

Planning Committee

Date: Wednesday, 1st July, 2020
Time: 2.00 pm
Venue: Virtual Meeting – Public Access via YouTube
<https://www.youtube.com/bathnescouncil>

Agenda

To: All Members of the Planning Committee

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

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

Chief Executive and other appropriate officers
Press and Public

The agenda is set out overleaf.



Marie Todd

Democratic Services

Lewis House, Manvers Street, Bath, BA1 1JG

Telephone: 01225 39 4414

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

E-mail: Democratic_Services@bathnes.gov.uk

NOTES:

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

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

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. Broadcasting of Meetings

The Council will broadcast the images and sounds live via the internet <https://www.youtube.com/bathnescouncil>

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.

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 can be found at:

<https://democracy.bathnes.gov.uk/ecCatDisplay.aspx?sch=doc&cat=12942>

5. Supplementary information for meetings

Additional information and Protocols and procedures relating to meetings

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

Planning Committee- Wednesday, 1st July, 2020

at 2.00 pm in the Virtual Meeting - Zoom - Public Access via YouTube
<https://www.youtube.com/bathnescouncil>

A G E N D A

1. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS
2. 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.

3. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN
4. ITEMS FROM THE PUBLIC - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS

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

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

5. MINUTES OF THE PREVIOUS MEETING (Pages 5 - 40)

To confirm the minutes of the meeting held on 3 June 2020.

6. SITE VISIT LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (Pages 41 - 58)

7. MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (Pages 59 - 172)
8. NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES (Pages 173 - 178)

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, 3rd June, 2020, 2.00 pm

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

1 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

The Democratic Services Officer explained that Councillor Simmons is no longer a member of the Committee. The vacancy will be filled by Councillor Shaun Hughes who will attend the next meeting in July.

The Chair thanked Cllr Simmons for his service on the Planning Committee.

2 DECLARATIONS OF INTEREST

Councillor Manda Rigby declared a non-pecuniary interest in planning application numbers 19/03838/FUL (Site of former Ministry of Defence offices, Warminster Road, Bath) and 19/04772/FUL (Additional Development Area, Holburne Park, Bathwick, Bath). Cllr Rigby stated that she had attended the exhibitions relating to these developments along with the planning Case Officer.

3 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

The Chair had agreed one item of urgent business, which was to elect a Vice-Chair of the Committee. The reason for urgency was that the term of office of the current Vice-Chair had expired and it was necessary to fill this position to enable decisions to be made regarding potential committee items.

Cllr Jackson moved that Cllr Sally Davis be appointed Vice-Chair for the ensuing Council year. This was seconded by Cllr Hounsell.

RESOLVED: To elect Cllr Sally Davis as Vice-Chair of the Planning Committee for the ensuing Council year.

4 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.

5 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 6 May 2020 were confirmed and signed as a correct record.

6 **SITE VISIT 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.
- An update report by the Head of Planning attached as *Appendix 1* to these minutes.
- Oral statements by members of the public and representatives. A copy of the speakers' list is attached as *Appendix 2* to these minutes.

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

Item No. 1

Application No. 19/04797/FUL

Site Location: 3 Scumbrum Lane, High Littleton, BS39 6JN – Erection of a single and two storey rear extension

The Case Officer reported on the application and her recommendation to permit. She explained that the agent had confirmed that the legal right of way in common is not mentioned or specified in the applicant's deeds.

A neighbour spoke against the application.

The applicant spoke in favour of the application.

Cllr Ryan Wills, local ward member, spoke against the application. He expressed concern about the proposed changes to the access path which would cause harm to the amenity of the neighbouring properties. Disabled access was also an issue. The proposed development would lead to a "boxed-in" effect for number 1 Scumbrum Lane which would cause significant harm.

Officers then responded to questions as follows:

- The Case Officer displayed the new line of the path that was proposed, along with the location of the gates and patio area.
- She also confirmed the location of the boundary between the two properties.
- The single storey element of the proposal could be built under permitted development rights.

Cllr Hodge thanked officers for organising the helpful virtual site visit and moved that the application be refused for the following reasons:

- The proposal would have a harmful effect on the amenity of the neighbouring property and was not compliant with Policy D6.
- It would create a tunnel effect adversely affecting the amenity of the neighbouring property and the use of their patio area.

- The neighbours would have to move their fence and change the access to their patio area as a result of the development.

Cllr Jackson seconded the motion stating that the development would be overbearing and cause harm to the outlook from the neighbouring property.

The Deputy Head of Planning stated that the proposed reason for refusal relating to loss of amenity was clear. However, she advised that any actions neighbours may or may not take as the result of the development was not covered under the planning remit. The private right of way is a civil matter outside the scope of planning and this issue could not be put forward as a reason for refusal.

Cllr Davis noted that the route of the path could be changed under permitted development rights in any case and the route is not defined in the deeds. A ground floor extension could be built under existing permitted development rights.

Cllr Jackson was surprised that an application which inflicted so many changes on a neighbouring property was not considered to lead to a lack of amenity. There could also be overlooking into No. 2 Scumbrum Lane caused by the raising of the floor area. She also noted that the feature windows were large.

Cllr Hounsell noted that there is an extension at No.1 Scumbrum Lane. Any development should have to ensure that there is adequate room to manoeuvre for people using the rear path and he felt that the development would lead to an oppressive tunnel view for No. 2.

Taking the officer advice into consideration Cllrs Hodge and Jackson accepted that the reason for refusal should solely be based on lack of amenity as the pathway is a civil matter.

The motion was put to the vote and it was RESOLVED by 6 votes in favour and 3 votes against to REFUSE the application due to the loss of amenity caused to No. 2 Scumbrum Lane. The proposed extension would be overbearing and would cause harm to the outlook due to the boxed in tunnel effect that would be created.

7 **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.
- An update report by the Head of Planning on items 1, 2 and 4 attached as *Appendix 1* to these minutes.
- Oral statements by members of the public and representatives. A copy of the speakers' list is attached as *Appendix 2* to these minutes.

RESOLVED that in accordance with the delegated powers, the applications be determined as set out in the decisions list attached as *Appendix 4* to these minutes.

Item No. 1

Application No. 19/03838/FUL

Site Location: Site of Former Ministry of Defence Offices, Warminster Road, Bathwick, Bath – Proposed construction of 42 new dwellings and 2 new blocks of apartments to provide a total of 70 new homes on part of the former MOD site at Warminster Road (revision to consented development).

The Case Officer reported on the application and his recommendation to delegate to permit. He informed the Committee that the Community Infrastructure Levy (CIL) contribution had been recalculated and is now £1,147,193.

The agent spoke in favour of the application.

Cllr Manda Rigby, local ward member on the Committee, stated that she was happy with the proposal to remove the overbearing blocks of flats and recognised that this would help the cashflow of the developers. However, she was unhappy with the decrease in the provision of affordable housing. The overall allocation should be 40% under current policies and under this proposal would result in only 15% for the site overall. Building land is an issue in Bath and if the opportunity to build affordable housing on this site is lost then she queried where it would be built. She was keen to see a mixed development on this site. She also had concerns about the impact of the intrusive development on the world heritage site. She also pointed out that the proposed allocation for visitor parking is less than required under the current policy.

Officers then responded to questions as follows:

- This area of the site is closer to the city centre and the road becomes more rural as it leads out of the city. There was a great deal of debate about the style of the buildings when the original consent was granted. The development is now partly built in the proposed style.
- The parking ratio would be 1.87 parking spaces per dwelling with 0.1 visitor spaces per dwelling.
- The Legal Advisor confirmed that the Council's discretion cannot be fettered by a Section 106 Agreement.
- The Case Officer confirmed that the Council would prefer more affordable housing. However, a commuted sum could be spent elsewhere on a site which offered more value for money.
- An offer of 80% of open market value would not be an affordable product in Bath. Phase 1 of the development delivered 61 dwellings, 29 of which were affordable. This is higher than the 33% required and the developer has made contributions.

Councillor Rigby pointed out that if a number of high value properties were approved then this would bring down the percentage of affordable housing that was required.

Councillor Craig welcomed the change to remove the blocks of flats and noted that land availability is an issue in the area. She noted that an overall figure of 15% affordable housing is much less than is required under the current policy.

The Case Officer advised members to consider the proposal in front of them and

pointed out that cashflow is an issue for the developer.

Cllr Rigby then moved that permission be refused for the following reasons:

- The low percentage of affordable housing which is contrary to policy.
- The impact of the development on the world heritage site due to views from the valley and the urban nature of the design.
- The allocation of visitor parking spaces is not policy compliant.

Cllr Craig seconded the motion.

Cllr Davis stated that she supported the officer recommendation for the reasons set out in the report.

Cllr Jackson had concerns about accepting such a reduction in the provision of affordable housing and the fact that this breached planning policies. She also drew attention to the points raised by the Bath Preservation Trust in their submission. She felt that the circumstances were not really exceptional because all developers will be affected by the Covid-19 epidemic.

Cllr Clarke noted that the developers had put forward a number of proposals that improved the development. He pointed out that refusal could lead to an undeveloped site which would be detrimental to those people who had already purchased properties in the development.

The motion was then put to the vote and it was **RESOLVED** by 6 votes in favour and 3 votes against to **REFUSE** the application for the following reasons:

- The low percentage of affordable housing which is contrary to policy.
- The impact of the development on the world heritage site due to views from the other side of the valley and the urban nature of the design on the edge of a rural area neither of which enhance the site.
- The allocation of visitor parking spaces is not policy compliant.

Item No. 2

Application No. 19/04772/FUL

Site Location: Additional Development Area, Holburne Park, Bathwick, Bath – Proposed erection of 8 additional dwellings, landscaping, car parking and associated works on land adjacent to Holburne Park, Warminster Road, Bath.

The Case Officer reported on the application and his recommendation to delegate to permit. He informed the Committee that the Community Infrastructure Levy (CIL) contribution had been recalculated and is now £102,752. An additional objection had been received relating to impacts on the residential amenity.

An objector spoke against the application.

The agent spoke in favour of the application.

Cllr Manda Rigby, ward member on the Committee, spoke against the application stating that the proposal was overbearing and did not enhance the area. She also expressed regret that Bathwick St Mary's Primary School could not have been extended to provide additional school places for those children living in the new development.

Cllr Jackson stated that she would like to see more details regarding the gradients of the site and moved that consideration of the application be deferred pending a site visit. This was seconded by Cllr Craig.

The motion was put to the vote and it was RESOLVED by 7 votes in favour, 1 vote against and 1 abstention to DEFER consideration of the application pending a SITE VISIT.

Item No. 3

Application No. 20/00395/RES

Site Location: Land between Homelands and 10 Camerton Hill, Camerton, Bath – Approval of reserved matters with regard to outline application 17/00299/OUT (Erection of 1 single-storey dwelling (Resubmission)).

The Case Officer reported on the application and her recommendation to permit. She pointed out an amendment to the report – the raised plinth referred to would be 1.8m and not 18m.

The Chair read out a statement from the agent (who had registered to speak but been unable to join the virtual meeting) in favour of the application.

In response to a question the Case Officer explained that there is already a mix of different types and design of housing in this area.

Cllr Jackson stated that the proposed development would not be out of place and was suitable for this rural location. She moved the officer recommendation to permit. Cllr Clarke seconded the motion.

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. 4

Application No. 20/01024/FUL

Site Location: 84 Triangle North, Oldfield Park, Bath, BA2 3JB – Erection of a two-storey rear extension following removal of existing extension. Erection of a single-storey side extension to number 84 and single-storey rear extension to number 85.

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

A local resident spoke against the application.

Cllr June Player, local ward member, spoke against the application. She stated that in this street only 3 properties are not HMOs. This has led to an imbalanced community and the cumulative effect of these HMOs has a detrimental impact on the amenity of all residents. Allowing even more occupants in this area will also cause

problems when social distancing is required to avoid the spread of Covid-19. Parking is also a problem in this area, which it is a busy road and bus route. The proposal will not enhance the local environment.

Cllr Colin Blackburn, local ward member, supported both Councillor Player and the local resident's comments.

The Case Officer then responded to comments as follows:

- The properties are existing HMOs and are C4 use.
- The two-storey extension to No.84 would be rebuilt on the existing footprint following the demolition of the existing extension.

Cllr Davis stated that the application was policy compliant and moved the officer recommendation to permit.

Cllr Jackson seconded the motion and stated that the development would improve the appearance of the buildings. She did not feel that there were any policy grounds for refusal.

The Chair expressed his concern at the high level of HMOs in this area.

The Deputy Head of Planning explained that the properties are existing HMOs and that there were no policy grounds on which to refuse.

Cllr Hodge sympathised with the views of the local resident and ward members and hoped that new policies could be agreed to prevent such a high density of HMO properties in the future.

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

Item No. 5

Application No. 19/05519/FUL

Site Location: Avon Farm, Avon Lane, Saltford – Change of use of a former office building to a dwelling (Retrospective).

The Case Officer reported on the application and his recommendation to permit. He informed the Committee that a further objection had been received which referred to the enforcement history of the site, impact on the Green Belt, and impact on conservation.

The agent spoke in favour of the application.

Cllr Alastair Singleton, local ward member, spoke against the application. He stated that this was a Green Belt location and that holiday lets on the site were being advertised as available even though they had not been granted planning permission. This could potentially lead to over 40 people being on the site. He believed that the holiday lets would not be granted planning permission. He felt that the application represented over development and did not conform to planning policies. He stated that this was an unsustainable location and that the access was an issue. He asked the committee to refuse this application on the following planning grounds –the

possible contravention of policy RE6 point 7, overdevelopment of the site, and being contrary to policies ST1 and ST7.

The Officers then responded to questions as follows:

- The application had been assessed as though it was an office rather than a storage area. Policy RE6 does not categorise the former use of a building.
- The Committee is being asked to consider an application for this particular unit. The Deputy Head of Planning clarified that building elsewhere on the site provided some context but the fallback position is also relevant. The building could be used as an office and the highways impact could diminish rather than increase.
- The Deputy Head of Planning explained that planning history is a material consideration, however, in this case, it has no bearing on the proposal.
- Saltford currently has no Local Plan in place.

Cllr Davis understood the concerns of local residents but felt that the application should be approved. She moved the officer recommendation to permit.

Cllr Clarke seconded the motion noting that, if the building was used as an office this would lessen any highways concerns.

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

Councillor Rigby then moved that the application be refused for the reasons set out in the highway officer's objections. This was seconded by Cllr Hodge.

The motion was put to the vote and it was RESOLVED by 5 votes in favour, 2 votes against and 2 abstentions to REFUSE the application for the following reasons:

- The site is in an unsustainable location contrary to Placemaking Plan Policy ST1.
- The proposals do not demonstrate that safe and suitable access to the site can be achieved for all people contrary to Placemaking Plan Policy ST7.

8 ENFORCEMENT REPORT - LAND REAR OF 18-25 QUEENWOOD AVENUE, BATH

The Case Officer presented his report and his recommendation to take enforcement action. The matter which appeared to be a breach of planning control was, without planning permission, the change of use of land from garden land (Sui Generis) to open and covered storage (B8). He informed the Committee that two further comments in support of enforcement action had been received regarding the appearance of the site and the impact of the breach.

Councillor Richard Samuel, Local Ward member spoke in favour of enforcement action. He stated that the breach of planning control was causing damage to the environment and having a detrimental effect on the amenity of local residents. Chemicals have previously been left on the site and the dumping of building

materials has created an eyesore. The owner has consistently ignored the council's requests to clear the land and therefore the only option available is to undertake the clearance works and charge the owner for the costs of doing so.

The Case Officer responded to questions as follows:

- The cost of the enforcement action would be covered by a government grant provided for this purpose.
- The majority of the houses in this area are 2 storey terraces and there are also two modern detached houses to the north of the site.
- The person breaching planning control is the owner of the land.
- Planning applications have been submitted for this land and have been refused in the past.

Councillor Rigby moved the officer recommendation as set out in the report. This was seconded by Councillor Jackson.

The motion was put to the vote and it was RESOLVED unanimously that, in light of the officer report, having considered the relevant enforcement options available, to delegate authority to the Team Manager – Planning Enforcement to:

- (a) Exercise the powers of the authority under s178 of the Town and Country Planning Act 1990 to enter the land and take the steps required by the Notice; and
- (b) Exercise any powers of the authority to recover the expenses of doing so.

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

The Committee considered the appeals report.

RESOLVED to NOTE the report.

The meeting ended at 5.30 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services

This page is intentionally left blank

BATH AND NORTH EAST SOMERSET COUNCIL

Planning Committee

Date 3 June 2020

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

ITEMS FOR PLANNING PERMISSION

Item No.	Application No.	Address
001 & 002	19/03838/FUL 19/04772/FUL	Holborne Park Former Ministry of Defence Offices, Warminster Road, Bathwick, Bath

Additional representations

An additional letter of objection has been received from the Bath Preservation Trust. The main points raised are:

- The insufficient provision of affordable housing within an area of a designated affordable housing target of 40%, as specified within Policy CP9 of the Core Strategy and Placemaking Plan.
- The unwelcome overdevelopment of an already dense residential site.
- The piecemeal, disjointed submission of planning applications which does not suitably account for the overall coherence of the Holburne site and its contextual setting within the WHS and overlooking the Kennet & Avon Canal.
- The poor quality of submitted drawings, elevations, and predicted views.
- In specific relation to application 19/04772/FUL, the loss of the designated 'school site' to private residential development has resulted in the regretful loss of the potential to integrate public community facilities into the development's design.

The letter raises no significant new matters which have not already been considered in the committee report. However, for the benefit of members the following points are highlighted:

- The provision of affordable housing is covered in depth within the main agenda report and has been subject to an independent viability review in line with CP9 of the Core Strategy.

- The density of the currently approved development is approximately 54 dwellings per hectare. The density of the proposed development is 42 dwellings per hectare.
- The Landscape Officer and Conservation Officer have advised that application 19/03838/FUL is an improvement on the current approved scheme in terms of its impact upon landscape character, the World Heritage Site and the Conservation Area.

The comment summary from Historic England is also updated to read:

HISTORIC ENGLAND: Comments

The proposed revisions to that application will in some limited ways improve the overall streetscape of the site. However, they continue to raise concerns regarding the way that this site is developing. While some improvements have been made, as a whole they continue to have concerns regarding the potential impact the scheme will have on the Conservation Area and World Heritage Site.

Conditions

The following update is made to the recommended list of conditions.

ITEM 01 - 19/03838/FUL

6. Construction Management Plan (Bespoke Trigger)

The development hereby approved shall be undertaken in accordance with the Construction Management Plan approved in writing by the local planning authority by letter dated 18 January 2016 (Reference: 15/05486/COND). Within one months of the date of this permission a revised construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The revised plan 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;
9. Temporary arrangements for householder refuse and recycling collection during construction.

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

Reason: To protect the amenities of the occupants of adjacent residential properties, the adjoining canal and wider environment and to ensure the safe operation of the highway.

ITEM 02- 19/04772/FUL

2. Construction Management Plan (Bespoke Trigger)

The development hereby approved shall be undertaken in accordance with the Construction Management Plan approved in writing by the local planning authority by letter dated 18 January 2016 (Reference: 15/05486/COND). Within one month of the date of this permission a revised construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The revised plan 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;
9. Temporary arrangements for householder refuse and recycling collection during construction.

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

Reason: To protect the amenities of the occupants of adjacent residential properties, the adjoining canal and wider environment and to ensure the safe operation of the highway.

ITEM 03 19/04797/FUL 3 Scumbrum Lane, High Littleton

This application was deferred by members for a 'virtual' site visit at the 6th May Development Management Committee. A virtual site visit was carried out on the 26th May 2020.

The video prepared by Officers indicated the precise nature of the existing access path across the rear of this terrace of properties. The video showed just how restricted the rear shared access path is. At most the width is 1.07m from property wall to start of garden however is restricted in places to around 60cm because of the stepped rear accesses to the properties. Each property features at least 2 steps into the backdoor with the internal ground floor of the application set 60cm above external ground level. There is a step up from the garden of number 3 to number 2 and then two steps down from number 2 to number 1. Access to number 1 is via a staircase from the garden up onto a patio area. It is evident that the access at the rear of all these properties is not wheelchair friendly and access for the mobility impaired is already significantly

compromised. The new extension would not exacerbate the issue of access to the properties but would mean anyone using the rear path would need to manoeuvre around the extension

Following the site visit meeting members requested the following matters are clarified

Assessment of the Public Sector Equality Duty (“PSED”).

The Equality Act 2010 (“2010 Act”) under section 149 contains what is generally called the Public Sector Equality Duty (“PSED”). The 2010 Act identifies a number of ‘protected characteristics’, namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation. The PSED aims to integrate consideration of equality and good relations into the regular business of public authorities; which will include where engaged decisions of the Council acting as local planning authority. Compliance with the PSED is a legal obligation and is intended to result in better informed decision-making and policy development. In exercising the planning functions, the Council must have due regard to the need to: eliminate unlawful discrimination, harassment, victimisation and other conduct that is prohibited by the 2010 Act; advance equality of opportunity between persons who share a protected characteristic and those who do not; and foster good relations between persons who share a protected characteristic and those who do not.

With regard to planning application 19/04797/FUL for the erection of a single and two story rear extension at 3 Scumbrum Lane, the PSED has become relevant because ‘protected characteristics’ are or could be material to the decision being made. Therefore due regard to the PSED is considered necessary in taking any decision. The particular PSED issue for consideration with the planning judgment to be made is that there appears to be users of a protected characteristic who may be effected by the alteration or obstruction of the private access way across the rear of the terraced properties as a result of the proposed rear extension. It is important to bear in mind that the PSED duty does not by itself require the Council to achieve any particular outcome but it is incumbent on the Council to have due regard to the PSED in taking its planning decision. The PSED consequently would be a material planning consideration with the weight that should or must be given depending on the particular factors that it would be sensible for the Council to consider.

Information gathered from the site visit of the rear of these terraced properties shows the existing access is not wheelchair friendly and access for the mobility impaired is already significantly compromised. Officers consider the new extension would not exacerbate the issue of access to the properties but would mean anyone using the rear access would need to manoeuvre around the extension. Officers consider that if the PSED is engaged it should not be considered of sufficient weight in this application to refuse the planning application.

Whilst the PSED may be a material consideration in this application the protection of private rights such as a person’s private rights of access over

land is not a material consideration. Briefly stated the reason for that is the object of planning control is to restrict private development in the public interest and not in the private interest. Therefore it is not the proper function of planning decision making to protect private interests in land in the course of protecting the public interest by deciding whether planning permission is acceptable.

Clarification on the Civil/Property Law aspects surrounding the right of way have been requested by Members and although Officers must stress such aspects are not material to any planning decision Officers comment as follows. A 'Right of Way in Common' as is claimed to be affected by the proposed development is a private interest in property owned or occupied by someone else giving that person(s) with the benefit of the private interest the right to pass and repass over a particular way. The particular legal rights accrued will depend on the nature, extent and scope of the right granted or acquired. In short the law would summarise such a private right as an 'easement'. Interference with an easement where substantial may give rise to an action for private nuisance against the person responsible for such interference. A gate for example does not necessarily amount to an interference with a private right of way. What should be considered by the person affected is whether the gate in fact substantially interferes with the use of the easement granted or acquired. Again as stressed these are not planning considerations for Members.

Permitted Development Fall-Back Position

Committee members are advised that a legitimate 'fall back' positions must be considered in respect of all planning applications. 3 Scumbrum benefits from Permitted development (PD) rights relevant to a terraced residential property

Old maps and plans of the area indicate that the property benefitted from a lean-to extension which was there in 1943. Therefore, for the purposes of the GPDO the former lean-to would have been "original" and denotes the line of the "rear wall of the original dwellinghouse".

In 1998 planning permission was given for a two storey rear extension which brought the line of the rear of the property out, this was consistent with all properties along this terrace who have all made their houses wider by incorporating first floor additions above the line of the original lean-to projections. As stated above prior to 1998 the property featured a single storey lean-to rear extension housing an outside bathroom and kitchen. The 1998 approval did not extend the ground floor beyond the line of the rear of the original dwelling.

The 1998 building regulations application and site inspection notes indicate that the rear wall of the building was built above the existing wall rather than it being demolished and rebuilt. Therefore, this results in the applicant being able to extend by 3m off the current rear elevation under PD. Whilst the property has been extended to add a second floor above the former lean-to

the footprint did not increase. PD rights were not removed by the 1998 planning permission and are therefore, still intact.

The current proposal shows the rear elevation of the proposed dwelling extending 1m from the rear of the existing property (0.8cm beyond the position of the original rear wall and projecting 0.2m beyond the line of the rear of number 2). The single storey rear extension then projects 2m from the rear elevation (i.e. the line of the original rear elevation). Therefore, it is considered that the only aspect of this application that actually requires planning permission is the 1m projection to facilitate the works at the first floor and this element of the scheme has a minimal impact on the access as this part of the proposal does not affect the line of the rear access. (It should be noted that if the first floor extension projected less than 82cm it could well be PD under Part 1, Class A.1(h) as, cumulatively with the works carried out in 1998 it would constitute an extension above single storey that does not project more than 3m from the original rear elevation and is not within 7m of a boundary opposite the rear elevation). The additional 18cm i.e. the element that projects beyond the rear line of number 2, is the element that exceeds the PD provisions and results in the whole scheme requiring planning permission. As the works are intended to be carried out concurrently it means the single storey element is captured by the application. The single storey element of the scheme could be PD as the proposed extension is 3.4m to ridge, 2.3m to eaves and does not project more than 3m from the original rear elevation thus complies with the Class A limitations of the 2015 GPDO.

Therefore, it must be noted that under permitted development rights the applicant can still facilitate an extension that obliterates the current line of access. The entire single storey element as proposed does not in its own right require permission and therefore, this fact represents a legitimate fall-back position and is thus a material consideration.

Clarification of orientation relative to shadow and sun.

Members have been advised that given the orientation of these properties (the rear is NNE facing) that in respect of number 2 there may be some overshadowing before 630am in midsummer but the rest of the day the proposed extension will not cast a shadow. On the same date, the rear of the property would be in direct sun from 0630-1000. From around 1000 onward the rear courtyard of number 2 would be overshadowed by the existing two storey rear extension at number 1 and is then in shadow for the rest of the day. The proposed will not contribute to loss of light or overshadowing to this property for the vast majority of the day.

Clarification of the existing fence line between numbers 2 and 3 - Members expressed concern that the position of the extension means that to ensure the access path can loop around the extension the path would need to be moved into the garden of number 2. Members have been advised that this is a civil issue between the relevant landowners. The plans show that whilst the extension will be entirely within the curtilage of number 3. An 800mm path runs on the northside of the extension but there is no space for a path to be

located on the southern side of the extension. There is insufficient width between the fence and side wall so the fence would be removed or else a gate would need to be inserted further down the fence line (i.e. in line with the rear of the extension).

Other Matters

The provision of a new gate would be a civil issue as it relates to means of access.

Bins - Members raised concern in respect of access for bins. The existing access is restricted in its width and levels. This situation will remain as existing albeit that the new path line will need to be followed.

PROW - This access path is not covered by the same powers controlling a PROW.

POLICY D6: Amenity of the Placemaking Plan states:

Development must provide for appropriate levels of amenity and must:

- a Allow existing and proposed development to achieve appropriate levels of privacy, outlook and natural light
- b Not cause significant harm to the amenities of existing or proposed occupiers of, or visitors to, residential or other sensitive premises by reason of loss of light, increased noise, smell, overlooking, traffic or other disturbance.
- c Allow for provision of adequate and usable private or communal amenity space and defensible space.
- d Include adequate storage and functional arrangements for refuse and recycling
- e Ensure communal refuse and recycling provision is appropriately designed, located and sized.

In respect of the wording of the policy the impact that the proposals may have on the access in terms of its line and width is not specifically referenced. The impact that the proposal may have would need to be seen to be unacceptable in terms of loss of light, increased noise, smell, overlooking, traffic or other disturbance. Therefore, in respect of the access paths line and width the proposal may result in limited inconvenience but is not considered to be contrary to Policy D6.

