows and reinstate missing masonry, including methods and materials to be 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 features of special architectural and historical interest and preserve the character and appearance of the building in accordance with Policy CP6 of the Bath and North East Somerset Core Strategy and Policy HE1 of the Bath and North East Somerset Placemaking Plan.

4 Mortar Mix (Bespoke Trigger)

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

Reason: To safeguard features of special architectural and historical interest and preserve the character and appearance of the building in accordance with Policy CP6 of the Bath and North East Somerset Core Strategy and Policy HE1 of the Bath and North East Somerset Placemaking Plan.

5 Joinery Details (Bespoke Trigger)

No installation of the proposed railings/balustrade to the rear single storey extension; shall commence until full details comprising 1:20 drawings; 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 CP6 of the Bath and North East Somerset Core Strategy and Policy HE1 of the Bath and North East Somerset Placemaking Plan.

6 Plans List (Compliance)

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

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

PLANS LIST:

Drawing	01 Jul 2019	CPP4110.01A	EXISTING SITE LAYOUT PLANS
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In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework.

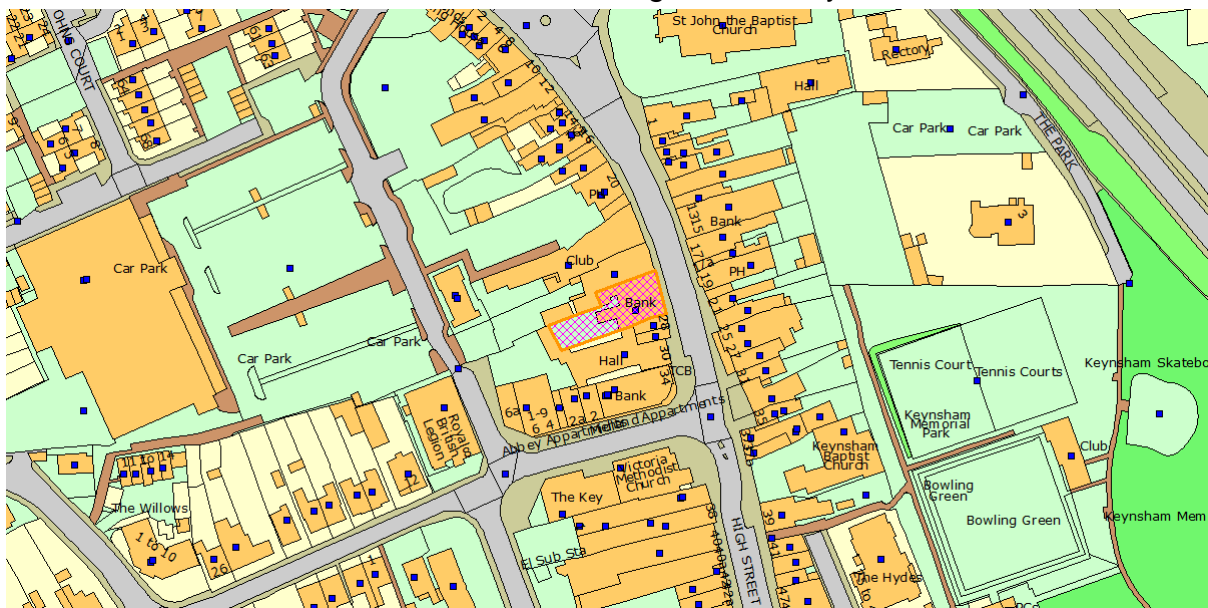
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Notice which you will receive shortly. Further details are available here: www.bathnes.gov.uk/cil

If the works of the proposal contained within the application require access scaffolding to be erected it is incumbent on all interested parties to ensure that it is undertaken adopting conservation best practice. Methods of erection which entail bolting scaffolding to the building using anchor ties will require listed building consent and are unlikely to be acceptable.

Item No: 08
Application No: 19/02947/AR
Site Location: Former Natwest Bank 26 High Street Keynsham BS31 1DW



Ward: Keynsham North **Parish:** Keynsham Town Council **LB Grade:** II
Ward Members: Councillor Brian Simmons Councillor Vic Clarke
Application Type: Advertisement Consent
Proposal: Erection of 1no. non-illuminated fascia sign and 1no. non-illuminated hanging sign on main (eastern) elevation
Constraints: Agric Land Class 3b,4,5, Air Quality Management Area, Conservation Area, Policy CP12 Bath City Centre Boundary, Policy CP9 Affordable Housing Zones, Policy CR3 Primary Shopping Areas, District Heating Priority Area, Housing Development Boundary, Housing Development Boundary, Listed Building, Policy NE1 Green Infrastructure Network, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodrome,
Applicant: Cambridge Micro Applications 1985 Ltd
Expiry Date: 26th August 2019
Case Officer: Caroline Power
To view the case click on the link [here](#).