Additional Recommended Condition

5 No windows on side elevations (Compliance)

There shall be no additional windows or openings on the south and north elevations of the extensions hereby permitted.

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.

Further comments have been received from the applicants and structural engineer:

Additional applicant comments summary:

- There appears to be some confusion as to the scale of the proposed works
- The description of the development given by the Council differs from the description given by the agent
- Agent description on application form reads "Demolition of existing rear 2 storey annexe and re-building to the same footprint with an extension to the side of no.84 and rear single storey extension to no.85. The existing stone walling will be carefully removed for re-use, the properties are registered HMO's".
- Either way, the proposals are clearly illustrated on the plans/covering letter
- The "existing annexe" is part of the original house
- This is the rear part of the property which sticks out from the main bodies of the houses, over two floors
- This area has suffered badly from subsidence and needs to be rebuilt due to its condition; this will be on the original footprint
- No.84 is proposed a very small, single storey infill extension (1.2m wide x 5.5m deep = 6.6m²). This is a common extension in Oldfield Park.
- No.85 will remove a poorly built side extension (1.6m x 5.5m = 8.8m²), increasing garden size.
- No.85 are proposing to erect a single storey extension (11.2m²)
- Extensions are not overdevelopment and are modest compared to other extensions in the terrace
- No.78 has had an extension approved in addition to their infill extension totalling 25.8m². No.78 has also had a dormer recently approved.
- No.77 has also had permission for a dormer recently.
- Parking: Triangle North is just outside the permit zone and Rail commuters park here. Not all tenants have cars and generally use public transport (bus stop outside of house and train station to the rear) or lift share.
- Construction parking: The owners of 85 Triangle North own the adjacent industrial unit and this area will be used for construction parking and getting materials into/out of the site.

Statement from structural engineer:

To whom it may concern, the rear of the existing property at 84 and 85 Triangle north have been subject to excessive movement over 100mm in some areas and has placed the back of the properties at risk.

The insurance company have deemed the work too expensive for them to carry out, using underpinning systems, leaving both clients having to demolish the areas affected back to the original main wall, carry out repairs to the main wall and rebuild the two storey rear extension.

This only works if both properties carry out the work at the same time; both properties can improve thermal performance and improve foundations to modern standards; they can also use Bath Stone externally to maintain current appearance.

This page is intentionally left blank

BATH AND NORTH EAST SOMERSET COUNCIL**MEMBERS OF THE PUBLIC AND REPRESENTATIVES SUBMITTING A
WRITTEN STATEMENT AT THE VIRTUAL MEETING OF THE PLANNING
COMMITTEE ON WEDNESDAY 3 JUNE 2020**

SITE VISIT LIST			
ITEM NO.	SITE NAME	NAME	FOR/AGAINST
1	3 Scumbrum Lane, High Littleton, BS39 6JN	Sofia Parker	Against
		Simon Hunt (Applicant)	For
		Cllr Ryan Wills (Local Ward Member)	Against

MAIN PLANS LIST			
ITEM NO.	SITE NAME	NAME	FOR/AGAINST
1	Site of Former Ministry of Defence Offices, Warminster Road, Bathwick, Bath	Charlotte Taylor-Drake (Agent)	For
2	Additional Development Area, Holburne Park, Bathwick, Bath	Simon Emery	Against
		Charlotte Taylor-Drake (Agent)	For
3	Land between Homelands and 10 Camerton Hill, Camerton, Bath	David Beresford-Smith (Agent)	For

4	84 Triangle North, Oldfield Park, Bath, BA2 3JB	Pauline Woods	Against
		Cllr June Player (Local Ward Member)	Against
		Cllr Colin Blackburn (Local Ward Member)	Against
5	Avon Farm, Avon Lane, Saltford	Tony Phillips (Agent)	For
		Cllr Alistair Singleton (Local Ward Member)	Against

ENFORCEMENT LIST			
ITEM NO.	SITE NAME	NAME	FOR/AGAINST
1	Land Rear of 18-25 Queenwood Avenue, Fairfield Park, Bath	Cllr Richard Samuel (Local Ward Member)	For Enforcement Action

BATH AND NORTH EAST SOMERSET COUNCIL

PLANNING COMMITTEE

3rd June 2020

DECISIONS

SITE VISIT DECISIONS

Item No:	001		
Application No:	19/04797/FUL		
Site Location:	3 Scumbrum Lane, High Littleton, Bristol, Bath And North East Somerset		
Ward: High Littleton	Parish: High Littleton	LB Grade: N/A	
Application Type:	Full Application		
Proposal:	Erection of a single and two story rear extension.		
Constraints:	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Policy CP9 Affordable Housing Zones, Housing Development Boundary, Policy M1 Minerals Safeguarding Area, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,		
Applicant:	Mr Simon Hunt		
Expiry Date:	5th June 2020		
Case Officer:	Christine Moorfield		

DECISION REFUSE

1 The proposal will result in development within close proximity to neighbouring properties to the detriment of the residential amenity of occupiers through its overbearing nature and harm to outlook. The proposal is therefore considered contrary to Placemaking Plan Policy D6.

PLANS LIST:

002, 003, 004 all dated 2/11/2019
008A dated 27/01/2020
005, 006A, 007A, 009A, all dated 17/02/2020
011A dated 4/05/2020

This page is intentionally left blank

BATH AND NORTH EAST SOMERSET COUNCIL

PLANNING COMMITTEE

3rd June 2020

DECISIONS

Item No:	01	
Application No:	19/03838/FUL	
Site Location:	Site Of Former Ministry Of Defence Offices, Warminster Road, Bathwick, Bath	
Ward: Bathwick	Parish: N/A	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Proposed construction of 42no. new dwellings and 2no. new blocks of apartments to provide a total of 70 new homes on part of the former MOD site at Warminster Road (revision to consented development).	
Constraints:	Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Air Quality Management Area, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, British Waterways Major and EIA, British Waterways Minor and Householders, Conservation Area, Policy CP9 Affordable Housing Zones, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE5 Ecological Networks, Placemaking Plan Allocated Sites, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones,	
Applicant:	Hardrock Developments Ltd	
Expiry Date:	3rd June 2020	
Case Officer:	Chris Griggs-Trevarthen	

DECISION REFUSE

1 The proposed development fails to provide a policy compliant level of affordable housing and this is not justified by the viability appraisal or any other material considerations. The proposed development is therefore contrary to the development plan, in particular policy CP9 of the Bath and North East Somerset Core Strategy.

2 The proposed development, due its layout, height, design and appearance, would appear incongruous, bulky and overdeveloped, particularly when viewed from the across the city. The proposals would therefore adversely impact upon the setting of the World Heritage Site contrary to the development plan, in particular policies B4 and CP6 of the Bath and North East Somerset Core Strategy and policies D2, HE1, NE2 and NE2A of the Bath and North East Somerset Placemaking Plan.

3 The proposed development fails to comply with the adopted parking standards and is therefore considered not to provide an appropriate level of on-site vehicle parking, particularly in respect of visitor parking. The proposal is therefore contrary to the

development plan, in particular policy ST7 of the Bath and North East Somerset Placemaking Plan.

PLANS LIST:

153300-STL-XX-ZZ-DR-A-01101 EASTERN PARCEL - PHASE 3A-1 - GA PLANS
153300-STL-XX-ZZ-DR-A-01101-PL02 EASTERN PARCEL - PHASE 3A-1 - GA PLANS
153300-STL-XX-ZZ-DR-A-01102-PL02 EASTERN PARCEL - PHASE 3A-2 - GA PLANS
153300-STL-XX-ZZ-DR-A-01103-PL02 PHASE 5 LOWER TERRACE - GA
153300-STL-XX-ZZ-DR-A-01104-PL02- PHASE 5 UPPER TERRACE - GA
153300-STL-XX-ZZ-DR-A-02101-PL02 PHASE 3A-1 ELEVATIONS
153300-STL-XX-ZZ-DR-A-02103-PL02 EASTERN PARCEL - PHASE 5 ELEVATIONS - 1/2
153300-STL-XX-ZZ-DR-A-02104-PL02 EASTERN PARCEL - PHASE 5 ELEVATIONS - 2/2
153300-STL-XX-ZZ-DR-A-02105-PL02 EASTERN PARCEL - BF13 & BF14 ELEVATIONS
153300-STL-XX-ZZ-DR-A-09102-PL02 EASTERN PARCEL - SITE PLAN
153300-STL-XX-ZZ-DR-A-09103-PL02 EASTERN PARCEL - BF13 BF14 CYCLES REFUSE
153300-STL-XX-ZZ-DR-A-19003-PL02 SITE PLAN - ACCOMODATION & PARKING
12290-CD351-P3 PROPOSED DRAINAGE STRATEGY 1 OF 3
12290-CD352-P3 PROPOSED DRAINAGE STRATEGY 2 OF 3
12290-CD353-P3 PROPOSED DRAINAGE STRATEGY 3 OF 3
12290-CE301-P2 PROPOSED RETAINING WALL LAYOUT AND CONTOUR PLAN 1 OF 3
12290-CE302-P2 PROPOSED RETAINING WALL LAYOUT AND CONTOUR PLAN 2 OF 3
12290-CE303-P2 PROPOSED RETAINING WALL LAYOUT AND CONTOUR PLAN 3 OF 3
1902-MWA-00-XX-DR-L-0001 REV 4 WARMINSTER ROAD - STRATEGIC LANDSCAPE PLAN
1902-MWA-00-XX-DR-L-0010 REV 01 EAST PARCEL - HARD LANDSCAPE PLAN
1902-MWA-00-XX-DR-L-0010 REV 01 EAST PARCEL - HARD LANDSCAPE PLAN
1105 PL01 EASTERN PARCEL - BF13 & BF14 - GA PLANS
2102 PL01 EASTERN PARCEL - PHASE 3A-2 ELEVATIONS
3101 PL01 EASTERN PARCEL - LONG SECTIONS 1
3102 PL01 EASTERN PARCEL - LONG SECTIONS 2
09101 PL01 EASTERN PARCEL - LOCATION PLAN
09102-PL03 EASTERN PARCEL - SITE PLAN WITH SOLAR PANEL LOCATIONS

Permit/Consent Decision Making Statement

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

Condition Categories

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

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

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

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

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

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

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

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

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

Item No:	02	
Application No:	19/04772/FUL	
Site Location:	Additional Development Area, Holburne Park, Bathwick, Bath	
Ward: Bathwick	Parish: N/A	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Proposed erection of 8 additional dwellings, landscaping, car parking and associated works on land adjacent to Holburne Park, Warminster Road, Bath	

Constraints:	Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, British Waterways Major and EIA, British Waterways Minor and Householders, Conservation Area, Policy CP9 Affordable Housing Zones, Policy LCR5 Safeguarded existg sport & R, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE3 SNCI, Policy NE5 Ecological Networks, Placemaking Plan Allocated Sites, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones,
Applicant:	N/A
Expiry Date:	3rd June 2020
Case Officer:	Chris Griggs-Trevarthen

DECISION **Deferred for site visit** - to get a better understanding of the context, the local topography and the relationship with neighbouring properties.

Item No:	03	
Application No:	20/00395/RES	
Site Location:	Land Between Homelands And 10, Camerton Hill, Camerton, Bath	
Ward: Bathavon South	Parish: Camerton	LB Grade: N/A
Application Type:	PI Permission (ApprovalReserved Matters)	
Proposal:	Approval of reserved matters with regard to outline application 17/00299/OUT (Erection of 1no. single storey dwelling (Resubmission)).	
Constraints:	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Policy CP9 Affordable Housing Zones, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,	
Applicant:	Mr Nick Biggs	
Expiry Date:	4th June 2020	
Case Officer:	Samantha Mason	

DECISION APPROVE

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 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.

3 Sustainable Construction (Pre-Occupation)

Prior to first occupation of the development hereby approved the following tables (as set out in the Council's Sustainable Construction Supplementary Planning Document, Adopted November 2018) shall be completed in respect of the completed development and submitted to the local planning authority together with the further documentation listed below:

- o Table 2.4 (Calculations);
- o Building Regulations Part L post-completion documents

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).

4 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.

5 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.

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:

31 Mar 2020 8063-16881 Proposed Plans and Site Location
31 Jan 2020 Hs/162935 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.

Permit/Consent Decision Making Statement

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

Responding to Climate Change (Informative):

The council is committed to responding to climate change. You are advised to consider sustainable construction when undertaking the approved development and consider using measures aimed at minimising carbon emissions and impacts on climate change.

Item No:	04		
Application No:	20/01024/FUL		
Site Location:	84 Triangle North, Oldfield Park, Bath, Bath And North East Somerset		
Ward: Westmoreland	Parish: N/A	LB Grade: N/A	
Application Type:	Full Application		
Proposal:	Erection of a two storey rear extension following removal of existing extension. Erection of a single storey side extension to number 84 & single storey rear extension to number 85.		
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, Railway, SSSI - Impact Risk Zones,		
Applicant:	Tom And Gerald Wood And Richards		
Expiry Date:	8th June 2020		
Case Officer:	Isabel Daone		

DECISION PERMIT

1 Standard Time Limit (Compliance)

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

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

2 Materials (Compliance)

The proposed walling materials of the two storey rear extension to nos.84 and 85, the proposed single storey rear extension to no.85 and single storey side extension to no.84 and the roofing materials of the two-storey rear extension to both nos.84 and 85 and the proposed single storey rear extension to no.85 shall match those of the existing building in respect of type, size, colour, pointing, coursing, jointing, profile and texture.

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

3 Plans List (Compliance)

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

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

PLANS LIST:

This decision relates only to the following plans:

sfc/tn/003. Ground Floor Layout - Proposed. Received 12th March 2020

sfc/tn/004 First Floor Layout Plan - Proposed. Received 12th March 2020

sfc/tn/005. Side elevations - 2 storey rear annexe rebuild. Received 17th March 2020

Block Plan. Received 12th March 2020

Site Plan. Received 12th March 2020

Permit/Consent Decision Making Statement

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

Condition Categories

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

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

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

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

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

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

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

Responding to Climate Change (Informative):

The council is committed to responding to climate change. You are advised to consider sustainable construction when undertaking the approved development and consider using measures aimed at minimising carbon emissions and impacts on climate change.

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:	05	
Application No:	19/05519/FUL	
Site Location:	Avon Farm, Avon Lane, Saltford, Bristol	
Ward: Saltford	Parish: Saltford	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Change of use of a former office building to a dwelling (Retrospective).	
Constraints:	Saltford Airfield 3km buffer, Agric Land Class 1,2,3a, British Waterways Major and EIA, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,	
Applicant:	Mr Clive Franklin	
Expiry Date:	5th June 2020	
Case Officer:	Martin Almond	

DECISION REFUSE

1 The site, outside of a housing development boundary is considered to be in an unsustainable location contrary to Policy ST1 of the Bath and North East Somerset Placemaking Plan 2017. The proposals do not demonstrate safe and suitable access to the site can be achieved for all people contrary to Policy ST7 of the Bath and North East Somerset Placemaking Plan 2017.

PLANS LIST:

This decision relates to drawings:

1868:

801, 802, 803, 804, 805, 806, 810, 811, 812, 813, 814 dated as received 21st December 2019

800A dated as received 6th January 2020

809B, 1905/002A dated as received 18th March 2020.

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

Permit/Consent Decision Making Statement

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

This page is intentionally left blank

Bath & North East Somerset Council		
MEETING:	Planning Committee – Site Visit Agenda	AGENDA ITEM NUMBER
MEETING DATE:	1st July 2020	
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.

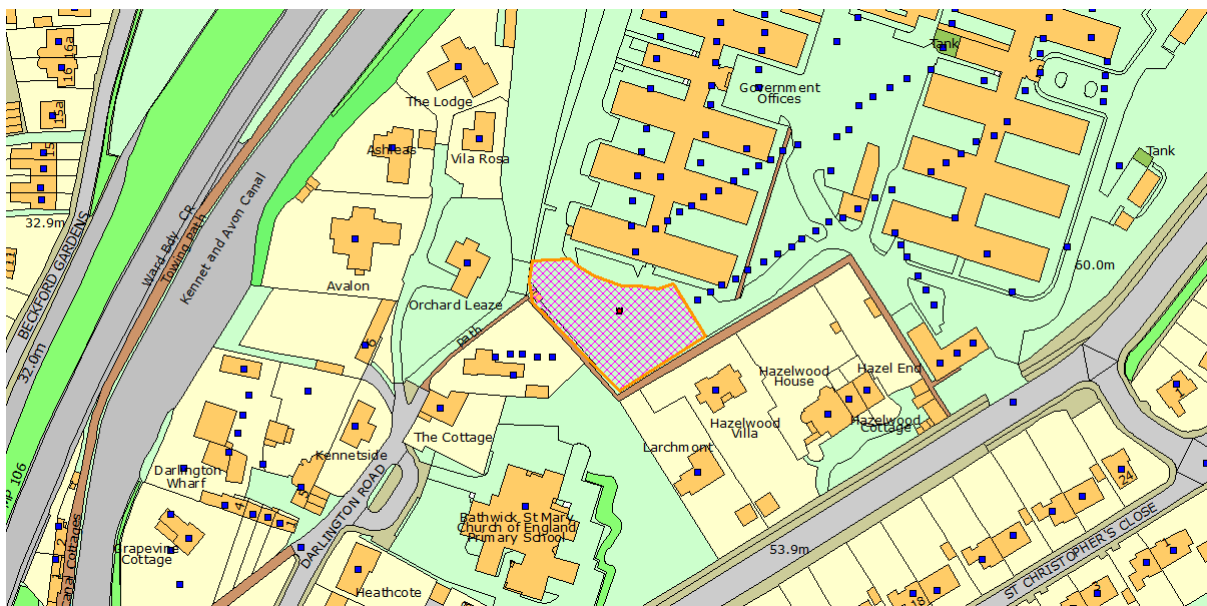
- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting 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.

INDEX

ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
001	19/04772/FUL 3 June 2020	N/A Additional Development Area, Holburne Park, Bathwick, Bath, Bath And North East Somerset Proposed erection of 8 additional dwellings, landscaping, car parking and associated works on land adjacent to Holburne Park, Warminster Road, Bath	Bathwick	Chris Griggs-Trevarthen	REFUSE

REPORT OF THE HEAD OF PLANNING ON APPLICATIONS FOR DEVELOPMENT

Item No: 001
Application No: 19/04772/FUL
Site Location: Additional Development Area Holburne Park Bathwick Bath Bath And North East Somerset



Ward: Bathwick

Parish: N/A

LB Grade: N/A

Ward Members:	Councillor Dr Kumar	Councillor Manda Rigby
Application Type:	Full Application	
Proposal:	Proposed erection of 8 additional dwellings, landscaping, car parking and associated works on land adjacent to Holburne Park, Warminster Road, Bath	
Constraints:	Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, British Waterways Major and EIA, British Waterways Minor and Householders, Conservation Area, Policy CP9 Affordable Housing Zones, Policy LCR5 Safeguarded existg sport & R, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE3 SNCI, Policy NE5 Ecological Networks, Placemaking Plan Allocated Sites, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones,	
Applicant:	N/A	
Expiry Date:	3rd June 2020	
Case Officer:	Chris Griggs-Trevarthen	
To view the case click on the link here .		

REPORT

REASON FOR REPORTING TO COMMITTEE

The application was heard at the 3rd June Planning Committee and was deferred for a site visit. A virtual site visit was held on 22nd June. This application, in combination with application 19/04772/FUL, was also subject to a viability assessment in respect of affordable housing.

DESCRIPTION

This application relates to the former MOD site at Warminster Road in Bath now known as Holburne Park. Planning Permission was granted in March 2015 for the comprehensive redevelopment of the site for 204 dwellings (Ref: 14/02272/EFUL); construction is well underway.

There have been multiple material amendments to the approved scheme since it was first consented in 2015. The 2015 consent was first amended in January 2017 by planning permission (ref: 16/01925/VAR); that permission made amendments to the development's external layout, internal arrangements, and various other changes. A significant new application was approved in 2017 (ref: 16/04289/EFUL) which amended the approved scheme to include the erection of 6 no. apartment blocks. This increased the total number of approved dwellings to 244. This was followed by a further planning permission (Ref: 17/06189/EVAR) in 2017 which made some changes to Plot 37. This was in turned followed by planning permission Ref: 18/05098/EVAR, approved in April 2019, which replaced a 3 unit coach house with a conventional dwelling. A further amendment (19/01956/EVAR) was granted in February 2020. There is a total of 246 dwellings approved on the site.

The original planning permission (14/02272/EFUL) for the redevelopment of the wider MOD site (which excludes the site in question from within its red line) identifies this land

as the 'School Site'. The s106 Agreement (which has now been varied a number of times) required this land to be transferred to the Council to enable the expansion of Bathwick St Marys Primary School. Subsequently the land was deemed no longer necessary for the expansion of the primary school and so the requirement to transfer the land to the Council was removed from the s106 (application reference: 19/03376/M6A). The S.106 Agreement also required a substantial financial contribution towards primary education provision, in a number of instalments. This remains within the s106 agreement.

The 'school site' land therefore remains vacant and this application proposes the erection of 8 additional dwellings, landscaping, car parking and associated works this site. The site is located within the Bath World Heritage Site and Conservation Area. A public right of way runs around the southern and western edges of the site.

A concurrent application which has been submitted to make changes to the approved Holburne Park scheme (ref: 19/03838/FUL) was refused by the 3rd June Planning Committee.

A further application for 10 additional dwellings with additional car parking and landscaping has recently been withdrawn (ref: 19/03836/FUL).

RELEVANT PLANNING HISTORY (excluding discharge of conditions)

18/05190/EVAR: Variation of Condition 32 (plans list) of application 17/06189/EVAR (plots 32-36 design changes) GRANTED

18/03193/EVAR: Variation of conditions 7 and 32 of application 17/06189/EVAR (add Juliet balconies to plots 32-36) REFUSED 1 NOVEMBER 2018

18/01407/EVAR: Variation of Condition 24 (plans list) of application 16/04289/EFUL (BF6 and BF7 design changes) GRANTED

17/06189/EVAR: Variation of Condition 7 AND Condition 30 (plans list) involving change to materials, addition of basement storey and porch to Plot 37 of 16/01925/VAR. GRANTED

17/06197/NMA: Non-material amendment to application 16/01925/VAR GRANTED JAN 2018

17/05811/NMA: Non-Material Amendment to application 16/01925/VAR GRANTED

16/04289/EFUL: Erection of 6 no. apartment blocks to provide 87 no. new dwellings (Partial revision of application 14/02272/EFUL) GRANTED AUGUST 2017

16/01925/VAR: Variation of Condition 33 attached to 14/02272/EFUL (Erection of 204 no. dwellings with 2 no. accesses from Warminster Road, vehicular parking; open space; landscaping(including tree removal); pumping station; and associated engineering works, following demolition of existing buildings) GRANTED JAN 2017

16/01456/NMA: Non-material amendment to application 14/02272/EFUL GRANTED APRIL 2016

14/02272/EFUL: Demolition of existing buildings, erection of 204 no. dwellings; 2 no. accesses from Warminster Road, vehicular parking; open space; landscaping (including tree removal); pumping station; and associated engineering works GRANTED MARCH 2015

19/01956/EVAR: Variation of Condition 8 and 30 attached to 18/05098/EVAR (Variation of condition 32 (plans list) of application 17/06189/EVAR (Variation of Condition 7 AND Condition 30 (plans list) involving changes to materials, addition of basement storey and porch to Plot 37 of 16/01925/VAR (Variation of Condition 33 attached to 14/02272/EFUL (Erection of 204 no. dwellings with 2 no. accesses from Warminster Road, vehicular parking, open space, landscaping (including tree removal), pumping station, and associated engineering works, following demolition of existing buildings) granted on 31.01.2017) (Resubmission). GRANTED FEBRUARY 2020

ENVIRONMENT IMPACT ASSESSMENT

This application proposal has been screened under the Town and County Planning (Environmental Impact Assessment) Regulations 2017 and it has been determined that the application does not represent EIA development and that an Environmental Statement is not required.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

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

EDUCATION: No objection

ARCHAEOLOGY: No objection

HOUSING: Objection

Housing Services recognises the outcome of the independent assessment of the Viability case being made by the Developer which is to seek to deliver only 15% affordable housing on the remainder of the development site.

In this regard, Housing Services objects to the applications on the grounds that they do not meet the requirements of Core Strategy policy CP9 and the viability case does not support a reduction in delivery to 15%.

Officer note: The comments of the Housing team were received after the original viability assessment was reviewed which considered the viability of the current application alongside applications 19/03836/FUL and 19/03838/FUL.

DRAINAGE AND FLOODING: No objection

PUBLIC RIGHTS OF WAY: No objection, subject to condition

HIGHWAYS: No objection, subject to conditions

ECOLOGY: No objection

VIABILITY ASSESSOR: Comments

Given the level of current uncertainty, C&W have assessed the development based on sales values at £551psf (as of August 2019) and values at £499psf (9.4% reduction from original). C&W's Appraisal, assuming nil affordable housing provision, produces a viability deficit of negative -£2.39M assuming an average sales value of £499psf. This viability deficit turns into a surplus in the scenario where an assumption is made accounting for no adverse impact of Covid-19 on residential sales values (a surplus of £5.11M is generated). In the short term particularly, in C&W's opinion it is very difficult to make a case that there will not be a material adjustment in the market and that sales values should remain at pre-Covid forecast levels.

Set out below are the two scenario's which can be considered as the parameters for a 'Best' and 'Worst' case scenario;

1. Worst Case - Viability Deficit -£2.39M (No Affordable Housing can be supported)
2. Best Case - Viability Surplus £5.11M (up to c.30 AH units which equates to c.22%)

Officer note: The viability assessors comments are based upon a viability assessment which considered the combined viability of the current application alongside application 19/03838/FUL.

BATH PRESERVATION TRUST: Objection

The Trust objects to the application on the grounds of insufficient affordable housing provisions. The western infill of the site, in conjunction with other applications for the expansion of the site to the south and east (see applications 19/03836/FUL and 19/03838/FUL), continues to raise strong concerns about the overdevelopment of the site and how this will impact the historic character of the area. The loss of the designated 'school site' to private residential development has resulted in the regretful loss of the potential to integrate public community facilities into the development's design.

An additional letter of objection has been received from the Bath Preservation Trust. The main points raised are:

- o The insufficient provision of affordable housing within an area of a designated affordable housing target of 40%, as specified within Policy CP9 of the Core Strategy and Placemaking Plan.
- o The unwelcome overdevelopment of an already dense residential site.
- o The piecemeal, disjointed submission of planning applications which does not suitably account for the overall coherence of the Holburne site and its contextual setting within the WHS and overlooking the Kennet & Avon Canal.
- o The poor quality of submitted drawings, elevations, and predicted views.

- o In specific relation to application 19/04772/FUL, the loss of the designated 'school site' to private residential development has resulted in the regretful loss of the potential to integrate public community facilities into the development's design.

THIRD PARTIES AND NEIGHBOURS: 8 letters of OBJECTION have been received. The main issues raised were:

Concerns were raised that the proposals represent overdevelopment and suggesting that the site is left as an open space, play area or open view for people using the public footpath.

It was suggested that the proposal was outside of the permitted development boundary and that the increased density of housing was not supported by approach infrastructure.

Concerns about how the development will look from the other side of the valley and the potential impact upon the World Heritage Site and Conservation area. It was considered that the pastiche approach of the rest of Holburne Park was not an acceptable approach

The lack of affordable housing was also pointed out by some comments.

There were concerns raised about the impact upon the amenity of neighbouring properties in Darlington Road (known as Top Yard Cottages). The height of the proposed buildings and site topography is considered to having an overbearing impact on these properties.

It was suggested that the layout of the proposals pays no regard to the masterplan for Holburne Park and turns it back on the surrounding area rather than integrates with the existing urban grain. It was considered that the proposals fail to provide natural surveillance for the footpath and reduce security.

Concern was expressed about inadequate provision of parks and play areas within the wider development and there were objections to the loss of green space.

It was considered that the access should be upgraded to a roundabout to accommodate the traffic generated. Concerns were also raised about the lack of parking, particularly visitor parking.

Some concerns about the build quality of the existing development have been raised.

A number of comments were made regarding the design and impact of the concurrent application for three villas (ref: 19/03836/FUL). These are not to be considered as part of the current application.

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:

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

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
 D1 Urban Design Principles
 D2 Local Character & Distinctiveness
 D3 Urban Fabric
 D4 Streets and spaces
 D5 Building Design
 D6 Amenity
 D8 Lighting
 D10 Public Realm
 BD1 Bath Design Policy
 HE1 Historic Environment
 NE1 Development and Green Infrastructure
 NE2 Conserving and enhancing the landscape and landscape character
 NE2A Landscape Setting of Settlements
 NE6 Trees and woodland conservation
 ST1 Promoting sustainable travel
 ST7 Transport requirements for managing development
 SB12 Former MoD Warminster Road

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

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

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. Design
3. World Heritage Site and Conservation Area
4. Residential amenity
5. Highways and parking
6. Drainage
7. Public Rights of Way
8. Ecology
9. Archaeology
10. Sustainable Construction
11. Affordable Housing
12. Community Infrastructure Levy
13. Conclusion

1. PRINCIPLE OF DEVELOPMENT

The site falls within the allocation policy SB12 which allows for the provision of at least 150 residential dwellings to enable the efficient use of the developable area. The proposed development would amend the approved scheme and increase the number of dwellings within the allocation from 246 to 254. The current proposal therefore will not conflict with the minimum requirement for dwellings.

Criterion 2 of the SB12 requires the removal of the existing disused buildings on the site. This has already occurred and this criterion is met.

Criterion 3 requires the development to be almost entirely focused on the previously developed area, but with some scope for some very minor fringe development outside of the fence line. The site falls within the former Warminster Road MOD fence line and, although itself undeveloped, is considered to be with the curtilage of the previously developed area.

Criterion 4 requires a design response which enhances the setting of the World Heritage Site and Conservation Area with reference to the important characteristics of the site. This is addressed in the Design and World Heritage Site and Conservation area sections below

Criterion 5 requires the provision of land and other funds to enable expansion of the adjoining primary school. The education team has previously confirmed that the land is no longer required for primary school expansion and that the additional primary school capacity to accommodate the wider development of Hoburne Park will be created in the vicinity using the financial contribution which was secured by the original s106 agreement.

Therefore, there is no objection in principle to this land no longer being transferred to the Council for educational purposes and this is no longer required by the s106 following the removal of this clause under application 19/03376/M6A. A financial contribution towards education provision has already been made on this development site. Criterion 5 is therefore considered to be met.

Criterion 6 relates to walkways through the undeveloped part of the site to improve public access. This application does not affect the approved proposals for walkways and access to the undeveloped parts of the site.

Criterion 7 requires the protection of the amenity of neighbouring residential properties. This is considered in the residential amenity section below.

Criterion 8 requires a detailed historic environment assessment and evaluation. This is considered in the Design and World Heritage Site and Conservation area sections below.

2. DESIGN

The proposed layout represents a continuation of the existing terraces along an extended street. This approach is broadly supported. Similarly, the design and architectural treatment of the houses appears to reflect that previously approved/already constructed and on that basis can be supported.

The proposals are 2 storey in scale and therefore match the scale of the adjacent buildings within the wider development site and reflect the scale of buildings in the surrounding area. The immediate street scene would be characterised by two-storey dwellings, which is entirely appropriate for a site on the very edge of the development.

The proposed materials would be a mixture of bath stone ashlar and render which reflects the materials used in the wider development site.

The proposals include a significant amount of surface parking, including some tandem bays. However, the proposals also include adequate amounts of soft and hard landscaping to alleviate some of this impact and prevent the development from appearing too car dominated.

3. WORLD HERITAGE SITE AND CONSERVATION AREA

The key consideration in respect of the impact of the proposals upon the World Heritage Site is whether the proposed development would have an adverse impact upon its outstanding universal value.

The proposed site forms a fairly small parcel within a wider 7.0 hectare development. The location of the site in the south-west corner of the allocation means that it is seen amongst the rest of the development on the hillside in longer views. The two storey scale of the development means that it will be amongst the small elements of the wider development and will not appear incongruous or discordant in the landscape. As a result it is considered

that the development will not impact upon the city's Georgian town planning or architecture.

It is therefore considered that the proposals will have no adverse impact upon the outstanding universal value (OUV) of the World Heritage Site.

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. In this instance it is considered that the design of the proposed buildings are acceptable (discussed above) and will not detract from views to or from the site. The proposals will therefore preserve the character and appearance of the Bath Conservation Area and meet this requirement.

The proposal is therefore considered to comply with criteria 4 and 8 of policy SB12.

4. RESIDENTIAL AMENITY

The 8 proposed dwellings are all provided with adequate internal and external space for amenity and all have adequate levels of light, outlook and privacy.

Concern has been raised about the impacts of the proposed dwellings located adjacent to the site on Darlington Road. A short terrace of 4 dwellings (known as Top Yard Cottages) is situated at adjacent to the western boundary. The adjoining terrace is slightly offset from the site boundary, such that the dwellings are successfully further away from the boundary.

At its closest point, the rear elevation of the proposed terrace is approximately 15m from the front corner of Top Yard Cottages. The rises within the application site, such that the existing dwellings of Top Yard Cottages are on slightly lower land than the proposed dwellings. However, due to the separation from the boundary and their limited two storey scale, it is considered that the proposed dwellings will not appear overbearing or result in any significant loss of light or outlook from Top Yard Cottages.

In terms of privacy, the offset orientation of Top Yard Cottage and proposed separation will prevent the proposed dwellings from causing any harmful overlooking.

Larchmont and Hazelwood are existing residential dwellings located immediately to the south-east of the application site. Both are set back from the site boundary and are a reasonable distance from the proposed terrace of 8 dwellings. Orchard Leaze is a residential dwelling located immediately to the west of the site, but is also set back a reasonable distance from the proposed terrace. The proposed development will not result in any significant loss of light, outlook or privacy from either of these dwellings.

The proposals are therefore considered not to have any significant impact upon the residential amenity of adjoining occupiers.

The proposal is therefore considered to comply with criterion 7 of SB12.

5. HIGHWAYS AND PARKING

The proposal would be accessed by vehicle from the newly constructed road that serves the wider development, and it is expected that this would be adopted as public highway in due course.

The highway authority is sensitive to further increases in traffic levels affecting the A36 Warminster Road corridor. However, having reviewed the potential impact of the proposed development the Highways Officer accepts that the additional eight dwellings are unlikely to result in a material impact on the wider highway network. The residential scheme is also likely to have a lower impact as compared with the education use that was originally proposed for the same site.

The proposed level of car parking to serve each of the dwellings is considered to be acceptable, and two spaces are proposed for each for the three bedroom units. This level of parking accords with the adopted minimum standards. There would also be opportunities to provide secure cycle parking within each of the plot curtilages.

The proposal incorporates seven "visitor" parking spaces and this has been identified as a requirement due to the potential loss of similar provision elsewhere in the development site. Whilst it is not ideal that the spaces are grouped together, it is accepted that these would help to serve the need for visitor parking provision in this part of the site and these would be useful for properties to the north and east of the location.

There are no concerns relating to the proposed refuse storage locations, and collection from the main "through route" past the site will be possible.

Should planning permission be granted a Construction Management Plan would be a requirement to ensure that there was no detrimental impact on nearby residents throughout this phase of the development within the Holburne Park site. There is no highway objection to the scheme, subject to the suggested conditions.

6. DRAINAGE

The drainage details submitted with the application confirms that the proposed layout is acceptable with no increase in flood risk or discharge rate from the wider development site.

7. PUBLIC RIGHTS OF WAY

The application indicates that the existing public footpath along the south and west boundaries of the site is proposed to be retained and extended to form an additional connection along the northern edge of the site. The Public Rights of Way Team are supportive of this proposal and consider it to be a benefit to the residents of the new development to have a pedestrian link between the proposed development and the

existing footpath, linking the site with the school and wider community. There is therefore no objection on these grounds, subject to the suggested conditions.

8. ECOLOGY

The Council's Ecologist has reviewed the application. The site has been cleared already and there do not appear to be any significant ecological implications arising from this proposal.

Ecological measures should be required as part of the landscape proposals. The details of measures such as landscaping, if secured by condition, should be required to avoid conflicts with ecological requirements on adjacent land and the wider site. There is therefore no ecological objection to the proposals.

9. ARCHAEOLOGY

The Council's Archaeological experts have reviewed the application and determined that there is limited or no archaeological implications to this proposal. There are therefore no objections on archaeological grounds.

10. SUSTAINABLE CONSTRUCTION

Policy CP2 of the Core Strategy requires sustainable design and construction to be integral to all new developments. Policy SCR1 requires major developments to provide sufficient renewable energy generation to reduce carbon emissions from anticipated energy use in the building by at least 10%.

SAP calculations have been submitted with the application to demonstrate that the development would achieve a 32% reduction in carbon emissions compared to the baseline. This includes an 18% reduction from solar PV panels which have been included in the scheme. The proposals are therefore considered to comply with policies CP2 and SCR1 .

11. AFFORDABLE HOUSING

Background

The original planning permission (ref: 14/02272/EFUL) for the whole was granted subject to the provision of 40% affordable housing in accordance with policy CP9 of the Core Strategy.

A subsequent application (ref: 16/04289/EFUL) was permitted to increase the total number of dwellings in the scheme, but without increasing the provision of affordable housing. The percentage of affordable housing therefore dropped to 33% on-site with an additional financial contribution of £400K secured for the delivery of affordable housing off-

site following a review of the site's viability. This equates to an on-site provision of 81 units of affordable housing across a total of 246 dwellings.

61 dwellings (32 open market and 29 affordable) have been completed at Holburne Park so far and £163,333 of the £400k financial contribution towards off-site delivery of affordable housing has been made to the Council. The Holburne Park development has also already made a number of financial contributions towards a number of matters including transport, public open space and education.

This current application forms part of the wider Holbourne Park development and is therefore subject to policy CP9 in respect of affordable housing. The policy requires 40% on-site affordable housing provision and the approved affordable housing percentage on the wider development is 33%. In either case, due to the need to round up or down, the total number of affordable units requires as part of this application three (40% of 8 = 3.2 and 33% of 8 = 2.64).

Viability Assessment

A viability appraisal was submitted to cover both this current application and the concurrent application (ref: 19/03838/FUL). Given the recent refusal of application 19/03838/FUL, this assessment is no longer relevant to the consideration of this appeal.

No appraisal has been submitted to consider the viability of the current scheme independently or as part of the wider approved development.

Affordable Housing Offer

The applicant maintains that the development cannot support the provision of any additional affordable housing. Therefore the current application does not propose that any of the proposed 8 dwellings will be affordable (0%).

Overall, across the whole site the proposed development would result in the level of affordable housing dropping from 33% (81 out of 246) to 31% (81 out of 254).

Given the refusal of application 19/03838/FUL, the applicant is no longer offering an additional commuted sum towards off-site affordable housing delivery.

Site circumstances and other relevant considerations

The applicant has provided evidence to demonstrate that the viability of the existing development has been significantly impacted by a series of unforeseen events and market trends. The majority of these matters could be considered part of developer risk and are not considered as part of standardised approach to viability. However, this evidence has demonstrated that there is a significant risk that the current developer will be unable to continue development of the site without further amendments to the overall scheme.

If this risk was realised the development of the site would very likely cease and would not likely re-commence until after a new developer of the site came forward. This would very likely result in a significant delay to the delivery of the site and could have implications on whether or not the site can be counted within the Council's 5 year land supply. This is particular pertinent within the city of Bath where there housing delivery is under pressure.

Furthermore, if construction works were to cease in their current state, existing residents who have moved onto the site already would be stuck on an unfinished construction site with no certainty about when it would be finished. Additionally, there would be the loss of all the construction jobs currently on site and a knock-on effect upon the development's supply chain.

It is also evident that the scheme proposed is relatively high-end in terms of the product and its target market. Viability assessors have advised that housing pitched at the higher end may be more susceptible to downward pricing adjustments than lower value properties (i.e. more standard 'plc' type estate housing) since the market is much tighter (fewer purchasers) combined with less support from government schemes and initiatives such as Help to Buy.

Whilst the developer's specific situation is not a material consideration that should be given any significant weight, the implications for the housing delivery and for existing residents if the site were to stall can be given weight in the planning balance.

Given the refusal of application reference 19/03838/FUL, it is unclear to what extent the current application for 8 additional houses will address these concerns. Whilst it will clearly bolster the viability of the overall scheme, it is not likely to have such a significant impact to allay all these concerns. This significantly limits the weigh to be afforded to this matter.

Affordable Housing conclusions

Given the refusal of application 19/03838/FUL at the last committee meeting, the viability of the current application falls to be considered either on its own or as part of the existing approved scheme. However, no viability appraisal on this basis has been provided or reviewed. There is therefore no viability evidence to demonstrate that a reduced level of affordable housing for this application is acceptable.

The policy requires the provision of 3 out of the 8 dwellings on this site as affordable housing. The application proposes no affordable housing and this reduction is not justified by a viability assessment. There is a clear conflict with policy CP9.

It remains the case that the COVID-19 crisis has had widespread economic impacts and therefore is likely to have some adverse impact upon the housing and development, although the degree, extent and longevity of this impact is not yet clear. In the short term it is very difficult to make a case that there will not be a material adjustment in the market and that sales values should remain at pre-Covid forecast levels.

However, with the lack of a specific viability appraisal for the proposed scheme there is insufficient evidence to justify a reduction in affordable housing provision.

There remains a desire to avoid delivery of the site stalling with the consequential adverse effect on housing delivery, the detrimental effect upon the amenities of existing occupiers on the site and the loss of construction jobs. However, the ability of the current scheme to help avoid these potential impacts is unclear and this limits the weight to be afforded to these matters. These matters are therefore no longer considered to outweigh the failure to provide the required level of affordable housing.

12. COMMUNITY INFRASTRUCTURE LEVY

The proposal would be liable to pay the community infrastructure levy at a rate of £100 per square metre of residential floorspace. The approximately liable for this proposed scheme is £61,787.

13. CONCLUSION

Following the refusal of application 19/03838/FUL, the viability of this current application falls to be considered on its own or as part of the previously approved wider scheme. No viability appraisal has been provided on this basis and therefore the failure to provide the required level of affordable housing has not been justified.

The refusal of application 19/03838/FUL also now means that the ability of the current application in isolation to help avoid some of the potential impacts to the delivery of the overall scheme is called into question. This refusal is relevant to the balancing of the benefits and harms in relation to this current proposal and this updated report reflects that material change in circumstance.

In all other regards, the proposals are considered to comply with the development plan and 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. However, this does not overcome the concerns relating to the lack of affordable housing.

It is therefore considered that the proposals are contrary to policy CP9 of the Bath and North East Somerset Core Strategy and material considerations do not indicate that permission should be granted. The application is therefore recommended for refusal.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed development fails to provide a policy compliant level of affordable housing and this is not justified by the viability appraisal or any other material considerations. The proposed development is therefore contrary to the development plan, in particular policy CP9 of the Bath and North East Somerset Core Strategy.

PLANS LIST:

1 153300_STL_09301_PL01	WESTERN PARCEL - LOCATION PLAN
12290-CD351-P3	PROPOSED DRAINAGE STRATEGY SHEET 1 OF 3
12290-CD352-P3	PROPOSED DRAINAGE STRATEGY SHEET 2 OF 3
12290-CD353-P3	PROPOSED DRAINAGE STRATEGY SHEET 3 OF 3
12290-CE301-P2	PROPOSED RETAINING WALL PLAN SHEET 1 OF 3
12290-CE302-P2	PROPOSED RETAINING WALL PLAN SHEET 2 OF 3
12290-CE303-P2	PROPOSED RETAINING WALL PLAN SHEET 3 OF 3
153300_STL_01301_PL01	WESTERN PARCEL - PHASE 3B - GA PLANS
153300_STL_02301_PL01	WESTERN PARCEL - PHASE 3B ELEVATIONS
153300_STL_09302_PL01	WESTERN PARCEL - SITE PLAN
1902-MWA-00-XX-DR-L-0050_01	WESTERN PARCEL HARD LANDSCAPE PLAN
1902-MWA-00-XX-DR-L-0051_01	WESTERN PARCEL SOFT LANDSCAPE PLAN
09302-PL03	WESTERN PARCEL SITE PLAN WITH SOLAR PANEL LOCATIONS

2 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. In considering whether to prepare a further application the applicant's attention is drawn to the original discussion/negotiation.

3 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

This page is intentionally left blank

Bath & North East Somerset Council	
MEETING:	Planning Committee – Main Agenda
MEETING DATE:	1st July 2020
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.

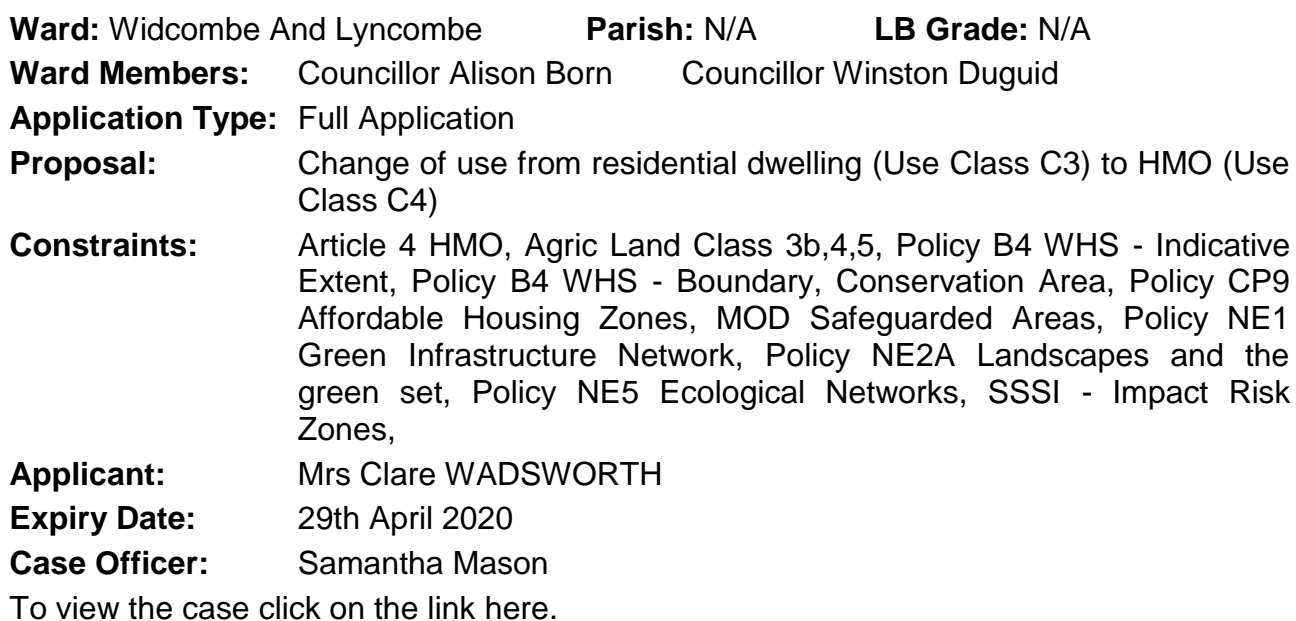
INDEX

ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	20/00861/FUL 29 April 2020	Mrs Clare WADSWORTH 231 Wellsway, Bath, Bath And North East Somerset, BA2 4RZ, Change of use from residential dwelling (Use Class C3) to HMO (Use Class C4)	Widcombe And Lyncombe	Samantha Mason	PERMIT
02	20/00257/FUL 2 July 2020	Mr Christopher Banks Land Between Three Gables And Paysons Croft, Church Lane, Bishop Sutton, Bristol, Erection of dwelling.	Chew Valley	Samantha Mason	PERMIT
03	20/01337/FUL 4 June 2020	Mr Burns Lambrook Barn , Deadmill Lane, Lower Swainswick, Bath, BA1 8DE Erection of single storey extension	Bathavon North	Isabel Daone	PERMIT
04	20/01078/FUL 5 June 2020	Harrub Ltd Land North Of 9B, Tennis Court Avenue, Paulton, Bristol, Erection of detached dwelling.	Paulton	Christine Moorfield	PERMIT
05	20/01690/VAR 10 July 2020	The Trustees Liberal Democrats, 31 James Street West, City Centre, Bath, Bath And North East Somerset Variation of conditions 3 (construction management plan) and 7 (Plans List) of application 20/00098/FUL (External works including an external lift to the front elevation, construction of a rear extension and internal ground floor renovation works to increase accessibility (Resubmission of 19/04523/FUL)).	Kingsmead	Helen Ellison	PERMIT

06	20/01689/VAR 10 July 2020	The Trustees Liberal Democrats, 31 James Street West, City Centre, Bath, Bath And North East Somerset Variation of conditions 6 (Archaeological watching brief) and 7 (Plans list) of application 20/00099/LBA (External works including an external lift to the front elevation, construction of a rear extension and internal ground floor renovation works to increase accessibility (Resubmission 19/04330/LBA)).	Kingsmead	Helen Ellison	CONSENT
07	20/00782/FUL 22 April 2020	Mr Gareth Lyon 51 Lymore Avenue, Twerton, Bath, Bath And North East Somerset, BA2 1BB Provision of a loft conversion and erection of hip to gable and rear dormer extension.	Southdown	Dominic Battrick	REFUSE
08	20/01119/FUL 10 June 2020	Mr David Britton 31 Torridge Road, Keynsham, Bristol, Bath And North East Somerset, BS31 1QQ Erection of a detached bungalow (Resubmission)	Keynsham East	Dominic Battrick	PERMIT
09	20/00006/LBA 28 April 2020	Mrs Sue Craig 21 Victoria Buildings, Westmoreland, Bath, BA2 3EH, Installation of secondary glazing to all windows.	Westmorela nd	Adrian Neilson	CONSENT
10	20/01399/FUL 7 August 2020	Mr Steven Horler New Leaf Farm, Mill Lane, Bathampton, Bath, Erection of agricultural storage building.	Bathavon North	Nicola Little	PERMIT
11	20/01249/FUL 2 July 2020	Mr and Mrs Stenning The Coach House, College Road, Lansdown, Bath, Bath And North East Somerset Erection of rear and side extension	Lansdown	Chloe Buckingham	PERMIT

REPORT OF THE HEAD OF PLANNING ON APPLICATIONS FOR DEVELOPMENT

Item No:	01
Application No:	20/00861/FUL
Site Location:	231 Wellsway Bath Bath And North East Somerset BA2 4RZ



concerned about the loss of this form of housing stock. Bungalows are a key part of the housing mix, and the committee may wish to consider this further.'

SITE LOCATION:

231 Wellsway is a detached residential dwelling located on the southern side of the city of Bath.

The property is located within the boundary of the Bath World Heritage Site and the Bath Conservation Area.

DESCRIPTION OF PROPOSAL:

Planning permission is sought for the change of use of 231 Wellsway from a residential dwelling house (use class C3) to an HMO (Use Class C4).

PLANNING HISTORY:

There is no relevant planning history on this site.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses :

Highways: No objection subject to condition.

Representations Received :

Cllr Duguid - Ward Cllr

Objects and requests call in on the following 3 grounds:

1. Parking/Highways
2. Inadequate room sizes/internal space for propose number of occupants.
3. Concerns from local residents about cooking smells outside, noise and light pollution.

It should be noted that since the call in request was made, the applicant has revised the proposal from large HMO (Sui Generis) to HMO (Use Class C4) for four occupants however objections are not withdrawn and are regarded in that light.

Third Party Comments

12 objections received. Summarised as follows:

- Insufficient parking (citing impact of bear flat RPZ restrictions)
- Potential for increased noise
- Potential for waste and recycling to clutter pavement
- Potential for waste and recycling to attract vermin
- Not suitable for the area which is largely family dwellings
- Not in keeping with area
- Plans not labelled
- Student accommodation already exists elsewhere in city

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:

B4: Impact of development on World Heritage site of Bath or its setting
CP6: Environmental Quality
CP10: Housing Mix
SD1: Presumption in favour of sustainable development

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
H2: Houses in Multiple Occupation
HE1: Historic Environment
ST7: Transport requirements for managing development

National Policy:

The National Planning Policy Framework (NPPF) was published in February 2019 and is a material consideration. Due consideration has been given to the provisions of the National Planning Practice Guidance (NPPG).

SPD's:

The Houses in Multiple Occupation in Bath Supplementary Planning Document (July 2013) is also relevant in the determination of this planning application.

Conservation Areas:

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

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

231 Wellsway is a detached dwelling, which, due to the topography of the local area is set into the slope across two levels. The property appears single storey from the front and two storey from the rear. The lower ground floor is accessed separately by steps and houses a self-contained studio apartment which forms an annexe to the main dwelling, this studio apartment forms part of the proposals.

The proposals within this application relate to the change of use from a residential property (C3 Use) to a House in Multiple Occupation (C4 Use).

The proposal was originally for the change of use to Large HMO (Sui Generis) with four bedrooms for 7 occupants (achieved by couples in some of the rooms) and it should be noted that many of the third-party comments received refer to this being the case. However, the applicant has since amended the application to an HMO (C4 Use) for up to 4 occupants, maintain the four bedrooms, which, by virtue may remove some of the concerns raised however the comments as submitted are not withdrawn and are taken into account accordingly.

The main issues to consider are:

- Principle of the Change of use
- Residential Amenity
- Impact on Highways
- Character and Appearance

PRINCIPLE OF CHANGE OF USE:

Bath is covered by a City Wide Article 4 Direction concerning HMOs which explicitly restricts the change of use of dwellings from C3 Use to C4 Use without prior planning permission.

Policy H2 of the Placemaking Plan and the supporting 'Houses in Multiple Occupation in Bath' Supplementary Planning Document (SPD) outline the Council's assessment for planning applications for this change of use, designed to control the future growth and geographic spread of HMOs.

The SPD Outlines two tests which must be considered to determine whether or not an application for a proposed HMO is likely to have an unacceptable impact on the surrounding area. These are as follows:

Criterion 1:

This criterion aims to prevent negative impacts to immediate neighbours caused by this particular change of use.

Applications for the proposed change of use of a property will not be supported where would result in any C3 residential property being 'sandwiched' between two HMOs.

Assessment: This application would not result in a residential property being sandwiched. The application meets with requirement of this criterion.

Criterion 2:

Criterion 2 aims to restrict HMOs in areas of a high concentration of existing HMOs, to prevent harmful impacts resulting from an imbalance of HMOs within residential areas. These tests are explained further within the SPD.

Criterion 2 comprises of a two stage test set out as follows:

Stage 1 Test - The property is located within (or less than 50m from) an area where existing HMO properties represent 10% or more of the households in that area. and;

State 2 Test - existing HMO properties represent more than 10% of existing households within 100m radius of the application site.

Assessment: The property is not within (or less than 50m from) an area where existing HMO properties represent 10% or more of households in that area. The application meets with the requirements of this stage 1 test. With the stage 1 test satisfied there is no requirement to carry out the stage 2 test.

The proposals within this application are considered to be compliant with the policies and tests as set out above.

Comments have been raised in relation to the suitability of the change of use, stating that the area around the application site is a street for families and elderly residents. It is suggested that HMOs and student accommodation are not suitable in this location and new dedicated student housing means that HMO conversions are unnecessary.

National and local planning policy supports a housing mix as a means to overcome issues of community cohesion and create mixed and inclusive communities. The HMO SPD aims to disperse new HMOs away from areas of high concentration to overcome issues commonly associated with an imbalance of such uses. It should also be noted that the HMO may provide accommodation for non-student residents.

The change of use is therefore acceptable in principle, subject to any other material planning considerations.

RESIDENTIAL AMENITY

Policy D6 of the Placemaking Plan 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 HMO SPD recognises that the cumulative impact of HMOs on neighbouring properties could significantly impact upon the residential amenity of the property as well as character of the area. C3 dwelling houses are occupied by single households which typically have co-ordinated routines, lifestyles, visitors and comings and times and patterns of movement. Conversely, HMOs are occupied by unrelated individuals, each possibly acting as a separate household, with their own friends, lifestyles, and patterns and times of movements.