REPORT

Number 26 High Street currently used as a bank is a grade II listed building within the designated conservation area. The building dates from the late 18th century with later alterations including the 20th century bank frontage.. The immediate area is largely commercial and a wide variety of illuminated and non-illuminated signs are in evidence along the High Street.

PROPOSAL

This application seeks advertisement consent for the erection of 1no. non-illuminated fascia sign and 1no. non-illuminated hanging sign on main (eastern) elevation. It is accompanied by planning and listed building applications.

This application has been referred to Development Management Committee due to the objections received from Keynsham Town Council.

Planning History;

DC - 00/01614/FUL - PERMIT - 25 September 2000 - Installation of 60cm satellite dish

DC - 02/02041/LBA - RF - 15 October 2002 - New external signs and installation of Automatic Cash Machine

DC - 02/02081/AR - RF - 15 October 2002 - Internally illuminated advertisements

DC - 03/00309/AR - CON - 18 March 2003 - Display of non-illuminated projecting sign and fascia sign (resubmission)

DC - 03/00344/LBA - CON - 21 March 2003 - Alterations to external signage.

DC - 05/00610/LBA - RF - 19 April 2005 - Cut existing frame, cill and wall and lower ATM to DDA compliant height of 1250mm. and make good to match existing

DC - 05/00637/FUL - RF - 13 April 2005 - Repositioning of ATM cash dispenser

DC - 15/00098/AR - CON - 22 April 2015 - Display of 1 no. internally illuminated fascia sign, 1no. externally illuminated hanging sign and 1 no. non-illuminated wall mounted nameplate.

DC - 15/00099/LBA - CON - 22 April 2015 - External alterations to include installation of new signage.

DC - 18/00472/LBA - CON - 4 April 2018 - Works to remove external Signage and ATM, and internal fixtures, fittings, furniture and equipment relating to operation of NatWest.

DC - 18/00667/FUL - APPRET - - External: Remove existing NatWest brand signage and ATM. Internal: Through-out the building, carefully remove non-original fixtures, fittings, furniture and equipment relating to the operation of the NatWest branch.

DC - 19/02942/LBA - PDE - - Internal and external alterations for the change of use from bank (Use Class A2) to a day nursery (Use Class D1) and associated works and installation 1no. fascia sign and 1no. hanging sign on main (eastern) elevation

DC - 19/02946/FUL - PDE - - Change of use from bank (Use Class A2) to a day nursery (Use Class D1) and associated works

DC - 19/02947/AR - PCO - - Erection of 1no. non-illuminated fascia sign and 1no. non-illuminated hanging sign on main (eastern) elevation

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Keynsham Town Council-Object - Signage must avoid street clutter and respond to the local context, especially in a conservation area and on a listed building, in line with Policy D10 of the B&NES Placemaking Plan.

POLICIES/LEGISLATION

The Development Plan for Bath and North East Somerset comprises:

- Bath & North East Somerset Core Strategy (July 2014)
- Bath & North East Somerset Placemaking Plan (July 2017)
- West of England Joint Waste Core Strategy (2011)
- 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)
- Neighbourhood Plans

RELEVANT CORE STRATEGY POLICIES

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:

CP6- Environmental Quality

RELEVANT 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:

D.1 -General Urban Design Principles

D.9- Advertisements & Outdoor Street Furniture

D.10 -Public Realm

HE1- Historic Environment

ST7- Transport requirements for managing development and Parking Standards

Guidance

Historic England Advice Note 2 Making Changes to Heritage Assets

Keynsham Conservation Area Appraisal and Management Plan (2016)

Keynsham Shopfront Guidance 2017

National Planning Policy Framework (February 2019) and the National Planning Practice Guidance (2019) can be awarded significant weight.

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

There is 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.

LOW CARBON AND SUSTAINABLE CREDENTIALS

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. The application has been assessed against the policies as identified and these have been fully taken into account in the recommendation made.

OFFICER ASSESSMENT ASSESSMENT

Policy D9 of the Placemaking Plan for Bath and North East Somerset (2017), together with the Town and Country Planning (Control of Advertisements) Regulations 2007 and the National Planning Policy Framework (NPPF) make it clear that control of the display of advertisements shall be exercised only in the interests of 'amenity' and 'public safety'.

LOCAL AMENITY

In terms of amenity it is expected that the proposed fascia sign and projecting sign contribute to and respond to the local context and maintain the character and appearance of the surrounding area. Regard should be had as to its effect on the appearance of the building and on the visual amenity of the immediate neighbourhood where it will be displayed.