The comings and goings of the occupiers of an HMO are likely to be less regimented and occur at earlier and later times in the day than a C3 family home, and may well consist of groups engaging in evening or night-time recreational activity. Such a change of use can therefore be expected to increase comings and goings, noise and other disturbance compared to a C3 use.

However, individually, HMOs are not generally considered to result in demonstrable harm to residential amenity as it is only a concentration of HMOs that creates significant effect. As identified in the tests above, this property is not within an area where there is a high concentration of existing HMO properties.

It is noted that concerns have been raised in respect of the potential for excessive noise, smells and waste attracting vermin. With regard to these matters, the Councils Environmental Protection Team may be able to investigate any future complains under separate legislation available to them and, where necessary, take any appropriate action.

Overall, the proposed development is in accordance with policy D6 of the Placemaking Plan.

HIGHWAYS

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.

It is acknowledged that the property is located in a residential area with a high demand for street parking, with availability that does not meet the demand.

However, without adopted parking standards for HMOs, it is difficult to demonstrate that a marginal increase in the number of bedrooms (and occupants) of the existing property will result in a demonstrable increased demand for parking within the local area. The minimum parking standards typically do not apply for house extensions alone as the impacts are not considered to be demonstrably significant.

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.

The proposal accords with policy ST7 of the Placemaking Plan for Bath and North East Somerset (2017) and the NPPF.

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. 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.

The proposed change of use of the property will be implemented through minimal internal alterations only.

The development will not materially impact the character and appearance of the site and its surroundings.

The proposed development is located within the Bath World Heritage Site, where policy B4 of the Core Strategy states that consideration must be given to impacts on the heritage asset and its setting. 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 NPPF.

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 12 of the NPPF.

CONCLUSION:

For the reasons set out above, the proposals within this application are considered to comply with the relevant policies and the application is therefore recommended for approval.

RECOMMENDATION

PERMIT

CONDITIONS

1 Standard Time Limit (Compliance)

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

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

2 Plans List (Compliance)

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

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

3 Bicycle Storage (Pre-occupation)

No occupation of the development shall commence until bicycle storage for at least two bicycles has been provided within the site. 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 for Bath and North East Somerset.

PLANS LIST:

1 This decision relates to the following plans:

01 May 2020 REVISED PROPOSED GROUND FLOOR PLAN
01 May 2020 REVISED PROPOSED LOWER GROUND FLOOR PLAN
02 Mar 2020 LOCATION PLAN

2 Condition Categories

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

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

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

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

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

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

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

3 Community Infrastructure Levy

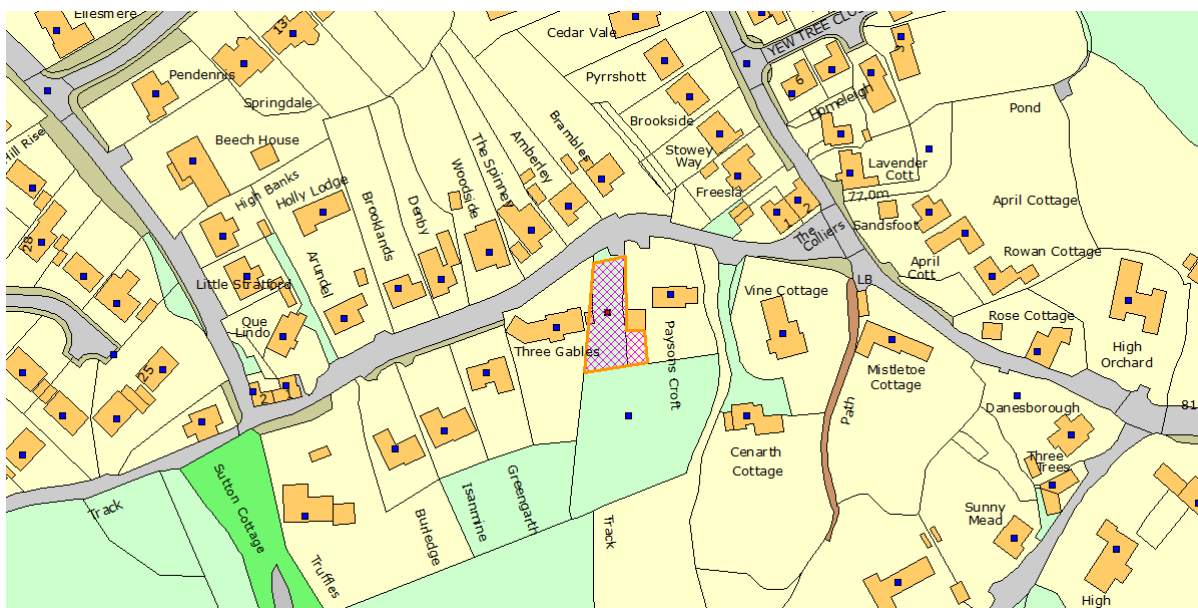
You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. **Before** commencing any development on site you should ensure you are familiar with the CIL process. If the development approved by this permission is CIL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

4 Permit/Consent Decision Making Statement

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

5 Please note that you will also require an HMO Licence for your property to operate as an HMO. Planning and HMO licensing are two separate requirements and it is essential that an HMO licence is obtained after receiving planning permission. Although Planning Permission may be granted without an HMO licence, you may legally not be able to use the property as an HMO. If you have any queries, please contact Housing Services by email at hmo_licensing@bathnes.gov.uk or telephone 01225 396269.

Item No: 02
Application No: 20/00257/FUL
Site Location: Land Between Three Gables And Paysons Croft Church Lane Bishop Sutton Bristol



Ward: Chew Valley **Parish:** Stowey Sutton **LB Grade:** N/A
Ward Members: Councillor Vic Pritchard Councillor Karen Warrington
Application Type: Full Application
Proposal: Erection of dwelling.
Constraints: Bristol Airport Safeguarding, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Policy CP9 Affordable Housing Zones, Housing Development Boundary, Policy NE1 Green Infrastructure Network, Policy NE2 AONB, Policy NE2A Landscapes and the green set, Policy NE5 Ecological Networks, Policy NE5 Strategic Nature Areas, Neighbourhood Plan, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,
Applicant: Mr Christopher Banks
Expiry Date: 2nd July 2020
Case Officer: Samantha Mason
To view the case click on the link [here](#).

REPORT

The parish council have objected to the scheme and the case officer is minded to permit, as such the application was recommended to the Chair of the Committee in line with the scheme of delegation. The Chair has recommended the application be heard at committee, stating in his decision 'I have looked at this application and the issues raised by the parish council. I think there are issues, such as character and appearance and the impact on the AONB, that the committee may wish to consider further.' The application will be heard on the 1st July. The vice chair also recommended it be heard at committee.

Details of location and proposal and Relevant History:

The site is located in Bishop Sutton, part of the site is within the Housing development Boundary and part of the site is outside. The site is also within the Mendips Area of Outstanding Natural Beauty.

Planning permission is sought for the erection of a dwelling.

Relevant Planning History:

Previously outline planning was approved for one dwelling on the site (03/02316/OUT).

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses:

Stowey Sutton Parish Council:

6th Feb - The Parish Council object to the application on a number of grounds, the following is a summary of the points raised;

- The proposed materials & building design do not sit comfortably within the streetscape, as described in the Character Assessment which forms appendix E in the adopted Stowey Sutton Neighbourhood Plan.
- The materials for the build, particularly the predominant use of cedar are not in keeping with the character of any property within the whole of Church Lane
- The 'drive through porch' is out of character for the entire settlement of Bishop Sutton and will not allow a 'view through to the hills' as stated, due to the rise of the land from front to rear of the plot, it is unclear why this feature has been included as rear parking is not typical for properties in this area, & could be considered as particularly inappropriate in this location within the AONB.
- The applicants own Design & Access Statement clearly shows that the footprint of the proposed development (page 5 point 8.2) falls significantly outside the natural line of development for the neighbouring streetscape, lying both closer to the road at the front of the property and encroaching further into the AONB at the rear of the site.
- Sustainability impact and lighting not adequately addressed in the submission.
- Whilst the principle of development on the area of land, on this plot, exclusively within the housing development boundary could be considered acceptable, the size & design of the current proposal do not meet the aims of Stowey Sutton Adopted Neighbourhood Plan policies SSHP02, SSHP03, SSHP04, SSHP05 & SSHP06. RESOLVED that Stowey Sutton Parish Council do not support planning application 20/00257/FUL.

7 May - Objection. The current proposal is a significant revision of the February 2020 submission for this parcel on the same application number. The application should be considered against the Adopted Stowey Sutton Neighbourhood Plan; the application site is inside the established housing development boundary, but also inside the AONB. The proposed materials & building design do not sit comfortably within the streetscape, as described in the Character Assessment which forms appendix E in the adopted Stowey Sutton Neighbourhood Plan. The size of the proposed dwelling is proportionately larger on the plot than other properties in Church Lane & in its current form constitutes over development of this parcel of land. The application is to build a large three-bedroom property which conflicts with policy SSHP04. No information has been provided on the potential impact of the proposed development on the wider community, the 2013 Character Assessment which forms appendix E in the adopted Stowey Sutton Neighbourhood Plan identified inadequate storm water capacity at the junction with Sutton Hill Road, a problem that has not been subsequently addressed & will be exacerbated if soakaway infiltration tests prove unsuccessful, as no alternative rainwater mitigation measures have been proposed for such an eventuality & the infiltration tests are currently only proposed during construction. No information is provided on mitigation measures to limit the effect of either external artificial lighting or spill from the sixteen windows that directly shine into the AONB.

4th June - We note some changes to the to external finishes & fenestration (window design) of these plans, and note that no further consultation appears to be taking place. Whilst we would have no further comment it should be recorded that the revision does not address the many other substantive policy issues highlighted by our earlier response on 7th May 2020. Therefore our conclusion is still valid: Whilst the principle of development on the area of land, on this plot, exclusively within the housing development boundary could be considered acceptable, the size & design of the current proposal do not meet the aims of Stowey Sutton Adopted Neighbourhood Plan policies SSHP02, SSHP03, SSHP04, SSHP05 & SSHP06.

Highways: 4th February - further information required. The applicant should be requested to submit a plan which demonstrates that they are able to achieve visibility in both directions from the proposed vehicular access onto Church Lane in accordance with the requirements of Manual for Streets for the posted speed limit of Church Lane.

24th April - No objection

Drainage: No objection subject to condition

Contaminated Land: No objection subject to conditions

Arboriculture: 13th Feb - further information required. The proposal incorporates items which are not explained within the submissions and which potentially implicate trees beyond the redline boundary. Further information is required to demonstrate compliance with policies NE1 and NE6 of the Placemaking Plan.

30th April - No objection. The revised proposal has removed elements which potentially implicated trees and green infrastructure beyond the red line boundary.

Representations Received :

Local Ward Councillor - Cllr Vic Pritchard - Given there are several sensitive issues with this proposal not least it could be precedent setting with regard several aspects of the proposal and a potential encroachment within the AONB, I would request that should the case officer be mindful to recommend it that this application is referred to the Development Control Committee.

Five objections have been received from third parties to the first round of consultation; the following is a summary of the points raised;

- Design is out of keeping with the village, artificial and contrived
- Adverse impact on AONB
- Does not follow building line
- Materials inappropriate
- Cars will be visible from AONB, PROW and SSSI
- Adverse impact to residential amenity of neighbours
- Overbearing impact of development
- Concern the archway drive will lead to future development of the orchard
- Contrary to the policies of the neighbourhood plan

2 further objections were received to the revised plans. One from a third party and one from the Mendips Hills AONB Partnership. The following points were raised;

- Concerns over size of development
- Concern about loss of light
- Concern over the use of timber
- Concern there will be privacy issues
- Noise issues

Mendip Hill AONB Partnership:

Following a site visit last week the Mendip Hills AONB Unit objects to the large size of the upper floor fenestrations on the north elevation (as shown in Drawing number 2210/0138 dated April 2020 'Proposed North and South elevations'), and the potential impact on the special qualities of dark night skies of the nationally protected landscape particularly when viewed from the north on Church Lane south towards the Burlledge Hill in the AONB during dark hours, particularly on clear or moonlight nights. In addition, the development gap between Paysons Croft and Three Gables offers the last remaining clear view towards the AONB during the day. Any development must respect the requirement to conserve and enhance natural beauty.

POLICIES/LEGISLATION

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

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

- o Bath & North East Somerset saved Local Plan policies (2007) not replaced by the Core Strategy or the Placemaking Plan:
 - Policy GDS.1 Site allocations and development requirements (policy framework)
 - Policy GDS.1/K2: South West Keynsham (site)
 - Policy GDS.1/NR2: Radstock Railway Land (site)
 - Policy GDS.1/V3: Paulton Printing Factory (site)
 - Policy GDS.1/V8: Former Radford Retail System's Site, Chew Stoke (site)
- o Made Neighbourhood Plans

Core Strategy:

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

CP2: Sustainable Construction
 CP5: Flood Risk Management
 CP6: Environmental Quality
 CP10: Housing Mix
 DW1: District Wide Spatial Strategy
 SD1: Presumption in favour of sustainable development

Placemaking Plan:

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

D1: General Urban Design Principles
 D2: Local Character and Distinctiveness
 D.3: Urban Fabric
 D.5: Building Design
 D.6: Amenity
 D7: Infill and backland development
 NE2A: Landscape setting of settlements
 NE3: Sites, species and habitats
 ST7: Transport requirements for managing development
 SCR1: On-site renewable energy requirement
 SCR5: Water efficiency
 SU1: Sustainable drainage policy
 LCR9: Increasing the provision of local food growing
 PC55: Contamination

National Policy:

The National Planning Policy Framework (NPPF) was published in February 2019 and is a material consideration. Due consideration has been given to the provisions of the National Planning Practice Guidance (NPPG).

Neighbourhood Plans:

Stowey Sutton Neighbourhood Plan:

Housing and Development Policy SSHP01 Housing Boundary
Housing and Development Policy SSHP02 Development Scale
Housing and Development Policy SSHP03 Development Character
Housing and Development Policy SSHP04 Property Size
Housing and Development Policy SSHP05 Sustainability Impact
Road and Transport Action Policy SSRT02 Parking

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:

- Principle of development
- Character and appearance
- Impact on AONB
- Residential amenity
- Highways and parking
- Contaminated land
- Trees
- Other Matters

PRINCIPLE OF DEVELOPMENT:

The red line boundary of the site is entirely within the Housing Development boundary of Bishop Sutton where the principle of development is acceptable subject to other material planning considerations discussed below.

It is noted that the applicant is the owner of Paysons Croft and the orchard to the rear of the site shown within the blue line boundary. The orchard is not within the Housing Development Boundary and does not form part of this application.

Policy SSHP04 of the Stowey Sutton Neighbourhood Plan states that in accordance with the 2014 housing needs survey the neighbourhood plan support infill development which proposes to build small (1-2 bed) market housing, other types of dwelling will be supported if they reflect a housing need. The proposal is for a three bed dwelling. Whilst this policy offers support for one to two bed dwellings it does not automatically follow that anything else is unacceptable. It is understood that the applicant who currently lives in Paysons Croft is looking to downsize into this dwelling which will be undertaken as a self-build. The proposal will contribute towards the general housing need for the wider area. Additionally the local housing survey on which this policy was based is now 6 years old. Overall it is not considered that the proposal directly conflicts with policy SSHP04.

CHARACTER AND APPEARANCE AND AONB:

Policy D7 has regard to infill and backland development. Infill development is defined as the filling of a small gap in an otherwise built up frontage. Infill development could be supported where:

- a. Development has regard to the character and quality of the surrounding townscape.
- b. New development reflects the form, pattern and grain of this existing development or otherwise enhances the character.

Policy SSHP02 of the Stowey Sutton Neighbourhood Plan supports infill housing within the housing development boundary that is of a character in keeping with the Character Assessment and does not harm the AONB.

Whilst relatively narrow the proposal site is considered an infill plot. It is noted that outline planning permission was granted in 2003 for a dwelling on the site as the officer consider it to be infill development. Whilst the development plan has since been updated, it is still considered to result in infill in line with the most recent definition.

Policy D1, D2, D3 and D5 of the Placemaking Plan have regard to the character and appearance of a development and its impact on the character and appearance of the host building and wider area. Policy SSHP03 says the Neighbourhood Plan will support future housing development which 'will reflect the character, varied materials and varied build design as identified through the Character Assessment'.

The proposal site is located on the southern edge of Bishop Sutton along Church Lane; the lane is narrow in places and has a relatively rural feel. There is no particular grain to the properties in the area, they vary in design, size, height and plot width. The Character Assessment for the Church Lane area of Bishop Sutton within the Neighbourhood Plan refers to a mixture of properties from very old miner's cottages, a farmhouse, large detached houses and bungalows, and semi-detached houses and bungalows. Most have front and back gardens of a good size.

Initially a proposal was submitted that resulted in a wide dwelling with the upper floor forming an archway design that lead through to parking at the rear of the property and used a significant amount of timber to the upper floors. The design was considered more akin flats in urban residential areas and was considered inappropriate. As such the scheme was re-designed and revised plans were submitted during the course of this application which were re-consulted on.

The revised scheme was a two storey dwelling with a rear and front projection set down slightly from the main ridge line. The floor plan resembles a plus sign shape. A garden is proposed to the rear and parking to the front. A large amount of timber was proposed and a large amount of glazing.

The Parish Council continued to object to the scheme on a number of grounds and Mendip AONB Board raised objections to the revised scheme in terms of the design and light spill. Further revision were then received to remove the timber from the front elevation and altering the window placement to a more traditional arrangement with smaller voids.

The proposed building is proposed on a similar building line to that created by Paysons Croft and Three Gables, which are the two furthest forward set properties on the street. The front elevation does not extend beyond Paysons Croft with the majority of Three Gables stepped back slightly and this is considered acceptable. It is noted that the road front here is curved and there is a mix of step backs in regards to the existing properties and their relative distance from the road some being nearer than others to the road so this relationship is not uniform and the building line is not well defined.

The plot sizes vary along Church Lane, again Paysons Croft and Three Gables form the largest in the street. The proposed plot size is similar to that of Greengarth and Isanmine just west of Three Gables.

The proposed dwelling is considered to fit comfortably within the plot. Neighbours have raised concerns in regards to overdevelopment however a front garden and rear garden space has been achieved on the plot. The immediate neighbours are two storey dwellings which is the case of the proposed dwelling.

Previous schemes have been refused at the site for more than one dwelling mainly due to the dwellings falling outside of the Housing Development Boundary. Of note was the inspectors comments on the previous application that any dwelling located here must maintain gaps between the dwellings with views in and out to the AONB. Paysons Croft and Three Gables are long dwellings which, including outbuildings) span across the width of their plots. The detached dwellings to the west also span nearly the width of the plot with small gaps maintained. Here the dwelling has been revised to achieve a gap between the dwelling and the edge of the plot and there is over a one metre gap between the proposal and the built form either side. It is considered this is sufficient to maintain views in and out of the AONB in keeping with the gaps around the surrounding properties.

The parking has now been removed from the rear of the site and located to the front (north) of the site in keeping with the location of driveways of the surrounding dwellings along Church Lane. The level of hardstanding has overall been reduced and retains a more rural feel, particularly at the rear of the site where it transitions into the open countryside and wider AONB.

The Character Assessment for the Church Lane area of Bishop Sutton notes that properties are predominantly rendered or of local stone. Paysons Croft is stone built with a typical gable design and porch to the principle elevation, whereas Three Gables is much taller with a rendered design with external timber detailing to the gable.

The proposed dwelling is to be constructed of local stone with some elements of timber cladding to the south projection only. The roof will be slate. The proposal incorporates high quality natural materials which in part reflect the local vernacular (bath stone) and in part reflect the rural AONB setting (timber). The proposal results in a dwelling that has been designed with elements from current housing trends, it is considered that given the streets character of dwellings from a number of time periods that the proposal will integrate and embed successfully over time.

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.

AONB:

Policy NE2 has regards to Conserving and Enhancing the Landscape and Landscape Character. It states that development will be permitted where it conserves or enhances local landscape character, landscape features and local distinctiveness. Additionally, paragraph 172 of the NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONB's.

The site is located within the village of Bishop Sutton, along Church Lane, the southern side of which forms part of the Mendip Hills Area of Outstanding Natural Beauty. The property is to be located in a small infill plot along the built up southern edge of Church Lane between two large dwellings. It is considered that when looking towards the village from view points across the wider AONB the proposal will be read in the context of the surrounding dwellings and will be in keeping with the village-scape setting, as such a new dwelling in this location will not look out of place.

As described above a previous inspector stated that views out towards the AONB were important in this location. The inspectors comments related to an appeal for 3 or 2 houses which encroached beyond the housing development boundary into the AONB. It is noted that the inspector found the appeal proposals to be incomparable to the passed granted permission for one house on a similar footprint to the scheme in terms of landscape.

Small gap akin to those found between the other dwellings along Church Road will be maintained, these will provide some punctuation to the AONB beyond. It is noted also that Poole Farm House sits between the site and the wider AONB and is therefore in the main view in and out of the site, again resulting in an already existing view having built form within it. Additionally the orchard to the immediate south of the site will soften views of the proposal and ensure the transition to rural countryside is maintained. Nevertheless whilst landscape character should be maintained the right to a view itself is not a material planning consideration. Here the village-scape character of the AONB is considered to be conserved.

The Mendip Hill AONB unit has raised an objection to the scheme due to the potential impact on dark skies from the fenestration on the north elevation. The applicant has reduced the size of the windows to address this concern. Additionally the dwelling will be located in an area of existing dwellings where there is already some light spill from this use, it is not considered the one dwelling located here would significantly increase light spillage, nor would the light spill beyond the curtilage. No outdoor lighting is proposed with the scheme. It is also noted that the north elevation referred to by the AONB board is the elevation that faces into the village. Residents are also likely to employ the use of curtains/blinds on windows.

The proposed development by virtue of its design, scale, massing, position and use of external materials would not adversely affect the natural beauty of the landscape of the designated AONB in accordance with policy NE2 of the Placemaking Plan for Bath and North East Somerset (2017) and Part 15 of the NPPF.

The lighting associated with the proposal does not conflict Housing and Development Policy SSHP06 Lighting of the Stowey Sutton Neighbourhood Plan.

RESIDENTIAL AMENITY:

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

There are no windows proposed in the side elevation facing towards the neighbour at Three Gables. There are some small windows in the direction of Payson's Cross, however this mainly look towards the roof of the existing outbuilding/ garage or the front garden and are not considered to result in significant overlooking to warrant refusal.

The neighbour at Three Gables has raised concerns over loss of light. Three Gables is a located in a wide plot with a wide garden. The proposed dwelling is set back slightly from the rear building line of Three Gables so that there may be some additionally minimal overshadowing of the eastern end of the property in the mornings in the summertime. This is not considered to be of a significant level to warrant refusal.

Given the design, scale, massing and siting of the proposed development the proposal would not cause significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, noise, smell, traffic or other disturbance. The proposal accords with policy D6 of the Placemaking Plan for Bath and North East Somerset (2017) and paragraph 17 and part 7 of the NPPF.

HIGHWAYS SAFETY AND PARKING:

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 Highways Development Control Team have been consulted on this application.

Submitted plan reference 2210/012 Revision B indicates that the proposed dwelling will benefit from three bedrooms which require the provision of a minimum of two off-street, car parking spaces to accord with the requirements of the authority's adopted parking standards. Plan reference 2210/011 Revision B demonstrates that the applicant proposes to provide three off-street, car parking spaces, which is policy compliant. The dimensions of each of the proposed spaces accords with the minimum requirement of 2.4-metres by 4.8-metres.

The letter which accompanied the revised information and plans advises: "the garden is now to the rear, parking to the front, and the existing entrance has been retained.....". Interrogation of the 'CrashMap' database reveals that there have been no recorded Personal Injury Collisions (PICs) on Church Lane in the vicinity of the existing entrance to the application site during the previous 60-months.

Given the global health pandemic a desk top assessment has been made. Observations of the existing access made from 'street view' images confirm that it has previously been used to provide access for motor vehicles. HDC officers are therefore satisfied that the existing visibility from the access onto Church Lane is adequate for the posted speed limit of the road and that its reinstatement as a vehicular access will not be to the detriment of highway safety.

The 'street view' images indicate that the existing access is gated and submitted plan reference 2210/011 B confirms that the applicant proposes to retain a gated access, albeit in a slightly different configuration to that which exists. The proposed gated access is consistent with existing accesses to a number of adjacent properties.

The images also appear to indicate that the existing access to the application site has been constructed from loose material, which the applicant will be requested to amend. This can be achieved by condition. This is to prevent loose material spilling onto the highway and causing safety issues.

In summary, HDC officers raise no objection to the proposed dwelling, subject to conditions.

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

FLOODING AND DRAINAGE:

Applicant indicates that the new building will drain surface water to a soakaway. British Geological Survey Infiltration Mappings indicates that the ground is likely to be poorly draining and that ground water level may be less than 3m deep at certain times of the year. On site infiltration testing will need to be undertaken at an early stage to ensure that soakaways are viable. If not then an alternative means of draining the plot will need to be submitted for approval. The plot falls towards the public highway. A revised drainage scheme will be required demonstrating that all surface water will be dealt with within the plot and not allowed to discharge onto the highway. The Drainage and Flooding team have been consulted and are satisfied this can be achieved via condition and as such have raised no objection to the scheme.

CONTAMINATED LAND:

The Contaminated Land Officer has been consulted on the scheme. Taking account of the sensitive nature of the development (i.e. residential), conditions will be attached in regards to the reporting of unexpected contamination and walkover surveys are recommended.

TREES:

The council's Arboricultural Officer has been consulted on the scheme and considers that the revisions have removed any elements which initially potentially implicated offsite trees. No objection is raised.

COMMUNITY INFRASTRUCTURE LEVY:

The site would generate additional residential floor space within the Bath city area and is subject to contributions via the infrastructure Levy in line with the Council's adopted Planning Obligations SPD.

SUSTAINABLE CONSTRUCTION AND RENEWABLE ENERGY:

Policy CP2 of the Placemaking Plan has regard to Sustainable construction. The policy requires sustainable design and construction to be integral to all new development in B&NES and that a sustainable construction checklist (SCC) is submitted with application evidencing that the prescribed standards have been met.

For minor new build development a 19% reduction in CO2 emissions is required by sustainable construction. In this case the submitted SCC shows that a 20.54% CO2 emissions reduction has been achieved from energy efficiency and/or renewables. Therefore the proposed development is compliant with policy CP2 in this instance.

Policy SCR5 of the emerging Placemaking Plan requires that all dwellings meet the national optional Building Regulations requirement for water efficiency of 110 litres per person per day. This can be secured by condition.

Policy SCR5 also requires all residential development to include a scheme for rainwater harvesting or other method of capturing rainwater for use by residents (e.g. water butts). These matters can be secured by a relevant planning condition.

Policy LCR9 states that all residential development will be expected to incorporate opportunities for local food growing (e.g. border planting, window boxes, vertical planting, raised beds etc.). Garden space is proposed where food growing can take place.

In accordance with Housing and Development Policy SSHP05 of the Stowey Sutton Neighbourhood Plan must address the sustainability of each proposal in regards to a number of points. Here it is considered the proposal has satisfied the policy; drainage can be dealt with via condition, the dwelling will have utilities and services, parking provision is sufficient, the scale is not of a level that would impact on local schools or recreation facilities.

CONCLUSION:

It is therefore considered that the proposal complies with the relevant planning policies as outlined above and the proposal is recommended for approval.

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 Parking (Compliance)

The area allocated for parking, as indicated on submitted plan reference 2210/011 Revision B, shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: To ensure sufficient parking and turning areas are retained at all times in the interests of amenity and highways safety in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

3 Bound/Compacted Vehicle Access (Pre-occupation)

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

Reason: To prevent loose material spilling onto the highway in the interests of highways safety in accordance with Policy 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 two bicycles has been provided in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. 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 T.6 of the Bath and North East Somerset Local Plan.

5 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.

6 Infiltration testing and soakaway (Pre-Occupation)

The development hereby permitted is to manage surface water onsite using soakaways as indicated on the application form and/or approved drawings. Soakaways are to be designed and constructed in accordance with Building Regulations Approved Document Part H section 3, noting the requirement for infiltration testing which should be undertaken at an early stage of the development to confirm viability of infiltration techniques.

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.

The soakaways or other approved method of surface water drainage 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 and Policy SU1 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:

1 This decision relates to the following plans:

22 Jan 2020 001 Site Location Plan
17 Apr 2020 010b Proposed Site Plan
17 Apr 2020 016a Proposed Drainage Plan
17 Apr 2020 017a Proposed Waste Management Plan
01 Jun 2020 011c Proposed Ground Floor Plan
01 Jun 2020 012c Proposed First Floor Plan
01 Jun 2020 013c Proposed N & S Elevations
01 Jun 2020 014c Proposed E & W Elevations
01 Jun 2020 015b Proposed Street Elevation

2 Condition Categories

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

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

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

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

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

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

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

3 Permit/Consent Decision Making Statement

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

4 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

5 Responding to Climate Change (Informative):

The council is committed to responding to climate change. You are advised to consider sustainable construction when undertaking the approved development and consider using measures aimed at minimising carbon emissions and impacts on climate change.

Swainswick Parish Council objected to the application. The case officer was minded to approve the application and as such the application was referred to the Chair and Vice Chair of the Planning Committee.

The Chair stated in his decision that "I have looked at the concerns around this development, and the cumulative impact that this development adds to the site. I feel that the committee should further consider the impact on the Green Belt and AONB."

The Vice Chair stated that "I have studied the application noting the comments from both statutory & third party consultees. The application including the points raised has been assessed against relevant planning policy which it adheres to therefore I recommend the application be delegated to Officers for decision."

The Chairs decision is over riding as per the scheme of delegation.

Relevant Planning History:

12/02648/FUL

Refused: 23 August 2012

Conversion of garage/workshop/store to dwelling and erection of small extension

14/03204/FUL

PERMIT: 10 October 2014

Conversion of garage/workshop outbuilding to self-contained dwelling with associated alterations

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

SWAINSWICK PARISH COUNCIL:

Swainswick Parish Council objects to the proposal primarily on the grounds of it being a gross overdevelopment of the site. Their comments are summarised as follows:

- This dwelling was formed a few years ago out of an old dilapidated timber garage/workshop. We were against this development from the outset on the grounds that the building was incapable of conversion without rebuilding. Planning permission was granted and the building demolished, validated out concerns.
- The owner has already erected a sizeable building in the garden under permitted development
- Our concerns focus on the overdevelopment of what was a very marginal new dwelling in the first place.
- The proposed extension will be built at a level much lower than the main living accommodation. Most of the land belonging to the property forms the flood plain of Lam Brook; the finished floor level will be 1.6m lower than the other bedrooms and 2.46m lower than the kitchen and living room
- In addition to the flood risk, it is possible for more development to be proposed by an addition of a first floor on the new flat roofed extension

- We believe the site is in the Green Belt, where the 33% rule applies to new extensions. The existing gymnasium eats up a large part of this allowance. The extension would massively exceed this allowance.
- It is noted that the existing building has something attached to it called "water treatment" which would be removed by this proposal. It is possible that this is a rainwater harvesting plant which the original developer put in to assist the original scheme in seeking development approval. If this is the case, it should be kept and incorporated into any new scheme

DRAINAGE & FLOODING TEAM:

No objection - according to the Environment Agency flood risk maps, the location of the proposed extension is not at risk of fluvial or surface water flooding. The applicant has not explained how surface water from the roof of the new buildings will be managed. Surface water will need to be managed in accordance with Building Regulations Part H and the drainage hierarchy.

Representations Received :

One objection from a local resident has been received and is summarised as follows:

- We object on the grounds of this being a Green Belt Site
- The original conversion ended up being a new build exceeding the footprint by 2 feet
- The proposed extension plan will have a further visual impact with dressing room and extra family bathroom being above the existing 8-foot fence
- Any lowering of the ground level on this site may impact the many underground springs in the area which in effect divert water; this could cause an issue to neighbouring properties
- The removal of the existing water treatment tank should not be permitted as this was part of the original consent to help alleviate water issues on the site
- Extra paving area, seating and firepit will increase noise, smoke and light pollution in a Green Belt area and to neighbouring properties
- Water run-off from the proposed buildings and extra paving will add to the drainage problems in the area and add to excess water that already runs straight into the brook

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:

CP6: Environmental Quality

DW1: District Wide Spatial Strategy

SD1: Presumption in favour of sustainable development

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

GB1: Visual amenities of the Green Belt

GB2: Development in Green Belt villages

GB3: Extensions and alterations to buildings in the Green Belt.

NE2: Conserving and Enhancing the landscape and landscape character

NE2A: Landscape setting of settlements

National Policy:

The National Planning Policy Framework (NPPF) was published in February 2019 and is a material consideration. Due consideration has been given to the provisions of the National Planning Practice Guidance (NPPG).

SPD's:

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

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:

- Green Belt
- Character, appearance and AONB
- Residential amenity
- Flooding and drainage

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.

GREEN BELT:

The primary issue to consider is whether the proposal represents inappropriate development in the Green Belt.

Paragraphs 145 and 146 of the National Planning Policy Framework set out the forms of development that are not considered inappropriate in the Green Belt.

In 2014, planning permission was granted for the conversion of a workshop to the existing dwelling. It has been raised that the building was not converted but instead knocked down and re-built. However, the time for enforcement action has passed. The case officer has no evidence that the building was rebuilt. When comparing plans from 2014 and the existing plans, the size of the building is very similar. The application is considered in this context.

The planning agent has provided the volumes of both the existing property and the proposed extension. The case officer has also undertaken their own Green Belt calculations. It has been raised by the Parish that the site has benefitted from the construction of an outbuilding, used as a gym, under permitted development. The Parish state that this has taken up a large amount of the 1/3 allowance for extensions usually permitted by B&NES. Paragraph 145 of the NPPF part (c) states that "the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building" may be considered appropriate development in the Green Belt. The outbuilding is located some distance away from the original building and cannot be considered as an extension of the original building in accordance with the NPPF. As such, this outbuilding is viewed in its own right and is not considered to be part of the 1/3 volume increase. Although the proposed extension will be located closer to this outbuilding, there is still a distinct separation between them.

The proposed extension represents a volume increase of 136m³ equivalent to an increase of 33.2% over and above the original building volume of 409.7m³. Therefore, the proposed development does not represent inappropriate development in the Green Belt. The proposed extension joins the existing building and will be located adjacent to the existing fence; it would not be harmful to openness or the purposes of including land

within the Green Belt. The proposal accords with policy CP8 of the adopted Core Strategy and policy GB1 and GB3 of the Placemaking Plan for Bath and North East Somerset (2017) and part 9 of the NPPF.

CHARACTER, APPEARANCE AND AONB:

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

Concerns have been raised regarding the visual impact of the proposal. The existing dwelling has a modern finish. It features white rendered walls, with cedar cladding detail. The roof is finished with slate. The existing outbuilding is finished in cedar cladding.

The proposed extension will feature a flat roof. The master bedroom area will be finished in cedar cladding and the bathroom rendered. The contemporary flat roof is considered appropriate given the style of the dwelling and outbuilding. The materials will match the existing dwelling, which is also appropriate. In addition, there is a relatively limited view of the extensions from the public realm given that they are set lower than the main dwelling, limiting their impact.

The proposal site is also within the AONB. Paragraph 172 of the NPPF states that great weight should be given to conserving and enhancing landscapes and scenic beauty in the AONB. Policy NE2 of the Placemaking makes clear that in order to be permitted, development needs to conserve or enhance local landscape character, features, local distinctiveness and important views and seek to avoid or adequately mitigate any adverse impact on landscape. The proposed extensions have a modest height and are set at a level below the main dwellinghouse. It utilises materials which reflect the existing property and will join existing built form, being constructed largely along the existing fence line. It is therefore not considered to be a prominent addition to the landscape which would cause a detrimental impact on the AONB. It is not considered that the proposal will have an adverse impact on the landscape character or distinctiveness of the AONB and would therefore conserve its beauty. It is acceptable in this regard.

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 paragraph 17 and part 7 of the NPPF.

RESIDENTIAL AMENITY:

Policy D6 sets out to ensure developments provide an appropriate level of amenity space for new and future occupiers, relative to their use and avoiding harm to private amenity in terms of privacy, light and outlook/overlooking.

It has been raised that the height of the proposal is above the existing 8ft fence, which has an impact on outlook and visual impact in the Green Belt. The majority of the extension is set below the level of the existing fence. However, it is noted that the proposed bathroom and part of the master bedroom extension will have a height greater than the existing fence. The height is considered to be relatively modest and as previously discussed, does not harm the openness of the Green Belt. Lambrook Barn is located a considerable distance away from neighbouring properties and the proposed extension is not considered to significantly harm the outlook from the nearby properties. It is also unlikely to cause significant overshadowing or overbearing impacts.

It has also been raised by a local resident that the proposed outdoor seating area with fire pit will increase light, smoke and noise pollution. This pollution will be commensurate with that usually occurring from the garden of a residential dwelling and is unlikely to cause significant harm to the neighbouring residents. In addition, planning permission is not required for outdoor seating or fire pits within a garden setting. As such, it would be unreasonable to refuse the proposal on this basis.

Given the design, scale, massing and siting of the proposed development the proposal would not cause significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, noise, smell, traffic or other disturbance. The proposal accords with policy D6 of the Placemaking Plan for Bath and North East Somerset (2017) and paragraph 17 and part 7 of the NPPF.

DRAINAGE & FLOODING

A number of concerns have been raised regarding drainage and flooding. The B&NES Drainage and Flood Team having not objected to the proposal. Their comments state that surface water drainage and run off will need to comply with building regulations.

Both the local residents and Parish Council have raised concerns regarding the water tank to the rear of the dwelling and it has been stated that this may have been part of the original conversion permission.

Drainage details were conditioned and subsequently discharged under application 16/02197/COND. The drainage details provided included details of a soakaway and French drain. The water tank to the rear of the property was not included in these details. B&NES Drainage & Flood team were satisfied with these details and there is no objection to the removal of this water tank. Surface water drainage will be dealt with through building regulations.

The very bottom of the site is located within Flood Zone 3 and concerns have been raised regarding flooding to the new extension due to it being set lower than the existing dwellinghouse. The extension is located some distance from Flood Zone 3 and the ground slopes down towards the brook. As such, there is no objection to the development in terms of flood risk.

It has also been stated that any ground level changes may cause harm to the underground springs in the area, affecting neighbouring properties. The proposal will involve minimal ground level changes and largely follows the natural sloping progression of the land.

Overall, the proposal is not considered to impact drainage and flooding to an extent to warrant a refusal reason. Surface water will need to be managed in accordance with Building Regulations Part H and the drainage hierarchy. This is a separate process to planning.

OTHER MATTERS:

The Parish Council have raised concern that the flat roof element will easily allow a first floor to be constructed, which would further harm the Green Belt. The planning department can only consider the development which is before them and no planning application has come forward which proposes a first floor to this extension. An extension at first floor level would require further planning permission and consideration.

The flat roof element has the potential to lend itself to be used as a terraced area, given the changes in level between the main house and extension. It is noted that this is not proposed under this application and roof lights are to be inserted into the roof of the extension. No access which would allow this to occur under this application is proposed. Notwithstanding this, it is considered that should this occur, it would detrimentally impact the residential amenity of the neighbouring occupiers in regards to overlooking given the location of the extension close to the boundary with the property. It would also add visual clutter, negatively impacting the appearance of the extension and would need further consideration given the sensitive location of the site within the Green Belt and AONB. Therefore, a condition will be added to the decision notice to prevent the use of the roof of the extension as a terrace without further consideration by the Local Planning Authority.

CONCLUSION:

It is therefore considered that the proposal complies with the relevant planning policies as outlined above and the proposal is recommended for approval.

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 external render and cladding 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 D2 and D4 of the Bath and North East Somerset Local Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

3 No Terrace/Balcony Use (Compliance)

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

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

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:

1 This decision relates to the following plans:

SMH/28/19/18-05a. Proposed House Elevations.

SMH/28/19/18-06a. Proposed Site Plan.

SMH/28/19/18-04a. Proposed Extension Plan.

SMH/LB01/01. Existing and Proposed Block/Location Plan.

All received 8th April 2020.

2 Permit/Consent Decision Making Statement

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

3 Condition Categories

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

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

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

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

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

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

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

4 Responding to Climate Change (Informative):

The council is committed to responding to climate change. You are advised to consider sustainable construction when undertaking the approved development and consider using measures aimed at minimising carbon emissions and impacts on climate change.

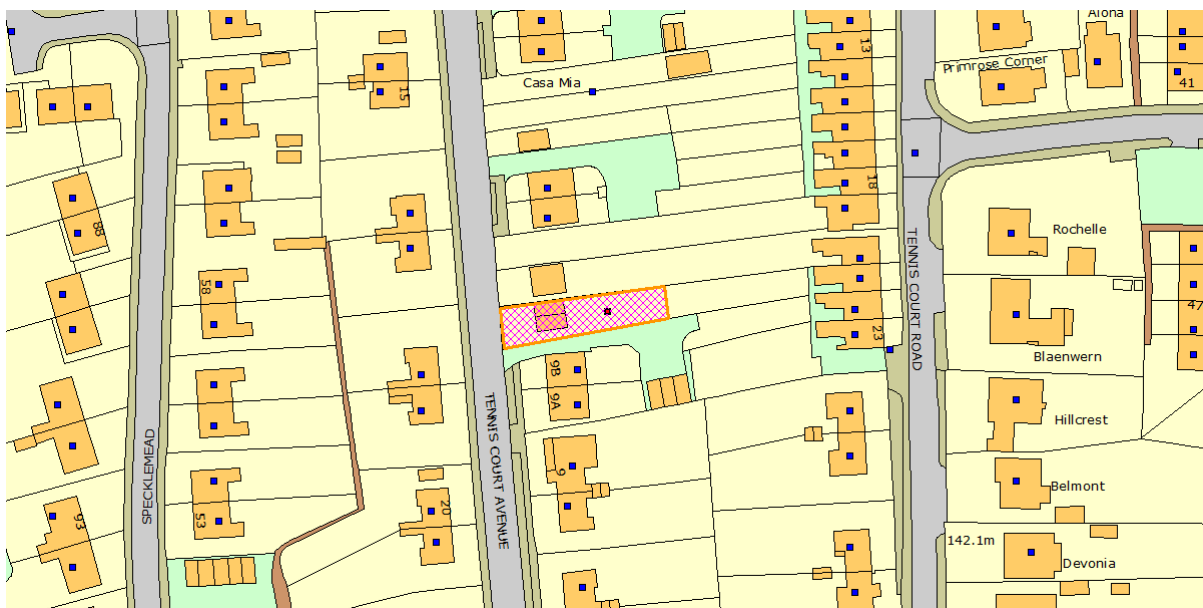
5 Community Infrastructure Levy

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: 04

Application No: 20/01078/FUL

Site Location: Land North Of 9B Tennis Court Avenue Paulton Bristol



Ward: Paulton	Parish: Paulton	LB Grade: N/A
Ward Members:	Councillor Liz Hardman	Councillor Grant Johnson
Application Type:	Full Application	
Proposal:	Erection of detached dwelling.	
Constraints:	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Conservation Area, Policy CP9 Affordable Housing Zones, Housing Development Boundary, SSSI - Impact Risk Zones,	
Applicant:	Harrub Ltd	
Expiry Date:	5th June 2020	
Case Officer:	Christine Moorfield	
To view the case click on the link here.		

REPORT

This application has been called to Committee by the Chair and Vice Chair of the Planning Committee

The Chair has stated:

I have noted the comments by objectors, and the responses by officers. However, I remain concerned about over-development and impact on highways, and think these issues need to be considered at committee.

The Vice Chair has stated:

I have looked carefully at the application noting the comments from statutory & third party consultees including objections from PPC & the Ward Cllr.

The application has been assessed against relevant planning policy addressing the points raised, however the concerns linked to the highways comments remain therefore I recommend this application be determined by the planning committee so it can be debated fully.

The site which fronts on to Tennis Court Avenue is located at the end of what was the garden of number 21 Tennis Court Road. It appears that historically the properties along Tennis Court Road would all have had very long gardens which were accessed from Tennis Court Avenue although over time many of these gardens have been subdivided and development fronting onto Tennis Court Avenue has been built.

The site is within the Housing development boundary for Paulton and the Paulton Conservation Area. At present there are two garages on the site and there is a 7m deep hardstanding in front of the garages which can accommodate 3/4 cars.

The proposed new dwelling is a detached three bedroomed dwelling. The materials to be used are shown to be render with quoins on the front elevation under a tiled double hipped roof. The application states that the materials will match those of the adjacent properties. The hardstanding at the front of the site is to be retained.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

PAULTON PARISH COUNCIL- Object - Overdevelopment of the site, negative impact on homes in the surrounding area, would block out light.

Cllr Liz Hardma- objection

Parking for 21 Tennis Court Road (Hope Place) would be removed to build this detached house. This would result in increased parking on Tennis Court Road (Hope Place). This road is very narrow with a lot of on street parking anyway, as many of the homes are terraced. It is also one of the main routes to Paulton Infant and Junior Schools and Paulton Swimming Pool, so can be extremely busy at times.

Extra street parking would lead to more congestion problems.

Overlooking of the homes of Hope Place (Tennis Court Road) with this development, with loss of light.

Overdevelopment of the site.

DRAINAGE

Applicant has indicated that surface water will be disposed of via an onsite soakaway, no further information has been provided. A condition in respect of infiltration testing for soakaways is considered necessary.

HIGHWAYS

Submitted plan reference 2020519: Existing Site Plan indicates that the application site currently houses two single garages, together with a metalled area to the front, which provides off-street, car parking for four cars. The submitted Proposed Site Plan, reference 2020520, indicates that the erection of the proposed detached dwelling requires the demolition of the existing garages.

Whilst the applicant proposes to retain the existing metalled area, which will provide a policy compliant two off-street, car parking spaces for the proposed three-bedroomed residential dwelling, Highway Development Control (HDC) officers consider that it is highly unlikely that future occupiers currently use the metalled area to park their cars.

This, combined with the demolition of the existing two single garages, has the potential to displace up to four existing off-street, car parking activities onto the adopted public highway, which would affect highway safety and/or residential amenity, contrary to Policy ST7 of the Bath and North East Somerset Placemaking Plan.

The applicant should be requested to provide details of how the existing four off-street, car parking activities will be maintained.

CONSERVATION

The northern part of the road and the gardens of the historic terrace (approx. 5) are undeveloped and retain their productive garden plot character and charm. The further you go up the road the quality quickly reduces which is regrettable. The garages are unsightly and although the proposed house is not noteworthy in its design it is better than the existing garages. It is noted the tarmac is to be retained. Some planting, incorporating a hard standing using a good quality material i.e. some nice pavements etc should be proposed. A good landscaping scheme would help the scheme. This situation is not seen to be an historic environment/conservation issue notwithstanding the fact that the site is in a CA.

8 Objection letters have been received

The main points raised are as follows:

The proposed detached dwelling is not in keeping with the rest of Tennis Court Avenue, all being semi-detached properties.

Development harmful to the character and appearance of the Conservation Area.

Cramped form of development.

The garage is not obsolete and plot is not over grown. The site is still in use for parking by the residents of 21 Hope Place. Loss of rear access for number 21 Tennis Court Road (Hope Place) when plot sold off.

North of 9B Tennis Court Avenue is a misleading address.

Development will block light and views for adjacent resident.

Overshadowing and loss of privacy for neighbours.

Impact on highway safety in general but also through loss of parking for 21 Tennis Court Road

Could possibly obstruct the turning to get to the 3 garages behind the houses next door for a property on Tennis Court Road and 2 on Tennis Court Avenue.

POLICIES/LEGISLATION

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

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

Core Strategy:

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

CP2 Sustainable Construction

CP6 Environmental Quality

CP10 Housing Mix

CP12 Centres and Retailing

DW1 District-wide spatial Strategy

SV1 Somer Valley Spatial Strategy

Placemaking Plan:

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

D1: General urban design principles

D2: Local character and distinctiveness

D3: Urban Fabric

D4: Streets and Spaces

D5: Building design

D6: Amenity

D7: Infill and Backland Development
H7: Housing Accessibility
SCR1: On-site Renewable Energy Requirement
ST1: Promoting Sustainable Travel
ST7: Transport access and development management
LCR9: Local Food Growing
SCR5: Water Efficiency

The National Planning Policy Framework (NPPF) was published in February 2019 and is a material consideration. Due consideration has been given to the provisions of the National Planning Practice Guidance (NPPG).

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

Principle of Development

The site is located within the residential area of Paulton, and is situated within the Paulton housing development boundary. Therefore the principle for the development of a house here is acceptable subject to other considerations which are as follows:

Character and Appearance

The dwelling is considered to sit comfortably within the site, and it is considered that the placement of the dwelling within the plot, which is similar to other plot sizes within the locality, would not constitute overdevelopment.

The proposed dwelling will be set (approximately) 7 metres back from the public highway and pavement in order to allow for vehicular parking at the front of the dwelling. The new property sits on the location of the existing garages and its rear elevation is approximately in line with the adjacent dwelling to the south. The plot allows the new dwelling to have a garden area which reflects the density of development within the vicinity of the site.

The proposed dwelling reflects the character and appearance of the street in terms of design details and the materials to be used. With regards to materials the proposed dwelling will incorporate render for the walls with quoins on the front elevation. It is stated

that the materials will match those in the vicinity although it is considered necessary that precise details are secured via condition.

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, D5 and D7 of the Placemaking Plan for Bath and North East Somerset (2017) and part 12 of the NPPF.

Impact on the Conservation Area.

This site is located within the Paulton Conservation Area. Within the Conservation Area Appraisal Area 6 is a relatively tightly drawn boundary around the terraced properties along Tennis Court Road (Hope Terrace) and their long gardens which face onto Tennis Court Avenue. Within the appraisal the untidy state of many of these gardens is highlighted as a negative within this part of the Conservation Area. Many of these long gardens have since been sold off and development has appeared along the Tennis Court Avenue frontage. This area is therefore different in character as it has a less uniform character to the residential area particularly to the south. To the southern end of Tennis Court Road, Tennis Court Avenue and Specklemead it is recognised that the character of these areas is one of semi detached properties although it is noted these areas are not within the 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 whilst it is recognised that the long gardens of the properties fronting onto Tennis Court Road were of note within the Conservation Area it is notable that this pattern has been eroded over time with development taking place on most of these long gardens and therefore this distinctive character has been eroded and in the main lost. The replacement of the garages with the proposed dwelling is seen as an improvement to the appearance of the site and re surfacing of the front forecourt is seen to be necessary in order to further enhance the appearance of the site. The development therefore, by virtue of its design, scale, massing, position and the external materials is considered to enhance the character and appearance of this part of the Conservation Area and its setting.

The site forms a gap site which has two single garages on it which have little merit and do not contribute positively to the street scene. The development of this site is in keeping with the character of this part of the Conservation as it has evolved more recently. Therefore, 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.

Residential Amenity

As mentioned the proposed dwelling is considered to sit comfortably within the site. It is considered that the proposed dwelling would be able to provide an acceptable amount of amenity space for future occupiers of the proposal.

Comments received have noted an overbearing impact to neighbours. The proposed dwelling measures 6m x 9m having a total floor area of 108 m sq. The siting of the proposal will allow for its rear elevation to sit almost level with the rear elevation of the

neighbouring property to the south. To the north of the proposed dwelling is a double garage which sits on a plot similar to the one the subject of this application.

The roof of the proposed dwelling has a double hip which reduces its perceived mass on the side boundaries. In addition the ffl of the new dwelling is shown to be 400mm lower than the ffl of the property to the south (9B) thereby further reducing its impact on the amenity of residents of this property.

All the proposed windows are located on the front and rear elevations (E and W) and the rear windows are at a distance of 15m from the site boundary with the closest property to the East. Whilst loss of view over the site has been raised as an objection this matter would not warrant refusal of the application.

Concerns have been raised that the dwelling would impact on the neighbours boundary. The development is shown to be located within the site being set in from the Northern boundary marginally to allow for the construction of foundations and rain water goods. Therefore, given the design, scale, massing and siting of the proposed development the proposal would not cause significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, noise, smell, traffic or other disturbance. The proposal accords with policy D6 of the Placemaking Plan for Bath and North East Somerset (2017) and part 12 of the NPPF.

Highways

Given the nature of the proposal Highways DC (HDC) has been consulted. Within the response received it is noted that the proposed three-bedroom dwelling requires the provision of two off-street car parking spaces. The submitted plans indicate that four off-street car parking space will be retained on the front forecourt. The submitted application indicates that the site was sold off separately to number 21 Hope Terrace and is not owned by the occupiers of this property. The applicant purchased this land on 5th February 2020 the applicant has sole use of land and garage but this will obviously cease when/if the development is carried out. This sale of land has resulted in the property fronting Tennis Court Road no longer having available parking. The site is in separate ownership and provides parking for the owner of the site and therefore does not provide parking for locals within the area.

This matter has been raised by residents and the impact on traffic and parking has been a matter of concern to interested parties. As such the loss of these two garages and the use of the forecourt in association with the new dwelling cannot be seen to impact negatively on the parking provisions within the immediate area in principle. The submitted plans indicate the retention of the parking forcourt to serve the new dwelling and it is not envisaged that development of this site would necessarily restrict or inhibit access to adjacent properties. The proposal includes adequate car parking for a three bedroomed house.

As shown on the submitted plans the means of access and parking arrangements are considered acceptable and to 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 subject to compliance with conditions.

Sustainability:

A sustainable construction checklist and sustainability assessment have been submitted with the application. Environmental sustainability and climate change is a priority for Bath & North East Somerset Council. Our Environmental Sustainability and Climate Change Strategy set a CO2 reduction target for the area of 45% by 2029. Development plays an important role in meeting this target, by minimising the emissions that cause climate change and future-proofing to cope with the climatic changes that will take place within the buildings' lifetime. In order to assess the sustainability of new development from November 2018 all new build proposals that require Building Regulations Part L certification need to complete a sustainable construction checklist.

Track 2 of the sustainability construction checklist for minor new build residential developments has been completed (Minor development: 1-4 dwellings or up to 499m2 floor space). Under this track the percentage CO2 reduction from all measures should be at least 19%. From viewing the submitted documents the proposed dwelling is intended provide a CO2 reduction percentage of 27.6% which meets the requirements as set out within the checklist.

The proposal has also set out methods to achieve sustainability targets such as the installation of water butts. It is also noted that the site holds sufficient space to allow for local food growing meeting the requirements of policy LCR9 of the Bath Placemaking Plan.

In order to ensure the details provided can be achieved conditions will be attached to any permission given. Based on the above the application complies with policy CP2 of the Bath Core Strategy and policy SCR5 of the Placemaking Plan.

Other matters

The address of the site was given on the application form and is seen to accurately identify the site.

Conclusion

Based on the comments raised above the application is recommended for approval subject to conditions.

RECOMMENDATION

PERMIT

CONDITIONS

1 Standard Time Limit (Compliance)

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

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

2 Plans List (Compliance)

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

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

3 Surface water management (Compliance)

The development hereby permitted is to manage surface water onsite using soakaways as indicated on the application form and/or approved drawings. Soakaways are to be designed and constructed in accordance with Building Regulations Approved Document Part H section 3, noting the requirement for infiltration testing which should be undertaken at an early stage of the development to confirm viability of infiltration techniques.

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. The soakaways or other approved method of surface water drainage 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 and Policy SU1 of the Bath and North East Somerset Placemaking Plan.

4 Sustainable Construction (Pre-occupation)

Prior to first occupation of the development hereby approved the following tables (as set out in the Council's Sustainable Construction Supplementary Planning Document, Adopted November 2018) shall be completed in respect of the completed development and submitted to the local planning authority together with the further documentation listed below:

- o Table 2.4 (Calculations);
- o Building Regulations Part L post-completion documents

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).