Consideration of amenity must, in this instance, include an assessment of the impact of the proposed signs on the designated heritage assets (listed building and conservation area). Further, there is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant planning permission for development which affects a listed building or its setting, that the local planning authority shall 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, and, 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.

The proposed signs would be of an acceptable size and design and the projecting sign will hang (unrestrained) from a simple metal bracket. The concerns raised with regard to the scheme as submitted are unclear on how the proposals will cause clutter and do not respond to the local context. In the officers view the signage is replacing similar signage that was present on the bank previously and conforms to the standard of signage that is sort through the current local plan policy and guidance. The fascia sign would be simple individually applied vinyl letters and the hanging sign will replace the previous sign in the same location. However, the drawing is lacking in detail and therefore a large scale drawing of the sign and bracket will be required by condition in order to ensure that the significance of the designated heritage assets would not be harmed. In addition, standard conditions are required under the advertisement regulations.

Subject to condition, it is considered that the proposal is consistent with the aims and requirements of the primary legislation and planning policy and guidance. The proposal would be an acceptable addition to the listed building that would preserve the special interest of the listed building and its setting and preserve the character and appearance of the conservation area. The proposal accords, therefore, with policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and part 16 of the NPPF.

Subject to conditions and by reason of its size, design and location, the projecting sign is considered acceptable and would accord therefore with policy CP6 of the adopted Core Strategy (2014) and policies D2, D5 and D9 of the Placemaking Plan for Bath and North East Somerset (2017) and paragraph 17 and part 7 of the NPPF.

PUBLIC SAFETY

Given the siting, scale, lack of illumination and height above the highway, the proposed advertisement display would not pose a hazard to drivers on the highway or cause any obstruction to pedestrian safety. The proposal therefore accords with policy ST7 and D9 of the Placemaking Plan for Bath and North East Somerset (2017) and the NPPF.

RECOMMENDATION

CONSENT

CONDITIONS

1 Standard Advertisement Conditions (Compliance)

- a. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
- b. No advertisement shall be sited or displayed so as to -
 - (i) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military)
 - (ii) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air
 - (iii) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
- c. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
- d. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
- e. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: These conditions are specified in the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

2 Standard Advert Time Limit

This consent shall expire at the end of a period of five years from the date of this approval.

Reason: This condition is specified in the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

3 Joinery Details (Bespoke Trigger)

No installation of the fascia and projecting sign shall commence until full details comprising of 1:20 detail drawings of the signs and bracket (to include section) 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 CP6 of the Bath and North East Somerset Core Strategy and Policy HE1 of the Bath and North East Somerset Placemaking Plan.

4 Plans List (Compliance)

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

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

PLANS LIST:

Drawing 01 Jul 2019 CPP4110.01A EXISTING SITE LAYOUT PLANS

Drawing 01 Jul 2019 CPP4110.02A EXISTING SITE PLAN AND ELEVATIONS

Drawing 01 Jul 2019 CPP4110.03A PROPOSED SITE LAYOUT PLANS

Drawing 01 Jul 2019 CPP4110.04A PROPOSED SITE PLAN ELEVATIONS AND SIGNAGE...

OS Extract 01 Jul 2019 CPP4110.OS- SITE LOCATION PLAN

Condition Categories

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

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

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

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

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

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

Where approval of further information is required you will need to submit 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.

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

Bath & North East Somerset Council		
MEETING:	Planning Committee	<div>AGENDA ITEM NUMBER</div> <div></div>
MEETING DATE:	28th August 2019	
RESPONSIBLE OFFICER:	Simon de Beer – Head of Planning	
TITLE:	NEW PLANNING APPEALS, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES	
WARD:	ALL	
BACKGROUND PAPERS:	None	
AN OPEN PUBLIC ITEM		

APPEALS LODGED

App. Ref: 18/01509/OUT
Location: Land Parcel 9000 Bath Road Keynsham
Proposal: Residential and related development comprising approximately 200 dwellings, replacement Sports Pitch to facilitate expanded Primary School, means of access thereto, associated open space, landscaping, access roads, footways/cycleways and infrastructure works.
Decision: REFUSE
Decision Date: 28 December 2018
Decision Level: Delegated
Appeal Lodged: 16 July 2019

App. Ref: 19/01265/AR
Location: Kia Motors Red Bridge House Lower Bristol Road Westmoreland Bath
Proposal: Display of advertisements on purpose designed, double sided, mobile, free standing point-of-sale device (retrospective).
Decision: REFUSE
Decision Date: 16 May 2019
Decision Level: Delegated
Appeal Lodged: 24 July 2019