5 Water Efficiency - Rainwater Harvesting (Pre-occupation)

No occupation of the approved dwelling shall commence until a scheme for rainwater harvesting or other methods of capturing rainwater for use by residents (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.

6 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.

7 Hard Landscaping (Pre-occupation)

No occupation shall commence until a hard landscape scheme has been submitted to and approved in writing by the Local Planning Authority showing an appropriate surface finish at the front of the dwelling adjacent to Tennis Court Avenue. The surface shall be constructed in accordance with the approved details prior to the first occupation of the dwelling.

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.

PLANS LIST:

1 2020519-20, 21, 22, 23 and 24 all dated 16/03/20

2 Condition Categories

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

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

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

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

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

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

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

3 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

4 Responding to Climate Change (Informative):

The council is committed to responding to climate change. You are advised to consider sustainable construction when undertaking the approved development and consider using measures aimed at minimising carbon emissions and impacts on climate change.

5 Permit/Consent Decision Making Statement

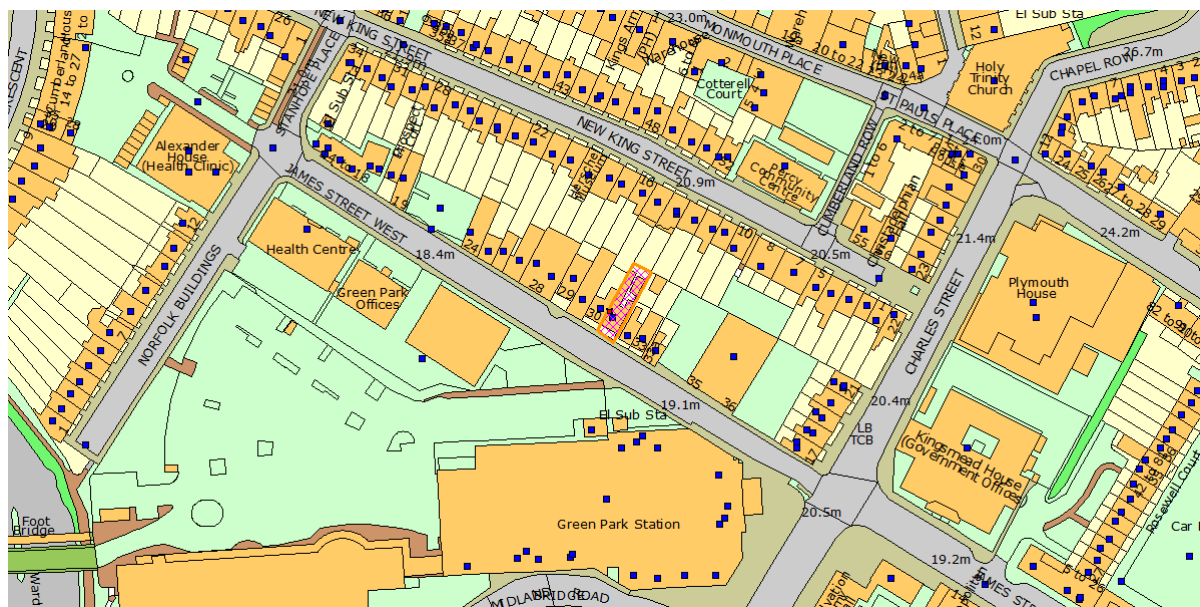
In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework.

6 Coal Mining - Low Risk Area (but within coalfield)

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

Item No: 05
Application No: 20/01690/VAR
Site Location: Liberal Democrats 31 James Street West City Centre Bath Bath And North East Somerset



Ward: Kingsmead **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Sue Craig Councillor Andrew Furse
Application Type: Application for Variation of Condition
Proposal: Variation of conditions 3 (construction management plan) and 7 (Plans List) of application 20/00098/FUL (External works including an external lift to the front elevation, construction of a rear extension and internal ground floor renovation works to increase accessibility (Resubmission of 19/04523/FUL)).
Constraints: Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Air Quality Management Area, Policy B2 Central Area Strategic Policy, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP9 Affordable Housing Zones, Flood Zone 2, Listed Building, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,
Applicant: The Trustees
Expiry Date: 10th July 2020
Case Officer: Helen Ellison
To view the case click on the link [here](#).

REPORT

SITE DESCRIPTION

31 James Street West is a Grade II listed building located within Bath conservation area and the City of Bath World Heritage site. Opposite the site is Grade II Green Park Railway Station. No. 31 is a mid-terraced Victorian property currently in office use that dates from

around 1850. The main plan form is single depth and there are 2 No. two storey projecting wings to the rear; one with flat roof, one with monopitch. No. 31 is built from Limestone ashlar and is two storeys in height with sash windows. The ground floor of the property is raised above surrounding ground levels at front and back, and is approached from the street via a flight of stone steps. The list description for the property refers to it being one of the more intact small early Victorian houses along the street, retaining an elegant front. Its southward prospect across gardens towards the River Avon (shown on Cotterell's map of 1852) would have been dramatically altered by the construction of Green Park Station by the Midland Railway in 1869. Though the property was included for group value it is noted that adjacent properties are not listed.

PROPOSAL

Variation of conditions 3 (construction management plan) and 7 (Plans List) of application 20/00098/FUL (External works including an external lift to the front elevation, construction of a rear extension and internal ground floor renovation works to increase accessibility (Resubmission of 19/04523/FUL)).

REASON FOR REFERRAL TO DMC

Although the trustees are responsible for the proposed work, one of the trustees, Mark Roper, is also an elected member. The works are also for the offices of a political party.

PLANNING HISTORY

DC - 19/04330/LBA - CON - 20 December 2019 - External works to include external lift to front elevation, erection of rear extension and internal ground floor renovation works to increase accessibility.

DC - 19/04523/FUL - PERMIT - 20 December 2019 - External works including an external lift to the front elevation, construction of a rear extension and internal ground floor renovation works to increase accessibility.

DC - 20/00098/FUL - PERMIT - 16 March 2020 - External works including an external lift to the front elevation, construction of a rear extension and internal ground floor renovation works to increase accessibility (Resubmission of 19/04523/FUL).

DC - 20/00099/LBA - CON - 16 March 2020 - External works including an external lift to the front elevation, construction of a rear extension and internal ground floor renovation works to increase accessibility (Resubmission 19/04330/LBA).

DC - 20/01689/VAR - PCO - Variation of conditions 6 (Archaeological watching brief) and 7 (Plans list) of application 20/00099/LBA (External works including an external lift to the front elevation, construction of a rear extension and internal ground floor renovation works to increase accessibility (Resubmission 19/04330/LBA)).

DC - 20/01690/VAR - PDE - Variation of conditions 3 (construction management plan) and 7 (Plans List) of application 20/00098/FUL (External works including an external lift to the front elevation, construction of a rear extension and internal ground floor renovation works to increase accessibility (Resubmission of 19/04523/FUL)).

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

PUBLICITY: Site notice posted & photographic evidence received 09.06.2020

CONSULTATIONS:

Highways DC: No objection following receipt of revised Construction Management Plan (CMP)

Drainage & Flooding: Views awaited. Members will be updated at DMC

REPRESENTATIONS

None received to date.

POLICIES/LEGISLATION

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.

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:

B1 Bath Spatial Strategy
B2 Central Area Strategic Policy
B4 The World Heritage Site and its Setting
CP6 Environmental Quality
DW1 District Wide Spatial Strategy
SD1 Presumption in favour of Sustainable Development

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:

D2 Local Character and Distinctiveness

D5 Building Design

D6 Amenity

NE2 Conserving and Enhancing the Landscape and Landscape Character

HE1 Historic Environment

CP1 Retrofitting existing buildings

CP2 Sustainable construction

CP5 Flood Risk Management

ST1 Promoting sustainable travel

ST7 Transport Requirements for Managing Development

SCR5 Water Efficiency

Guidance:

Historic England Advice Note 2 Making Changes to Heritage Assets (2016)

BaNES Draft City Centre Character Appraisal Bath (2015)

BaNES 'Energy Efficiency & Renewable Energy Guidance for Listed Buildings & Undesignated Historic Buildings' (2013)

Historic England 'Flooding & Historic Buildings' (2015)

Historic England 'Easy Access to Historic Buildings' (2015)

National Policy:

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

National Design Guide Planning practice guidance for beautiful, enduring and successful places (MHCLG, 2019)

- The design guide forms part of planning practice guidance and is a material consideration in planning applications

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

INTRODUCTION

This application is made under S.73 of the Town and Country Planning Act 1990 and seeks to vary conditions 3 (Construction Management Plan) and 7 (plans list) associated with planning permission 20/00098/FUL (for external works including an external lift to the front elevation, construction of a rear extension and internal ground floor renovation works to increase accessibility (Resubmission of 19/04523/FUL)).

S.73 of the Town & Country Planning Act (1990) states that; 'on such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted'. A wider reassessment of the scheme as a whole is therefore

unnecessary and beyond the scope of this application. The only matters that may be considered in respect of the current application therefore are those planning issues raised by the proposed variations and any other issues raised by amending the remaining conditions.

The two variations of condition sought are set out below.

VARIATION OF CONDITION 3

Condition 3 is a pre-commencement condition which requires the submission of a Construction Management Plan (CMP) and approval in writing by the Local Planning Authority. The Condition was precedent and imposed to ensure the safe operation of the highway and in the interests of protecting residential amenity in accordance with relevant policy and because any initial construction or demolition works could have a detrimental impact upon highways safety and/or residential amenity.

A Construction Management Plan (CMP) has been submitted for consideration. Highway Development Control (HDC) Officers have reviewed the CMP submitted in support of the application and can confirm that it is acceptable in principle. However, HDC recommend that the applicant contact 'Parking Services' with a view to suspending parking bays outside of the application site as this would create room for the storage of materials and ensure a safe pedestrian walkway could be retained.

The applicant was made aware of Highways DC recommendation and a revised CMP received. Highways DC have been re-consulted following receipt of 'Revision A' of the Construction Management Plan (CMP) and comment as follows;

Having reviewed the revised CMP with colleagues from the street works team, HDC officers can advise that the plan is acceptable and therefore raise no highway objection to Condition 3 being discharged.

Construction Management Plan (Bespoke Trigger)

The development hereby approved shall be carried out in accordance with the 'Construction Management Plan Revision A' dated 15th June 2020.

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.

VARIATION OF CONDITION 7

Condition 7 is a compliance condition and requires that the development permitted shall only be implemented in accordance with drawings set out in a list. This condition was imposed to define the terms and extent of the permission.

3 amended drawings have been submitted in support of this current application and which set out minor material amendments to the appearance of the rear and side elevations as they relate to the new rear extension and to relocate an accessible WC within the retained rear extension. Although there is no statutory definition of a 'minor material amendment' it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved.

The key issues as they relate to the proposed variation of Condition 7 are set out below;

DESIGNATED HERITAGE ASSETS

The application site is located within the City of Bath World Heritage Site, therefore consideration must be given to the effect the proposal might have on the setting of the World Heritage Site. In addition, the site is within Bath conservation area and the proposal concerns a Grade II listed building. Accordingly there is a duty placed on the Council under Section 72 (1) 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, and, a duty under Sections 16 and 66 (1) of the same Act, when considering whether to grant planning permission or listed building consent 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.

The proposed amendments to the rear and side elevations of the new rear extension would omit the corner glazed screen and replace it with a simpler pair of doors within the rear elevation. The relocation of the accessible WC allows for these doors to return to their originally intended position, allowing office workers a view of the garden from their desks.

The proposed internal amendment would relocate an accessible WC from within the new rear extension to within the existing extension to be retained; the ground level of the retained extension would be raised to remove an existing step. The floor would be raised by way of plywood deck on timbers over the existing concrete slab. This accessible WC was to have been contained within the new extension. However, in approved position it would have narrowed the space created and pushed the entrance screen to the projecting external corner of the plan. It is now proposed therefore to contain the WC in a more ergonomic position within the retained extension instead, thus leaving the new extension as a single clear room.

Taking account of the above the proposed amendments are of a scale and nature that would result in a development that is not substantially different from the one which has been approved.

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. Taking account of the

above and in this instance the proposed variations are considered to be minor in scale and nature such that they will preserve this part of the Bath Conservation Area and therefore meet this requirement.

The Council has a statutory requirement under Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 when considering whether to grant planning permission for any works of development which affect 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. Taking account of the above and in this instance the proposed variations are minor in scale and nature such that they would preserve the special interest of the listed building and its setting and therefore meet this requirement.

In summary it is considered that the proposed variations would not result in harm to the outstanding universal values of the wider World Heritage Site, would preserve the character and appearance of this part of the Conservation Area and have an acceptable impact on the listed building and its setting as well as the settings of neighbouring listed buildings. Furthermore, It is considered that the proposed variations are consistent with the aims and requirements of the primary legislation and planning policy and guidance and would preserve the significance of the designated Heritage assets. Subject to conditions the proposed variations accord with policy CP6 and B4 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.

CHARACTER & APPEARANCE

The proposed amendments relate to the rear of the building and would not be visible from the wider area. Consequently, the proposed variations would maintain the character and appearance of the surrounding area and therefore accord with policy CP6 of the adopted Core Strategy (2014) and policies D2 and D5 of the Placemaking Plan for Bath and North East Somerset (2017) and part 12 of the NPPF.

NEIGHBOUR AMENITY

The application site backs on to properties that front New King Street and sits within Nos. 30 and 32 James Street West. Broadly opposite the site is the former Green Park Railway Station now in commercial use.

The proposed amendment to omit the corner glazed screen and replace it with a simpler pair of doors within the rear elevation is not expected to 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. Arguably a reduction in amount of glazing to rear and side would be advantageous in amenity terms. The proposed relocation of the accessible WC concerns the interior of the building and would not, therefore, impact on amenity.

Taking account of the above the proposed variations accord with policy D6 of the Placemaking Plan for Bath and North East Somerset (2017) and part 12 of the NPPF.

HIGHWAYS

Highways DC comment that a comparison with the plans listed under Condition 7 of application reference 20/00098/FUL conclude that there is no effect on the continued safe operation of the adopted public highway, therefore HDC officers raise no highway objection to the proposed variation of Condition 7.

Taking account of the above the proposed variation is expected to maintain highway safety standards. Subject to condition the proposal accords with policy ST7 of the Placemaking Plan for Bath and North East Somerset (2017) and part 9 of the NPPF.

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. This application involves a listed building and has been assessed against the relevant policies and guidance as identified, and these have been fully taken into account in the recommendation made. The proposed variations accord therefore with policy CP6 of the adopted Core Strategy and policies HE1, CP1 and CP2 of the Placemaking Plan for Bath and North East Somerset (2017) and parts 14 and 16 of the NPPF.

DRAINAGE & FLOODING

BaNES Drainage and Flooding team raised no objection to the previous application 20/00098/FUL. It is notified that the property is situated within flood zone 2 and deemed that the development would not increase flood risk. However, it is advisable to follow the Environment Agency standing advice that no floor levels are to be installed lower than existing.

VARIATION OF CONDITION 7 SUMMARY

Taking account of the key issues as they relate to Condition 7 and as set out above it is recommended that Condition 7 be varied in order to substitute amended proposed drawings 13M, 14K and 15F for those previously approved and to include approval of the 'Construction Management Plan'.

CONCLUSION

The proposed variations of Conditions 3 and 7 associated with planning permission 20/00098/FUL are considered acceptable and raise no particular concerns in terms of impact on designated heritage assets, character and appearance of the area, neighbour amenity, highways, low carbon & sustainable credentials or drainage & flooding.

Approval subject to conditions is, therefore, recommended. Conditions 3 and 7 have been re-worded accordingly, and the conditions imposed on the earlier permission, that continue to have effect, are restated. As a S.73 application cannot be used to vary the time limit for implementation, this condition remains unchanged from the original permission.

RECOMMENDATION

PERMIT

CONDITIONS

1 Standard Time Limit (Compliance)

The development hereby approved shall be begun before the expiration of three years from 16th March 2020.

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 Bicycle Storage (Pre-occupation)

No occupation of the development shall commence until bicycle storage for at least two bicycles has been provided in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. 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 ST1 and ST7 of the Bath and North East Somerset Local Plan.

3 Construction Management Plan (Bespoke Trigger)

The development hereby approved shall be carried out in accordance with the Construction Management Plan Revision A dated 12th June 2020.

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.

4 Hard and Soft Landscaping (Pre-occupation)

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

Reason: To ensure the provision of an appropriate landscape setting to the development in accordance with Policies D2, D5 and NE2 of the Bath and North East Somerset Placemaking Plan.

5 Hard and Soft Landscaping (Compliance)

All hard and/or soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme (phasing) agreed in writing with the

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

Reason: To ensure that the landscape scheme is implemented and maintained in accordance with Policies D2, D5 and NE2 of the Bath and North East Somerset Placemaking Plan.

6 External Materials - Submission of Schedule and Samples (Bespoke Trigger)

No construction of the external walls of the development shall commence until a schedule of materials (including rainwater goods) 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 D2 and D5 of the Bath and North East Somerset Placemaking Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

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:

1 This decision relates to the following drawings and document;

Date: 13.01.2020 Drwg. No. Drwg. title: Site plan

Date: 13.01.2020 Drwg. No. 4142 - 001 Drwg. title: Location plan

Date: 13.01.2020 Drwg. No. 4142 - 0011A Drwg. title: Ground and first floor plans - as existing

Date: 13.01.2020 Drwg. No. 4142 - 0012A Drwg. title: Front and rear elevations - as existing

Date: 16.06.2020 Drwg. No. 4142 - 0015F Drwg. title: Sections A-A B-B and C-C - as proposed

Date: 13.01.2020 Drwg. No. 4142 - D02A Drwg. title: Internal door detail

Date: 16.06.2020 Drwg. No. 4142 - 0013M Drwg. title: Ground and first floor plans - as proposed

Date: 16.06.2020 Drwg. No. 4142 - 0014K Drwg. title: Front and rear elevations - as proposed

Date: 15.06.2020 Document Title: 'Construction Management Plan Revision A'

2 Condition Categories

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

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

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

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

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

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

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

3 Permit/Consent Decision Making Statement

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

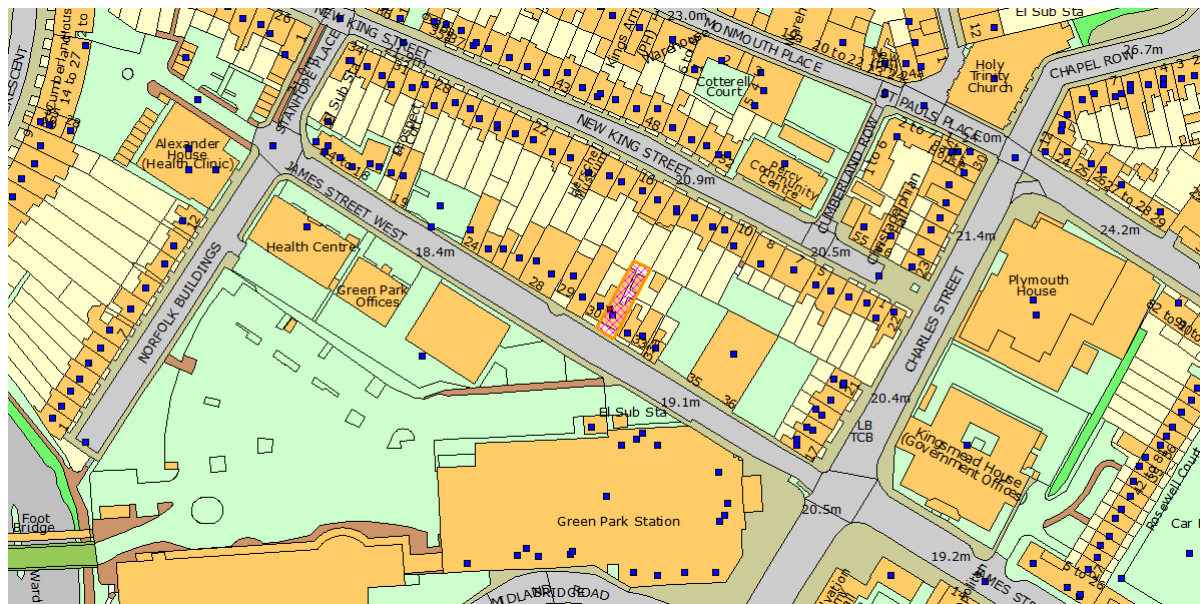
4 Community Infrastructure Levy

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

5 Responding to Climate Change (Informative):

The council is committed to responding to climate change. You are advised to consider sustainable construction when undertaking the approved development and consider using measures aimed at minimising carbon emissions and impacts on climate change.

Item No: 06
Application No: 20/01689/VAR
Site Location: Liberal Democrats 31 James Street West City Centre Bath Bath And North East Somerset



Ward: Kingsmead **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Sue Craig Councillor Andrew Furse
Application Type: Application for Variation of Condition
Proposal: Variation of conditions 6 (Archaeological watching brief) and 7 (Plans list) of application 20/00099/LBA (External works including an external lift to the front elevation, construction of a rear extension and internal ground floor renovation works to increase accessibility (Resubmission 19/04330/LBA)).
Constraints: Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Air Quality Management Area, Policy B2 Central Area Strategic Policy, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP9 Affordable Housing Zones, Flood Zone 2, Listed Building, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,
Applicant: The Trustees
Expiry Date: 10th July 2020
Case Officer: Helen Ellison
To view the case click on the link [here](#).

REPORT

SITE DESCRIPTION

31 James Street West is a Grade II listed building located within Bath conservation area and the City of Bath World Heritage site. Opposite the site is Grade II Green Park Railway Station. No. 31 is a mid-terraced Victorian property currently in office use that dates from around 1850. The main plan form is single depth and there are 2 No. two storey projecting wings to the rear; one with flat roof, one with monopitch. No. 31 is built from Limestone ashlar and is two storeys in height with sash windows. The ground floor of the property is raised above surrounding ground levels at front and back, and is approached from the street via a flight of stone steps. The list description for the property refers to it being one of the more intact small early Victorian houses along the street, retaining an elegant front. Its southward prospect across gardens towards the River Avon (shown on Cotterell's map of 1852) would have been dramatically altered by the construction of Green Park Station by the Midland Railway in 1869. Though the property was included for group value it is noted that adjacent properties are not listed.

PROPOSAL

Variation of conditions 6 (Archaeological watching brief) and 7 (Plans list) of application 20/00099/LBA (External works including an external lift to the front elevation, construction of a rear extension and internal ground floor renovation works to increase accessibility (Resubmission 19/04330/LBA)).

REASON FOR REFERRAL TO DMC

Although the trustees are responsible for the proposed work, one of the trustees, Mark Roper, is also an elected member. The works are also for the offices of a political party.

PLANNING HISTORY

DC - 19/04330/LBA - CON - 20 December 2019 - External works to include external lift to front elevation, erection of rear extension and internal ground floor renovation works to increase accessibility.

DC - 19/04523/FUL - PERMIT - 20 December 2019 - External works including an external lift to the front elevation, construction of a rear extension and internal ground floor renovation works to increase accessibility.

DC - 20/00098/FUL - PERMIT - 16 March 2020 - External works including an external lift to the front elevation, construction of a rear extension and internal ground floor renovation works to increase accessibility (Resubmission of 19/04523/FUL).

DC - 20/00099/LBA - CON - 16 March 2020 - External works including an external lift to the front elevation, construction of a rear extension and internal ground floor renovation works to increase accessibility (Resubmission 19/04330/LBA).

DC - 20/01689/VAR - PCO - - Variation of conditions 6 (Archaeological watching brief) and 7 (Plans list) of application 20/00099/LBA (External works including an external lift to the front elevation, construction of a rear extension and internal ground floor renovation works to increase accessibility (Resubmission 19/04330/LBA)).

DC - 20/01690/VAR - PDE - - Variation of conditions 3 (construction management plan) and 7 (Plans List) of application 20/00098/FUL (External works including an external lift to the front elevation, construction of a rear extension and internal ground floor renovation works to increase accessibility (Resubmission of 19/04523/FUL)).

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

SUMMARY OF CONSULTATIONS/REPRESENTATIONS:

PUBLICITY: Site notice posted & photographic evidence received 09.06.2020

CONSULTATIONS

South West Heritage Trust: Confirm that the document submitted is sufficient to discharge condition 6 of application 20/00099/LBA

REPRESENTATIONS

None received to date.

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:

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:

CP1 Retrofitting Existing Buildings

CP2 Sustainable Construction
HE1 Historic Environment

Guidance

Historic England Advice Note 2 Making Changes to Heritage Assets (2016)
BaNES Draft City Centre Character Appraisal Bath (2015)

BaNES 'Energy Efficiency & Renewable Energy Guidance for Listed Buildings & Undesignated Historic Buildings' (2013)

Historic England 'Easy Access to Historic Buildings' (2015)

National Policy:

The National Planning Policy Framework (February 2019) and 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

INTRODUCTION

This application is made under S.19 of the Planning (Listed Buildings & Conservation Areas) Act 1990 and seeks to vary conditions 6 (archaeological watching brief) and 7 (plans list) of application 20/00099/LBA (External works including an external lift to the front elevation, construction of a rear extension and internal ground floor renovation works to increase accessibility (Resubmission 19/04330/LBA)).

Section 19 of the Planning (Listed Buildings and Conservation Areas) Act 1990 enables an application to be made which simply seeks a change in the conditions without re-opening the entire question of whether consent should have been granted. A wider reassessment of the scheme as a whole is therefore unnecessary and beyond the scope of this application. The only matters that may be considered in respect of the current application therefore are those issues raised by the proposed variations and any other issues raised by amending the remaining conditions.

Each of the two variation of conditions sought are set out below.

VARIATION OF CONDITION 6

Condition 6 is a pre-commencement condition and requires the submission of a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The Condition was imposed and precedent because the application 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 relevant Policy and

because archaeological remains and features may be damaged by the initial development works.

A 'Specification for an Archaeological Watching Brief' has been submitted for consideration. South West Heritage Trust (SWHT) confirm that the document submitted is sufficient to discharge Condition 6 of application 20/00099/LBA (External works including an external lift to the front elevation, construction of a rear extension and internal ground floor renovation works to increase accessibility (Resubmission 19/04330/LBA)).

Taking account of the above it is recommended that Condition 6 be varied such that it requires the programme of archaeological investigation work to be undertaken in accordance with the 'Specification for an Archaeological Watching Brief' dated 15.05.2020.

VARIATION OF CONDITION 7

Condition 7 is a compliance condition and requires that the development permitted shall only be implemented in accordance with drawings set out in a list. This condition was imposed to define the terms and extent of the permission.

3 amended drawings have been submitted in support of this current application and which set out minor material amendments to the appearance of the rear and side elevations as they relate to the new rear extension and to relocate an accessible WC within the retained rear extension. Although there is no statutory definition of a 'minor material amendment' it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved.

The key issues to consider as they relate to the proposed variation of Condition 7 are set out below.

LISTED BUILDING & ITS SETTING

There is a duty under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant listed building consent for any works, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

No. 31 sits within a terrace of pre-1882 houses that are not listed. Together they have group value and are of some architectural and historic significance. However, it is clear that the building has been the subject of internal and external alteration.

The proposed amendments to the rear and side elevations of the new rear extension would omit the corner glazed screen and replace it with a simpler pair of doors within the rear elevation. The relocation of the accessible WC allows for these doors to return to their originally intended position, allowing office workers a view of the garden from their desks.

The proposed internal amendment would relocate an accessible WC from within the new rear extension to within the existing extension to be retained; the ground level of the retained extension would be raised to remove an existing step. The floor would be raised

by way of plywood deck on timbers over the existing concrete slab. This accessible WC was to have been contained within the new extension. However, in approved position it would have narrowed the space created and pushed the entrance screen to the projecting external corner of the plan. It is now proposed therefore to contain the WC in a more ergonomic position within the retained extension instead, thus leaving the new extension as a single clear room.

Taking account of the above the proposed amendments are of a scale and nature that would result in a development that is not substantially different from the one which has been approved.

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. Taking account of the above the proposed variations would preserve the special interest of the listed building and its setting and therefore meet this requirement.

In summary it is considered that the proposed variations are of a scale and nature that would result in a development that is not substantially different from the one which has been approved and which would not harm the special interest of the listed building or its setting. The proposed variations are therefore consistent with the aims and requirements of the primary legislation and planning policy and guidance and would preserve the significance of the designated Heritage assets.

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. This application involves a listed building and has been assessed against the relevant policies and guidance as identified, and these have been fully taken into account in the recommendation made. The proposed variations accord therefore with policy CP6 of the adopted Core Strategy and policies HE1, CP1 and CP2 of the Placemaking Plan for Bath and North East Somerset (2017) and parts 14 and 16 of the NPPF.

VARIATION OF CONDITION 7 SUMMARY

Taking account of the key issues as they relate to Condition 7 and as set out above it is recommended that Condition 7 be varied in order to substitute amended proposed drawings 13M, 14K and 15F for those previously approved and to include approval of the 'Specification for an Archaeological Watching Brief'

CONCLUSION

The proposed variations of Conditions 6 and 7 associated with listed building consent 20/00099/LBA are considered acceptable and raise no particular concerns in terms of impact on the listed building or its setting, archaeology or low carbon and sustainable credentials.

Approval subject to conditions is, therefore, recommended. Conditions 6 and 7 have been re-worded accordingly, and the conditions imposed on the earlier permission that continue to have effect are restated. As a S.19 application cannot be used to vary the time limit for implementation, this condition remains unchanged from the original permission.

RECOMMENDATION

CONSENT

CONDITIONS

1 Time Limit - Listed Building Consent (Compliance)

The development hereby approved shall be begun before the expiration of three years from 16th March 2020.

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

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

No construction of the external walls of the development shall commence until a schedule of all materials (to include rainwater goods), colours 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: To safeguard the character and appearance of the listed 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 Mortar Mix (Bespoke Trigger)

No 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 listed 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 Large Scale External Details (Bespoke Trigger)

No installation of the windows, doors or roof lantern shall commence until full details comprising 1:5 and/or 1:20 scale plans, sections and elevations (as appropriate), and, materials, colours and finishes 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 listed 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 Schedule of works - railings and external lift (Bespoke Trigger)

No installation of railings or external lift shall commence until full details including detailed drawings to include 1:5 and/or 1:20 scale plans, elevations and sections, and, a schedule of works, methodology, materials, colours and finishes 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 features of special architectural and historical interest and preserve the character and appearance of the listed 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 Archaeology - Watching Brief (Bespoke Trigger)

The programme of archaeological investigation work shall be undertaken in accordance with the 'Specification for an Archaeological Watching Brief' dated 15.05.2020.

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 condition precedent because archaeological remains and features may be damaged by the initial development works.

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:

1 This decision relates to the following drawings and document;

Date: 13.01.2020 Drwg. No. Drwg. title: Site plan

Date: 13.01.2020 Drwg. No. 4142 - 001 Drwg. title: Location plan

Date: 13.01.2020 Drwg. No. 4142 - 0011A Drwg. title: Ground and first floor plans - as existing

Date: 13.01.2020 Drwg. No. 4142 - 0012A Drwg. title: Front and rear elevations - as existing

Date: 16.06.2020 Drwg. No. 4142 - 0015F Drwg. title: Sections A-A B-B and C-C - as proposed

Date: 13.01.2020 Drwg. No. 4142 - D02A Drwg. title: Internal door detail

Date: 16.06.2020 Drwg. No. 4142 - 0013M Drwg. title: Ground and first floor plans - as proposed

Date: 16.06.2020 Drwg. No. 4142 - 0014K Drwg. title: Front and rear elevations - as proposed

Date: 15.05.2020 Document Title: 'Specification for an Archaeological Watching Brief'

2 Condition Categories

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

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

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

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

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

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

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

3 Permit/Consent Decision Making Statement

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

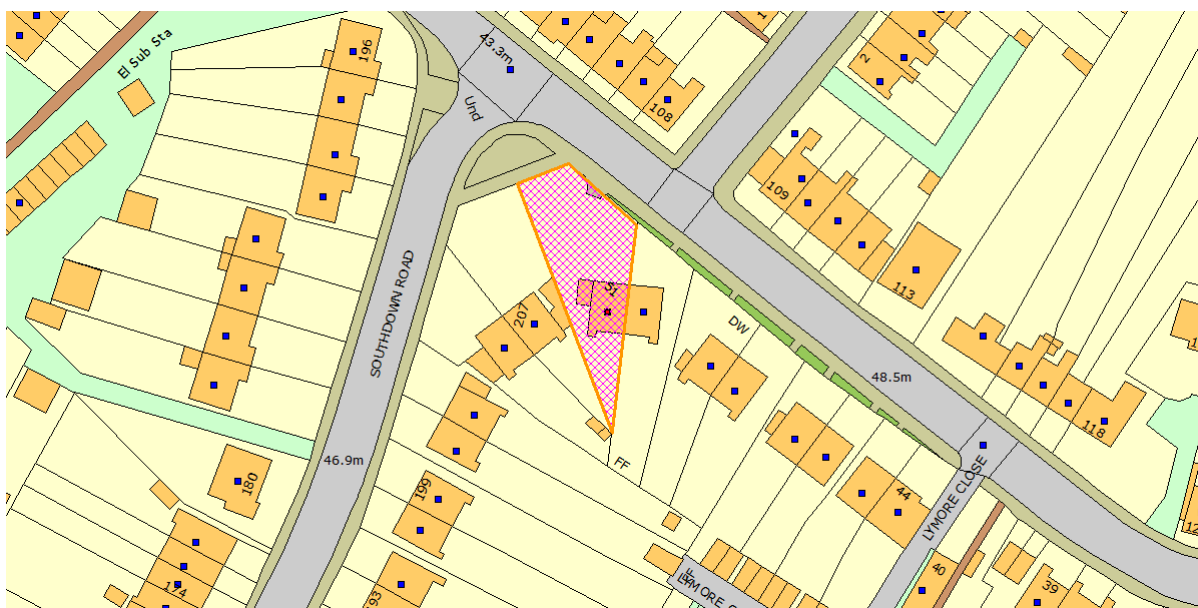
4 Community Infrastructure Levy

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

5 Responding to Climate Change (Informative):

The council is committed to responding to climate change. You are advised to consider sustainable construction when undertaking the approved development and consider using measures aimed at minimising carbon emissions and impacts on climate change.

Item No: 07
Application No: 20/00782/FUL
Site Location: 51 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: Provision of a loft conversion and erection of hip to gable and rear dormer 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 Gareth Lyon
Expiry Date: 22nd April 2020
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, requested that should officers be minded to recommend refusal, consideration be given to determination of the application by Planning Committee. Planning policy reasons were given by the ward councillor in support of 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:

"Having looked at this application and the comments made, the key issue of the roof shapes and the harm they might cause to the local area is something the committee may wish to consider further."

The Vice Chair has also commented as follows:

"I have studied the application & note the third party comments & Ward Cllr planning committee request.

The Officer has assessed the points raised against relevant planning policy but the impact of the proposed change to roof form of hip-to-gable is clearly controversial in the area & from looking at Street View I recommend the application be determined by the planning committee"

DESCRIPTION OF SITE AND APPLICATION:

51 Lymore Avenue is a two storey semi-detached house located within a residential area in the ward of Southdown. The site is located outside Bath Conservation Area but is within the City of Bath World Heritage Site.

The application is for the erection of a hip-to-gable roof extension and a rear dormer.

RELEVANT PLANNING HISTORY:

There is no relevant planning history on this site.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

CONSULTATIONS:

No comments received.

OTHER REPRESENTATIONS / THIRD PARTIES:

36 representations were received, including third party representations 34 in support, 1 in objection, and the comments of Cllr Paul Crossley (sited above).

Support comments received from third parties are summarised as follows:

- The design is in keeping with many roof alterations in the area.
- The semi-detached houses are not symmetrical already due to a side extension at 50 Lymore Avenue.

- The property is in a unique position at the corner of two roads and is separate from the street scene of the surrounding streets.
- There are a variety of roof forms within the area.
- The views of the gable are obstructed by the neighbouring property and surrounding trees.
- The site is not within the conservation area.
- No adverse impact on light or overlooking.
- The development will not increase the number of cars as it is not a HMO.
- The development will accommodate a growing family and allow them to stay in Bath. Larger family housing is unaffordable in Bath.
- The development will keep the property a family home (and will not become a HMO).
- Clearer guidance should be provided on the BANES website regarding permitted development rights for loft conversions in Bath.

Objection comments are summarised as follows:

- Overlooking to a neighbouring garden.
- The development would set a precedent and change the nature of the houses.

Cllr Paul Crossley, ward councillor for Southdown, has made the following comment:

"I am one of the 2 Southdown Councillors. The applicant made a mistake in starting this extension in advance of a planning consideration. However the application itself is completely acceptable in terms of scale, size and appearance. The application has taken care not to overlook neighbours. This area has a range of extensions. The application provides a four bedroom family home which enhances the local community. In my opinion this application should be permitted. If the case officer reaches a different conclusion then this comment is also a formal request that the application is determined by committee."

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:

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
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 12: Achieving well-designed places
Section 15: Conserving and enhancing the natural environment
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)

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:

- Character and appearance
- Residential amenity
- Parking and highway safety
- Other matters

OFFICER'S ASSESSMENT:

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.

The application is for a hip-to-gable extension to the roof and a rear dormer. The submitted design and access statement identifies several roof conversions within the wider area of Twerton, Oldfield Park and Southdown. However, the application must be assessed on its own merits based on an appraisal of the host building and its surrounding street scene.

51 Lymore Avenue is a two storey semi-detached house located at the close to the junction of Lymore Avenue and Southdown Road. The surrounding area contains a mixture of semi-detached and terraced houses, with terraced houses located on the north side of Lymore Avenue and the west side of Southdown Road. It is acknowledged that the host building of 50 and 51 Lymore Avenue is angled due to its proximity with the corner of the two roads. However, the site is set within a row of hipped roof semi-detached houses that continue along the south side of Lymore Avenue and the east side of Southdown Road.

It has been suggested that the roof of 51 Lymore Avenue is hidden due to the angle of the building and the intervening trees and vegetation obscuring the side of the house. On the contrary, the proximity to the junction is such that the side of the house is visible from both streets, with the angle meaning that the side of the house is more visible from the street than would typically be the case with a house positioned parallel to the road.

More importantly, the hip-to-gable conversion is clearly a departure from the established building form within the row of houses that the site falls within. The site is not separate from the street scenes of Lymore Avenue and Southdown Road as suggested, but is within the middle of a row of semi-detached properties that merge the two streets and provide a consistent built form. The provision of a gable roof provides a jarring break from the established built form and will detract from the character of the host building and surrounding area.

The site is not within a conservation area but this does not permit development considered harmful or incongruous with the character of the area, which should be maintained irrespective of heritage designations.

The proposed development is therefore contrary to policies D1, D2 and D5 of the B&NES Placemaking Plan and policy CP6 of the B&NES Core Strategy.

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 proposed hip-to-gable and dormer additions, while adding additional bulk to the roof of the house, will not result in a significant adverse impact to adjacent properties by virtue of overbearing impacts or loss of light. The proposed dormer windows will not provide intrusive overlooking or result in a loss of privacy over and above the outlook already provided by the windows at first floor level on the rear elevation. The proposals therefore comply with Policy D6 of the Placemaking Plan.

Highways Safety and Parking:

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 proposed development will not result in a material increase in the demand for parking and will not impact the existing parking and access arrangements. In this respect the proposed development is in accordance with Policy ST7 of the Placemaking Plan.

Other Matters:

Comments have been made that the development will enable the family to remain at the property. This is a private benefit and does not outweigh harmful development. Housing affordability is not a material planning consideration in assessing this application.

There is no reason why the property cannot remain in C3 use regardless of the development considered under this application. The suggestions of HMO use in the future are purely hypothetical and not material to the assessment of this application.

It is noted that the applicants carried out the work unaware of Bath's World Heritage Site status resulting in restrictions to permitted development rights for roof alterations. However, the retrospective application does not prejudice the assessment that led to the recommendation.

CONCLUSION:

The proposed development, and in particular the hip-to-gable conversion, constitute roof additions that are out of keeping with the established hipped roof characteristic of the pair of semi-detached houses and the wider street scene within which the building resides, to the detriment of the character of the area. The proposed development is therefore considered contrary to policies D1, D2 and D5 of the B&NES Placemaking Plan and policy CP6 of the B&NES Core Strategy.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed development, by virtue of its scale, siting and form, constitute visually harmful roof additions and are out of keeping with the established hipped roof characteristic of the pair of semi-detached houses and the wider street scene within which the building resides, to the detriment of the character of the area. The proposed development is therefore considered contrary to policies D1, D2 and D5 of the B&NES Placemaking Plan and policy CP6 of the B&NES Core Strategy.

PLANS LIST:

1 This decision relates to the following plans:

Location Plan

Site Plan

Existing Plans & Elevations - 19-304-103

Proposed Plans & Elevations - 19-304-104

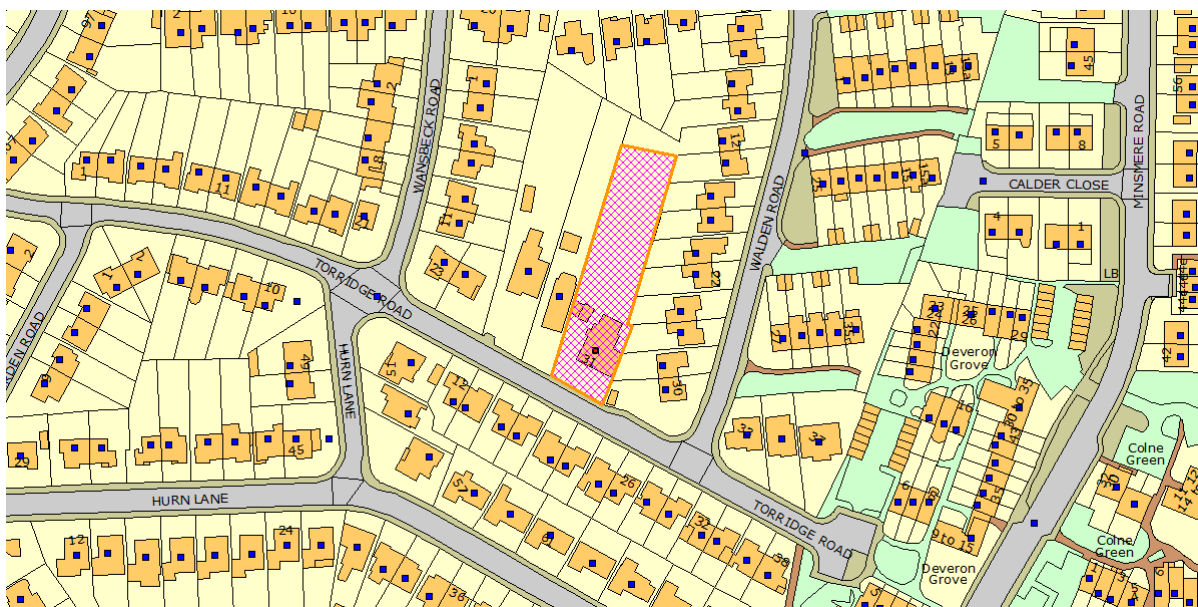
Existing & Proposed Section and Roof Plans - 19-304-105

All received 26/02/2020.

2 Decision Making Statement

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

Item No: 08
Application No: 20/01119/FUL
Site Location: 31 Torridge Road Keynsham Bristol Bath And North East Somerset BS31 1QQ



Ward: Keynsham East **Parish:** Keynsham Town Council **LB Grade:** N/A
Ward Members: Councillor Hal McFie Councillor Andy Wait
Application Type: Full Application
Proposal: Erection of a detached bungalow (Resubmission)
Constraints: Saltford Airfield 3km buffer, Agric Land Class 3b,4,5, Policy CP9 Affordable Housing Zones, Housing Development Boundary, MOD Safeguarded Areas, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodrome,
Applicant: Mr David Britton
Expiry Date: 10th June 2020
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 Andy Wait, ward member for Keynsham East, has objected to the application and requested that the application is referred to the Planning Committee, citing material planning reasons for the objection. Planning policy reasons were given by the Keynsham Town Council 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 have looked at this application and I share the concerns of the town council and ward councillor. I concur that these issues need to be debated more fully at committee."

The Vice Chair has made the following comments:

"I have studied the application including the history of the site, I note KTC objections, statutory & third party comments which vary & points have been clarified as the application has progressed.

The Ward Cllr feels it is an overdevelopment, has an adverse impact on neighbours & trees are lost so has made a request the application be determined by the planning committee

The issues raised have been addressed as the application has been assessed against relevant planning policies but concerns remain from the community therefore I recommend the application be determined by the planning committee so the points can be debated fully."

DESCRIPTION OF SITE AND APPLICATION:

31 Torridge Road is a detached dormer bungalow with a detached garage and store located in a residential area in Keynsham. The site is within the Housing Development Boundary.

A recent application for planning permission applied for the erection of 2 single-storey detached bungalows, each with an adjoining garage, together with associated driveways and gardens. The application was subsequently withdrawn.

This application is for a revised scheme comprising 1 detached bungalow within the garden, with associated parking and access, and a single garage and bicycle store for the proposed dwelling and a double garage for the existing dwelling.

RELEVANT PLANNING HISTORY:

19/03720/FUL - WD - 22 January 2020 - Erection of 2 detached bungalows.

04/01401/FUL - PERMIT - 25 June 2004 - Erection of rear conservatory

99/02644/FUL - PER - 5 August 1999 - Single storey side extension

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Comments are summarised only. Full comments are available on the online case file.

CONSULTATIONS:

KEYNSHAM TOWN COUNCIL:

Objection.

- Traffic and highways safety implications. The application should demonstrate that suitable visibility can be achieved at the access onto Torridge Road. Concern that cars manoeuvring the spaces at the front will come into conflict with vehicles using the access, especially when reversing out. Highways safety is prejudiced and contrary to Policy ST7.
- Secure and covered bicycle storage for at least two bicycles is required.

- Concerns raised over conflict with a mains sewer running through the development site. The surface water drainage condition requested by the B&NES Drainage and Flooding Team is required.
- Concerns of harm to residential amenity to surrounding properties resulting from proximity of bungalow to the boundary of the garden of 31 Torridge Road.

HIGHWAYS AND TRAFFIC:

(Revised comments)

- Torridge Road is subject to a speed limit of 20 mph which requires visibility of 2.4 metres by 23 metres to comply with the requirements of Manual for Streets (MfS). The revised block plan indicates a visibility of 2.4m by 30m to the right and 2.4m by 20m to the left when existing the driveway. The Y-distance to the left extends over the front garden of the host property and the requires distance of 23m can be achieved, subject to control of planting or structure heights within the splay area.
- Plan 2004/1A indicates adequate internal dimensions for the proposed double and single garages and external parking spaces, meeting the minimum parking standards for the existing and proposed dwellings.
- The additional two off-street car parking spaces for 'visitor parking' at the front of the existing house still raise concerns of highway safety. As these spaces are not required for the development to meet the minimum parking provision, it is requested that these are removed as previously suggested.
- The proposed cycle parking storage indicated on plans 1912 Rev. A and 10/1 are policy compliant.

DRAINAGE AND FLOODING:

- The applicant has indicated that surface water will be disposed via soakaway, with no further information provided.
- British Geological Survey Infiltration Mapping indicates that "The bedrock permeability is spatially variable, but likely to permit moderate infiltration. Quantify infiltration rate via an infiltration/soakaway test."
- An infiltration test condition is therefore requested to ensure that soakaways are viable, or otherwise securing an alternative form of surface water drainage.

ARCHAEOLOGY:

- There are limited or no archaeological implications to this proposal and therefore no objections.

OTHER REPRESENTATIONS / THIRD PARTIES:

Cllr Andy Wait, ward councillor for Keynsham East, has requested that the application is referred to the Planning Committee, citing the following material planning reasons for objecting to the application:

- Overdevelopment
- Overlooking and loss of privacy
- Loss of trees without compensation

10 third party representations were received; 6 in objection and 4 in support of the proposed development. The comments made are summarised as follows:

- There is already sufficient new housing in Keynsham.
- Out of keeping with the layout of the estate and original design of the Chandag Estate. Loss of openness within the estate.
- The site contains a very large garden which can accommodate the bungalow without impact on the living conditions of the adjacent bungalow.
- The land is underused.
- The low height will hide the development.
- Loss of privacy to properties at Walden Road backing onto the site, particularly from proposed skylight windows. Habitable room windows and private gardens will be overlooked.
- The proposed bungalow is larger than the bungalows of the previous application and will sit closer to the boundary.
- Overbearing and overshadowing impacts of bungalow adjacent to the rear boundaries of properties at Walden Road. Loss of afternoon/evening sunlight.
- Highway safety concerns due to high traffic levels and parked cars on the street and the proximity of the site to a school.
- A number of trees and hedgerows were removed from the site prior to the previous application which screened the gardens of Walden Road and formed a natural boundary. The trees were removed to avoid assessment.
- Wildlife impact resulting from tree and hedgerow clearance.
- No indication that the dry stone wall along the rear boundary of the Walden Road properties backing onto the site will be retained.
- Environmental impacts during construction, including dust and noise, and resulting impacts on health of neighbours.
- Strain on services, facilities and infrastructure.
- Foul drainage matters have not been resolved and there is no indication of an agreement with Wessex Water.
- Loss of value of property.

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
KE1: Keynsham Spatial Strategy
SD1: Presumption in Favour of Sustainable Development
CP2: Sustainable Construction
CP5: Flood Risk Management
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
D7: Infill and Backland Development
ST7: Transport requirements for managing development
STR5: Water Efficiency

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 5: Delivering a sufficient supply of homes
Section 9: Promoting Sustainable Transport
Section 12: Achieving well-designed places
Section 15: Conserving and enhancing the natural environment
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:

Sustainable Construction Checklist Supplementary Planning Document (November 2018)

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
- Drainage
- Sustainable Construction
- Trees

OFFICER'S ASSESSMENT:

The Principle of Development:

The application site is located within the Housing Development Boundary of Keynsham, where new residential development is acceptable in principle, in accordance with policies DW1 and KE1 of the B&NES Core Strategy, subject to consideration of design and other material considerations addressed below.

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.

Policy D7 explicitly advises the design of infill and backland development. The latter could be supported where it is not contrary to the character of the area, and where the proposal is well related and not inappropriate in height, scale, mass and form to the frontage

properties. The proposed development must not conflict with the character and appearance of the frontage development.

31 Torridge Road is at the end of a row of 3 detached bungalows with elongated rear gardens located in a residential area largely dominated by two storey semi-detached houses.

The application proposes the erection of a detached bungalow within the rear garden, facing south towards the front of the site, with a detached single garage for the proposed dwelling and a double garage for the existing dwelling, separated with a parking and turning area. The existing garage to the side of the bungalow will be demolished to provide the driveway to the rear.

The bungalows of 27, 29 and 31 Torridge have particularly large plots relative to the surrounding estate, with the application site of 31 Torridge Road possessing the widest of the three. The previous application to provide 2 new dwellings in tandem was considered to result in cramped development. However, as proposed under this application, the layout of a single dwelling has enabled the proposed dwelling to be sited at a reasonable distance from the existing bungalow to the front of the site, with ample space for parking, outbuildings and private gardens. While there are limited examples of backland development within the immediate vicinity, isolated developments can be found within the larger estate. It is considered that the individual circumstances of this site, which has an abnormally spacious rear garden, lends itself to backland development without resulting in a cramped appearance.

The bungalow itself is designed with a low-profile gable roofed form; the garages will be similar in roof form and appropriately subservient in scale. The building design is modest but not out of keeping, subject to consideration of the external materials which would need to be controlled via condition.

Due to the sufficient parking and turning facilities within the centre of the site between the existing and proposed dwellings, the parking area at the front of the site adjacent to the highway is no longer required, enabling the front garden to be maintained.

Overall, the proposed the development is considered appropriate backland development that will not harm the character and appearance of its surroundings, in accordance with policies D1, D2, D3, D5 and D7 of the Placemaking Plan and policy CP6 of the Core Strategy.

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.

Neighbours have raised concerns that the proposed development will result in overbearing and overshadowing impacts to the rear gardens and windows of the properties immediately adjoining the site to the east, situated along the west side of Walden Road.

The proposed bungalow is sited in an area centred between and beyond the rear boundaries of 16 and 18 Walden Road. The gable end facing the east boundary will have a ridge height of 5 metres and an eaves height of 2.8 metres. The bungalow will be 1 metre from the boundary where a 2 metre close boarded fence is to be erected, obscuring most of the wall below the eaves.

The bungalow is estimated to be 12 metres from the rear elevation of 16 Walden Road at the closest point, and approximately 14 metres from 18 Walden Road. These distances are considered sufficient given the height and massing of the single storey building.

The single garage will be sited at similar distances to 18 and 20 Walden Road, and the double garage in relation to 22 and 24 Walden Road. However, due to the lower ridge height (at 4.3 metres) and significantly lesser bulk resulting from their smaller scale, these properties will be less impacted by the development.

While the development may result in limited overshadowing of the end of the adjacent rear gardens at certain times of the day, this degree of harm to amenity is not substantial and does not conflict with policy D6. Due to the relative distances and the height and bulk of the proposed buildings, the impacts on overshadowing and light to the opposing rear elevations will be negligible.

With regards to overlooking, the windows of the proposed bungalow are front (south) and rear (north) facing and do not face the properties of Walden Road. The east facing side gable contains no windows. Due to the shallow pitch of the roof, the front elevation rooflights, which are high level (close to the ridge) and above head height, will provide light only and will not provide any viewpoints towards the east of the site. The rooflights are angled to the south and are positioned away from the east boundary. Overall, no overlooking to neighbouring properties east of the site will occur.

While some noise will inevitably occur from the daily activities occurring at the occupied development, this is a built-up residential area where domestic noise may typically occur. The dwelling will be no closer to surrounding properties than their existing adjacent neighbouring properties.

Adequate outdoor amenity space and waste storage will be provided for occupiers of the development.

Overall, the proposed development is in accordance with policy D6 of the Placemaking Plan.

Highways Safety and Parking:

Policy ST7 requires that highway safety is not prejudiced by the development and that an appropriate level of on-site vehicle parking and cycle storage is provided for the development in accordance with the policy's minimum parking standards.

Adequate on-site parking provision is expected for both the existing and proposed dwellings. The proposed bungalow contains 3 bedrooms, requiring 2 car parking spaces to meet the minimum parking standards. While the number of bedrooms within the

existing dwelling are not apparent, 3 spaces are required for a dwelling containing 4 or more bedrooms.

The proposed development includes a single garage and parking bay for the proposed dwelling and an adjacent parking bay and double garage for the existing dwelling. Additional details confirm that the garages meet the minimum internal dimensions to provide parking spaces, and the adjacent turning space provides ample provision for manoeuvrability without conflicting with the parking provision. Secure bicycle storage for 2 bicycles will be provided for the new dwelling, as required under policy ST7.

The dwellings will utilise the existing driveway access; however, the development represents an intensification of use given the additional dwelling. A revised plan of the access confirms that adequate visibility will be provided in line with the requirements of the Manual for Streets, subject to a condition ensuring that the visibility splays are maintained.

As the 'visitor parking' area at the front is not required to meet the parking requirements, and there are concerns that cars manoeuvring the spaces will come into conflict with vehicles passing through the driveway to and from the rear, it was requested that this be removed from the scheme. Revised plans have been submitted to address this.

Subject to the proposed conditions, the proposed development will provide adequate parking and will safeguard highway safety, in accordance with policy ST7 of the Placemaking Plan.

Drainage:

The Council's Drainage and Flooding Team was consulted and have raised no objections to the proposal concerning surface water drainage. The proposed use of soakaways is supported provided it is demonstrated soakaways are viable through infiltration testing. This may be secured via condition in the event the application is permitted.

Foul drainage is a matter to be dealt with under building regulations.

Subject to the recommended condition, the proposed development is in accordance with policy CP5 of the Core Strategy.