App. Ref: 19/01064/VAR
Location: 34 Bristol Road Corston Bath Bath And North East Somerset BA2 9AA
Proposal: Variation of condition 2 (plans list) of application 18/00418/FUL granted on 11.06.18
Decision: REFUSE
Decision Date: 7 May 2019
Decision Level: Delegated
Appeal Lodged: 26 July 2019

App. Ref: 18/03916/FUL
Location: 99 Shakespeare Avenue Bear Flat Bath Bath And North East Somerset BA2 4RQ
Proposal: Loft conversion with rear dormer.
Decision: REFUSE
Decision Date: 13 March 2019
Decision Level: Delegated
Appeal Lodged: 5 August 2019

App. Ref: 18/05043/FUL
Location: 1 Devonshire Buildings Bear Flat Bath Bath And North East Somerset BA2 4SP
Proposal: Erection of a new dwelling following demolition of existing ancillary accommodation.
Decision: REFUSE
Decision Date: 8 March 2019
Decision Level: Delegated
Appeal Lodged: 7 August 2019

App. Ref: 18/05044/LBA
Location: 1 Devonshire Buildings Bear Flat Bath Bath And North East Somerset BA2 4SP
Proposal: External alterations for the erection of a new dwelling following demolition of existing ancillary accommodation.
Decision: REFUSE
Decision Date: 8 March 2019
Decision Level: Delegated
Appeal Lodged: 7 August 2019

App. Ref: 18/05470/FUL
Location: 16 Coombend Radstock BA3 3AJ
Proposal: Change of use from office space (use class B1) to 2no one bed flats (use class C3) (Retrospective)
Decision: REFUSE
Decision Date: 25 January 2019
Decision Level: Delegated
Appeal Lodged: 8 August 2019

App. Ref: 19/00610/FUL
Location: Priory Nurseries Radstock Road Midsomer Norton Radstock Bath And North East Somerset
Proposal: Erection of 4no. single storey dwellings, associated car parking and garaging.
Decision: REFUSE
Decision Date: 12 April 2019
Decision Level: Delegated
Appeal Lodged: 8 August 2019

APPEALS DECIDED

App. Ref: 18/02391/FUL
Location: Stoneridge Forefield Rise Lyncombe Bath Bath And North East Somerset
Proposal: Erection of 1 No. dwelling and associated works (re-submission)
Decision: REFUSE
Decision Date: 23 October 2018
Decision Level: Delegated
Appeal Lodged: 27 March 2019
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 17 July 2019

App. Ref: 18/02730/FUL
Location: Homewood Park Hotel Homewood Hinton Charterhouse Bath Bath And North East Somerset
Proposal: Erection of a temporary marquee for 5 months each year for the next 3 years.
Decision: REFUSE
Decision Date: 30 October 2018
Decision Level: Delegated
Appeal Lodged: 25 March 2019
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 17 July 2019

App. Ref: 18/01793/FUL
Location: Lansdown House Camden Row Lansdown Bath BA1 5LD
Proposal: Erection of 2 No. dwellings and associated works.
Decision: REFUSE
Decision Date: 8 November 2018
Decision Level: Delegated
Appeal Lodged: 9 May 2019
Appeal Decision: Appeal Allowed
Appeal Decided Date: 23 July 2019

App. Ref: 18/03370/FUL
Location: 17 Station Road Welton Midsomer Norton BA3 2AZ
Proposal: Proposed demolition of existing dwelling and associated outbuildings and the erection of 6no. dwellings.
Decision: REFUSE

Decision Date: 20 December 2018
Decision Level: Delegated
Appeal Lodged: 13 May 2019
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 23 July 2019

App. Ref: 18/04354/FUL
Location: 1 Tynning Place Combe Down Bath Bath And North East Somerset BA2 5HA
Proposal: Erection of 1 no. dwelling and detached garage following demolition of existing garages and car port.
Decision: REFUSE
Decision Date: 23 November 2018
Decision Level: Delegated
Appeal Lodged: 17 May 2019
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 29 July 2019

App. Ref: 18/05126/FUL
Location: The Tramshed Beehive Yard City Centre Bath Bath And North East Somerset
Proposal: Extension and alteration to reconfigure new 2nd Floor accommodation.
Decision: REFUSE
Decision Date: 7 February 2019
Decision Level: Delegated
Appeal Lodged: 13 May 2019
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 5 August 2019

App. Ref: 18/04357/FUL
Location: Breaches Farm House Cherwell Road Keynsham Bristol Bath And North East Somerset
Proposal: Erection of two storey extension.
Decision: REFUSE
Decision Date: 14 March 2019
Decision Level: Delegated
Appeal Lodged: 26 June 2019
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 9 August 2019

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