Sustainable Construction:

Policy CP2 concerning sustainable construction requires a 19% reduction in regulated CO2 emissions from energy efficiency or renewable energy for development of this scale, as outlined within the adopted Sustainable Construction Checklist SPD. A checklist has been submitted in support of the application, together with SAP calculations, indicating a 19.5% reduction through a combination of solar photovoltaic panels and energy efficiency construction measures designed within the scheme. This meets the energy requirements of policy CP2.

Conditions are recommended to confirm post-works that the built development meets the projected reduction, and to secure the requirements of policy SCR5 concerning water efficiency for new dwellings.

Trees:

Objections have raised the loss of mature trees and hedging that was removed prior to the previous application 19/03720/FUL. It is unfortunate that no assessment on the arboricultural and amenity value of this can be made. However, the trees were not subject to any protections via tree preservation order or conservation area status (with the site not residing within the latter). As such, no permission was required to remove the trees and this may have occurred regardless of the proposed development. In their absence, it is not possible to give weight to the impact on their former contribution to the character or biodiversity of the area.

Other Matters:

Third parties have commented that more housing is not required in Keynsham. There is a presumption in favour of sustainable development and small scale infill and backland development within Keynsham is supported by strategic policies as indicated above. There are no policy reasons to withhold from further housing development in this location, provided the site-specific material considerations of the development comply with the development plan.

Comments have been made regarding the boundary stone wall at the rear of properties along Walden Road that back onto the site. The wall is understood to be a party wall. No archaeological interest was raised in the consultation to the Council's Archaeology specialists. Retention of the wall is a civil matter and it has been clarified that the proposed close boarded fence is to be erected on the in the centre of the wall of the site boundary.

In terms of the impact of the development on the strain on infrastructure, utilities and services, it is considered that the impact of a single additional dwelling will have a negligible impact.

Environmental impacts during construction are unfortunately inevitable and are not a reason to refuse planning permission. Construction safety matters fall under the jurisdiction of the Health and Safety Executive and any significant concerns of harmful environmental impacts (including noise, dust or other disturbance) are should be communicated to the Council's Environmental Protection Team.

Any conflict with Wessex Water apparatus or other utilities are matters to be resolved between the developer and relevant undertaker outside of the planning process.

Loss of value to property resulting from the development is not a material planning consideration.

CONCLUSION:

The proposed development is considered to comply with relevant policies within the Development Plan and it is recommended that the application is approved.

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 - 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.

3 Visibility Splays (Compliance)

The visibility splays shown on the revised Block Plan, drawing number 1912/R (received 16/06/2020), shall be kept clear of any obstruction to visibility 600mm above ground level.

Reason: To ensure visibility is maintained in the interests of highways safety in accordance with policy ST7 of the Bath and North East Somerset Placemaking Plan.

4 Garages (Compliance)

The garages hereby approved shall be retained for the garaging of private motor vehicles associated with the existing and proposed dwellings and ancillary domestic storage and for no other purpose.

Reason: To ensure adequate off-street parking provision is retained to avoid an increase in on-street parking which would be detrimental to highways safety in accordance with policy ST7 of the Bath and North East Somerset Placemaking Plan.

5 Flood Risk and Drainage - Soakaways (Bespoke Trigger)

The development hereby permitted is to manage surface water onsite using soakaways as indicated on the application form and/or approved drawings. Soakaways are to be designed and constructed in accordance with Building Regulations Approved Document Part H section 3, noting the requirement for infiltration testing which should be undertaken at an early stage of the development to confirm viability of infiltration techniques.

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.

The soakaways or other approved method of surface water drainage 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 and Policy SU1 of the Bath and North East Somerset Placemaking Plan.

6 Sustainable Construction (Pre-occupation)

The development hereby approved shall be completed in accordance with all measures within the Sustainable Construction Checklist approved with the application, or with measures agreed in writing by the Local Planning Authority. At all times the development shall achieve at least a 19% reduction in regulated emissions compared to that required by the Building Regulations.

No occupation of the development shall commence until a Sustainable Construction Checklist (as set out in the Council's Sustainable Construction Supplementary Planning Document, Adopted November 2018) for the completed development has been submitted and approved in writing by the Local Planning Authority. This shall include:

1. The completion of all relevant tables (see indicated tracks/thresholds in the checklist);
2. All relevant supporting documents/evidence (see indicated tracks/thresholds in the checklist).

Reason: To ensure that the approved development complies with Policy CP2 of the Bath and North East Somerset Core Strategy (sustainable construction).

7 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.

8 Plans List (Compliance)

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

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

PLANS LIST:

- 1 This decision relates to the following plans:

Existing Site Plan - 1912/3
Proposed Floor Plan & Elevations - 2004/2
Existing and Proposed Sections - 2004/3
Received 23/03/2020.

Garages & Bike Store Plans & Elevations - 10/1
Received 02/06/2020.

Block Plan (revised) - 1912/R

2 Condition Categories

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

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

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

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

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

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

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

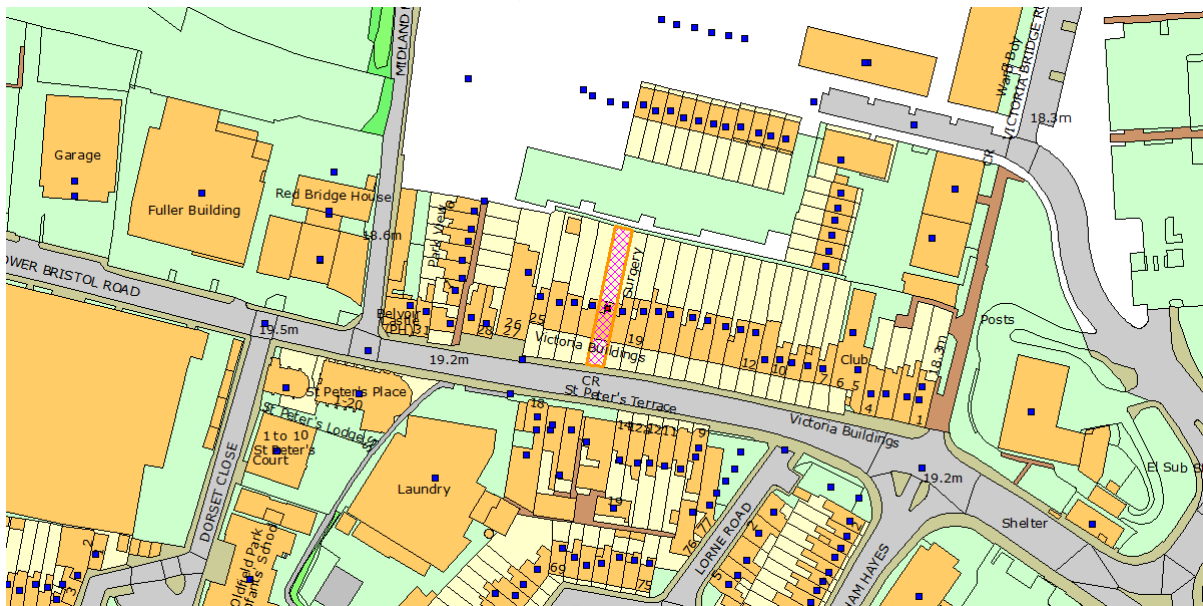
3 Community Infrastructure Levy

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

4 Permit/Consent Decision Making Statement

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: 09
Application No: 20/00006/LBA
Site Location: 21 Victoria Buildings Westmoreland Bath BA2 3EH



Ward: Westmoreland **Parish:** N/A **LB Grade:** II
Ward Members: Councillor Colin Blackburn Councillor June Player
Application Type: Listed Building Consent (Alts/exts)
Proposal: Installation of secondary glazing to all windows.
Constraints: Agric Land Class 3b,4,5, Air Quality Management Area, Policy B1 Bath Enterprise Zone, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Policy CP9 Affordable Housing Zones, District Heating Priority Area, Flood Zone 2, Flood Zone 3, HMO Stage 1 Test Area (Stage 2 Test Req), Listed Building, LLFA - Flood Risk Management, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,
Applicant: Mrs Sue Craig
Expiry Date: 28th April 2020
Case Officer: Adrian Neilson
To view the case click on the link [here](#).

REPORT

The building is Grade II listed and part of an historic terrace of houses dating from the mid C19. It is two storeys and constructed in limestone ashlar with a slate roof with one-over-one plate glass sash windows. It is located in the city of Bath WHS.

The proposals are for the installation of secondary glazing to all windows.

The listed building application is being referred to Committee for consideration because the applicant is a Councillor.

Planning History

DC - 11/00709/LBA - CON - 19 May 2011 - External alterations for the removal of rear boundary walls that comprise curtilage of listed buildings (No's 6-25).

DC - 16/04878/FUL - PERMIT - 20 December 2016 - Erection of new extension following demolition of existing rear extension.

DC - 16/04879/LBA - CON - 20 December 2016 - Erection of new extension following demolition of existing rear extension, replacement of aluminium windows with timber and revisions to the internal layout

DC - 17/00095/COND - DISCHG - 7 March 2017 - Discharge of conditions 2, 3 and 4 of application

16/04879/LBA (Erection of new extension following demolition of existing rear extension, replacement of aluminium windows with timber and revisions to the internal layout).

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

None received.

POLICIES/LEGISLATION

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

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:

- CP6 - Environmental quality
- B4 - The World Heritage Site
- CP1 Retrofitting Existing Buildings
- CP2 Sustainable Construction

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:

- HE1 Historic Environment

Historic Environment Good Practice Advice in Planning Notes issued by Historic England:

- Making Changes to Heritage Assets
- Managing Significance in Decision-Taking in the Historic Environment
- Energy Efficiency and Historic Buildings
- Traditional Windows

Supplementary Planning Guidance:

- Energy Efficiency & Renewable Energy Guidance: for Listed Buildings and Undesignated Historic Buildings (B&NES Council September 2013)

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 applicant is proposing the installation of secondary glazing in order to improve the energy efficiency of the windows and the building as a whole. The listed building possesses a modest interior and the internal element of the windows is equally plain with no associated joinery, such as shutter boxes where their operation might otherwise be compromised by the installation of secondary glazing. Furthermore, the proposed secondary glazing is a visually and physically lightweight system that does not require a timber sub-frame or substantial fixings. Instead, it will rely on surface mounted magnetic fixings to mount the secondary glazing and is readily and easily reversible and is likely only to be required on a seasonal basis in the winter months. In addition, the proposed system will allow the operation and opening of the sash windows.

Whilst visually there will be some impact on the listed building, both internally and externally, the impact is regarded as minimal and limited. Externally the impact on the terrace as a whole will be negligible. Furthermore, the proposed secondary glazing will result in no physical harm.

In this instance, for the reasons given above, the proposed secondary glazing is acceptable and will preserve the architectural interest and character of the listed building.

There is a duty under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant listed building consent for any works, to have special regard to the desirability of preserving the building or its setting or any

features of special architectural or historic interest which it possesses. 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 be an acceptable alteration/addition to the listed building that would preserve its significance as a 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.

RECOMMENDATION

CONSENT

CONDITIONS

1 Time Limit - Listed Building Consent (Compliance)

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

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

2 Plans List (Compliance)

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

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

PLANS LIST:

1 03B, Location Plan dated 12 February 2020.

INTEGRATED SLIDING SASH COSYGLAZING SECTIONS dated 8 June 2020.

SMH/17/16/15-04 dated 12 June 2020.

2 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

3 Permit/Consent Decision Making Statement

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

4 Responding to Climate Change (Informative):

The council is committed to responding to climate change. You are advised to consider sustainable construction when undertaking the approved development and consider using measures aimed at minimising carbon emissions and impacts on climate change.

5 Condition Categories

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

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

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

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

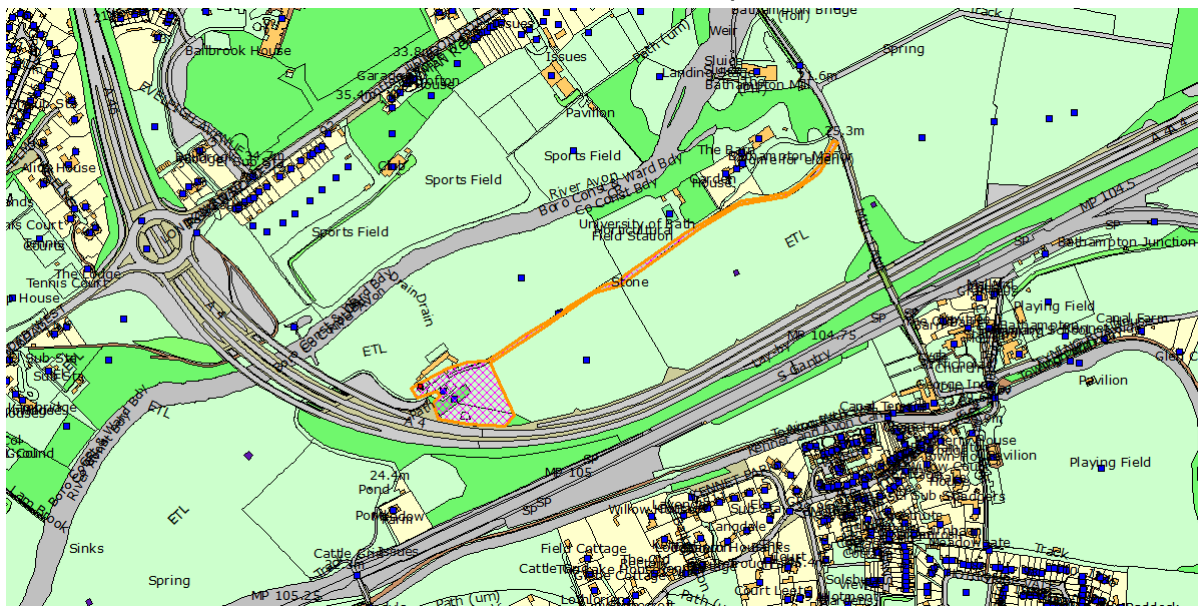
Bespoke Trigger - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

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

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

Item No:	10
Application No:	20/01399/FUL

Site Location: New Leaf Farm Mill Lane Bathampton Bath



Ward: Bathavon North

Parish: Bathampton

LB Grade: N/A

Ward Members: Councillor Kevin Guy Councillor Sarah Warren

Application Type: Full Application

Proposal: Erection of agricultural storage building.

Constraints: Agricultural Land Classification, Policy B4 WHS - Indicative Extent, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Flood Zone 2, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE2A Landscapes and the green set, Policy NE5 Ecological Networks, Neighbourhood Plan, SSSI - Impact Risk Zones,

Applicant: Mr Steven Horler

Expiry Date: 7th August 2020

Case Officer: Nicola Little

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

REPORT

Reason for going to committee:

The applicant is related to a Councillor therefore in accordance with the scheme of delegation the application has been referred to committee.

Introduction:

The application site is an agricultural farm situated on the outskirts of the village of Bathampton. The site is located within the Green Belt; the indicative setting of the City of Bath World Heritage Site; and the setting

The proposal is for the erection of an agricultural storage building. The dimensions of the building are 14 meters x 5.5 meters.

Relevant Planning History:

2015:

15/01855/ADCOU - Prior approval request for change of use from Agricultural Barns to 3 no. Dwellings (C3) and associated operational development - APPROVE

2014:

14/04947/ADCOU - Prior approval request for change of use from Agricultural Barn to Dwelling (C3) - REFUSED

14/00847/FUL - Erection of a permanent agricultural workers dwelling (Resubmission) - REFUSED - APPEAL DISMISSED

14/00316/FUL - Erection of agricultural building (covered yard) - PERMITTED

2012:

12/05631/FUL - Erection of a permanent agricultural workers dwelling (Resubmission) - REFUSED

12/05349/FUL - Erection of agricultural building (covered yard) - PERMITTED

12/04766/AGRN - Provision of a covered yard - WITHDRAWN

2011:

11/05456/FUL - Erection of a permanent agricultural workers dwelling - REFUSED

2010:

10/02944/AGRN - Erection of an agricultural feed store - APPROVED

2008:

08/04343/FUL - Conversion of former agricultural buildings to holiday accommodation, erection of barn, temporary dwelling and floating pontoon - PERMITTED

2007:

07/03372/FUL - Conversion of former agricultural buildings to holiday accommodation and erection of barn and detached farm cottage - WITHDRAWN

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Ward Councillor Sarah Warren:

Support. Comments: *"This application is to replace a dilapidated, permanently parked caravan with a similar sized barn, which will visually enhance the whole environment, and is very much in keeping with the surrounding farm buildings. I am please to note that the*

current hard standing will be re-used, thus minimising ecological impact on the site. I support the application, and request that if officers are minded to refuse, it is sent to planning committee for consideration.

Bathampton Parish Council:

No objection, subject to the removal of the existing static caravan.

Drainage and Flooding

A condition is requested regarding the use of soakaways.

POLICIES/LEGISLATION

The statutory Development Plan for Bath & 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
- 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
B4: The World Heritage Site and its Setting
CP2: Sustainable Construction
CP6: Environmental quality
CP8: Green Belt
SCR5: Water Efficiency
SD1: Presumption in Favour of Sustainable Development

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:

D2: Local Character and Distinctiveness
D.5: Building Design
D.6: Amenity
D8: Lighting
GB1: Visual Amenities of the Green Belt
GB2: Development in Green Belt Villages
NE1: Development and Green Infrastructure
NE2: Conserving and Enhancing the Landscape and Landscape Character

NE3: Sites, Species, and Habitats
NE5: Ecological networks
RE2: Agricultural development

National Planning Legislation and Guidance:

The National Planning Policy Framework (NPPF) February 2019 sets out the government's planning policies for England and how these are expected to be applied. The NPPF and accompanying National Planning Practice Guidance (NPPG) are material considerations.

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

Green Belt:

Paragraph 145 of the National Planning Policy Framework February 2019 (NPPF) states that: *"a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt"*.

Exceptions to this rule are outlined under Paragraphs 145 and 146 of the NPPF. The exception relevant to this application as set out under Paragraph 145 is the construction of buildings for the purposes of agriculture and forestry.

In this case, the applicant has confirmed that the proposed building will be used for the purposes of storing light agricultural equipment and supplies such as hand tools, stock fencing and mowing equipment.

Accordingly, the proposal may be considered appropriate development within the Green Belt in line with the NPPF. 'Very special circumstances' are not required.

POLICY RE2: Agricultural Development

Policy RE2 states:

Agricultural development (including; the erection of new agricultural buildings; significant extensions/ alterations to existing agricultural buildings; installation of machinery; construction of access roads) will be permitted providing:

- a There are no unacceptable environmental and/or health impacts which cannot be adequately mitigated;*
- b Adequate provision for the storage and disposal of animal waste is provided; and*
- c The proposed development is commensurate with the agricultural activities on the site.*

In this case, there would be no unacceptable environmental and/or health impacts as a result of the development. The building will not be used for livestock and therefore it is not necessary for adequate provision in respect of the storage and disposal of animal waste to be provided. Finally, the proposed development is considered commensurate with the agricultural activities on the site.

The proposal therefore complies with Policy RE2 of the Placemaking Plan.

Other matters:

Visual Amenities of the Green Belt and Landscape Character:

Policy GB1 (Visual Amenities of the Green Belt) states that: *Development within or conspicuous from the Green Belt should not prejudice but seek to enhance the visual amenities of the Green Belt by reason of its siting, design or materials used for its construction.*

Furthermore, Policy NE2 (Conserving and Enhancing the Landscape and Landscape Character) states that *Development should seek to avoid or adequately mitigate any adverse impact on landscape.*

Finally, Policy NE2A (Landscape Setting of Settlements) states that *Any development should seek to conserve and enhance the landscape setting of settlements and their landscape character, views and features. Development that would result in adverse impact to the landscape setting of settlements that cannot be adequately mitigated will not be permitted.*

The proposed building is to be sited in close proximity to other buildings located at the site. Consequently, the proposed building will not appear isolated or out of context when viewed from afar. The applicant has confirmed that the proposed building is to be erected in the same location as an existing static caravan and will therefore utilise an existing area of hardstanding. Consequently, the adjacent hedgerow will not be disturbed and the development will not result in any unnecessary disturbance of other farmland. The proposed will not adversely impact important views or special features of the landscape.

The walls of the proposed building are to be timber clad using vertical "Yorkshire" boarding. The roof will be a box profile corrugated steel roof in dark grey. These materials are considered appropriate and in keeping with the agricultural context of the farm and the stated function of the building.

Accordingly, it is not considered that the proposed development would prejudice the visual amenities of the Green Belt. Instead, it is considered that the proposed development will enhance the visual amenities of the Green Belt by replacing an existing static caravan with a modern agricultural building. The applicant has confirmed that the static caravan will be removed upon the grant of planning permission for the proposed building. The removal of

the static caravan will be required by condition, in the interest of preserving the openness of the Green Belt.

The proposed development therefore complies with Policy GB1 of the Placemaking Plan.

Ecology:

Policy D5 (Building Design) states that *Buildings and spaces should be designed to provide new or improved wildlife habitats and features (e.g. spaces for swifts and swallows; bat bricks; new hedgerows and other green infrastructure).*

The applicant has agreed to the attachment of a condition requiring the installation of swift boxes on the north east elevation of the proposed building. The recommended number will be 3 swift boxes in order to increase the chances of colony establishment.

Drainage:

The applicant has indicated that surface water will be disposed of via a soakaway; however no further information has been provided. British Geological Survey Infiltration Mapping (BGSIM) provides the following summary, which is relevant to the application site:

"The subsurface is potentially suitable for infiltration SuDS (soakaways) although the design will be influenced by the ground conditions. Quantify infiltration rate via an infiltration/soakaway test and consider whether infiltration can be used as a SuDS technique"

Based upon the information provided by the BGSIM, the Council's Drainage and Flooding Team have requested the attachment of a bespoke condition regarding the use of soakaways, or else the submission alternative details to the Local Planning authority should the use of soakaways be unviable.

Conclusion:

The proposed development has been considered acceptable in principle in line with Section 13 of the NPPF and Policy RE2 of the Bath and North East Somerset Council Placemaking Plan. Furthermore, it is not considered that the proposal would have any adverse impact on the visual amenities of the Green Belt or the character of the surrounding landscape and landscape distinctiveness.

The permission will be subject to a condition requiring the permanent removal of the existing static caravan from the application site. This condition is considered reasonable and necessary in the interests of preventing unauthorised development and preserving the openness of the Green Belt.

A condition regarding the use of soakaways or other approved method of surface water drainage will also be attached in the interests of flood risk management. In addition, a condition requiring the installation of 3 swift boxes on the north east elevation of the proposed building will be attached to the permission. This condition is considered reasonable and necessary in the interests of ecology and proactive building design. A further condition restricting the use of external lighting on the building without the prior

approval of the Local Planning Authority will be attached in the interests of ecology and the preservation of landscape character and prevention of further light pollution.

Finally, notwithstanding the fact that the application site can no longer benefit from the permitted development rights as provided under Schedule 2, Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015, a condition to restrict the use of building has been considered necessary in order to prevent a proliferation of holiday lets and / or residential dwellings on the application site.

Having received further information relating to this application, Bathampton Parish Council have stated that they have no objection to the provision of a new barn providing that the existing static caravan is removed and appropriate safety measures are in place if the barn is used for storage of any dangerous chemicals or tools. Whilst the latter is not considered to be a planning matter, the removal of the static caravan has been confirmed by the applicant and will be required by condition.

Bathavon North Ward Councillor, Sarah Warren, has expressed her support for the proposal, stating that "[the proposed building] will visually enhance the whole environment, and is very much in keeping with the surrounding farm buildings."

Accordingly, subject to the conditions as outlined within this report, the proposed development is recommended for approval.

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 Removal of Permitted Development Rights - Class Q. Agricultural buildings to dwellinghouses (bespoke - compliance)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) the building hereby approved shall be used only for the purposes of agriculture and for no other purpose without the prior written approval of the Local Planning Authority.

Reason: The approved use only has been found to be acceptable in this location and other uses will require further detailed consideration by the Local Planning Authority.

3 Removal of existing building (bespoke - compliance)

Prior to the commencement of development hereby approved, the existing static caravan shall be permanently removed from the application site.

Reason: In the interests of visual amenity and the preservation of the openness of the Green Belt in accordance with Policy GB1 of the Placemaking Plan for Bath and North East Somerset and paragraph 133 of the National Planning Policy Framework.

4 Installation of Swift Boxes (bespoke - compliance)

No use of the building hereby approved shall commence until a minimum of three Schwegler swift boxes have been installed onto the North East Elevation of the building. Confirmation in the form of photographic evidence shall be sent to the Local Planning Authority upon completion of the installation before the first use of the building hereby approved shall commence.

Reason: To provide biodiversity gain in accordance with policy CP6 of the Bath and North East Somerset Core Strategy and policies D5 and NE3 of the Bath and North East Somerset Placemaking Plan and section 15 of the National Planning Policy Framework.

5 External Lighting (bespoke trigger)

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

Reason: In the interests of preventing harm to bats and other wildlife and preventing light pollution in accordance with policy CP6 of the Bath and North East Somerset Core Strategy and policies D8 and NE3 of the Bath and North East Somerset Placemaking Plan.

6 Provision for Drainage (bespoke trigger)

The proposed method of drainage hereby approved (soakaways) are to be designed and constructed in accordance with Building Regulations Approved Document Part H section 3, noting the requirement for infiltration testing which should be undertaken at an early stage of the development to confirm viability of infiltration techniques. Should the infiltration test results demonstrate that soakaways are not appropriate for the development hereby approved, an alternative method of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The soakaways or other approved method of surface water drainage shall be installed prior to the first use of the building hereby approved.

Reason: To ensure that an appropriate method of surface water drainage is installed and in the interests of flood risk management in accordance with Policy CP5 of the Bath and North East Somerset Core Strategy and Policy SU1 of the Bath and North East Somerset

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:

1 This decision relates to the BLOCK PLAN; SITE LOCATION PLAN; and PROPOSED ELEVATIONS all submitted to the Local Planning Authority on 20 April 2020.

2 Permit/Consent Decision Making Statement

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

3 Responding to Climate Change (Informative):

The council is committed to responding to climate change. You are advised to consider sustainable construction when undertaking the approved development and consider using measures aimed at minimising carbon emissions and impacts on climate change.

4 Condition Categories

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

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

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

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

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

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

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

Item No: 11
Application No: 20/01249/FUL
Site Location: The Coach House College Road Lansdown Bath Bath And North East Somerset



Ward: Lansdown **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Mark Elliott Councillor Lucy Hodge
Application Type: Full Application
Proposal: Erection of rear and side extension
Constraints: Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agricultural Land Classification, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP9 Affordable Housing Zones, MOD Safeguarded Areas, Policy NE2A Landscapes and the green set, SSSI - Impact Risk Zones, Tree Preservation Order,
Applicant: Mr and Mrs Stenning
Expiry Date: 2nd July 2020
Case Officer: Chloe Buckingham
To view the case click on the link [here](#).

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

Cllr Lucy Hodge has made a formal request that should the officer is minded to permit this application it is determined in public by committee. The chair of committee has decided to take the application to committee for the following reason:

I am concerned that this may represent over-development of the site, as stated by the ward councillor and I think that, given the site's location, the committee may wish to further debate this decision.

DESCRIPTION OF SITE AND APPLICATION:

The application relates to a detached dwelling located within the Bath Conservation Area and World Heritage Site.

The scheme proposes the erection of rear and side extension.

Relevant Planning History:

DC - 03/00842/FUL - REFUSE - 6 May 2003 - Extension to existing dwelling forming bedroom/study

DC - 07/03578/FUL - PERMIT - 18 February 2008 - Erection of single-storey extension to the North and Eastern elevation to provide playroom and an additional ground floor bedroom.

DC - 08/04725/FUL - PERMIT - 13 February 2009 - Erection of a rear single storey extension.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

CONSULTATIONS:

Arboriculture: Insufficient information submitted to assess the impact of the proposal.

Highways: No objection subject to one condition.

Cllr Lucy Hodge- call in request to committee if the officer is minded to approve the application for the following reasons:

1. Overdevelopment of a backland site which will harm the layout and integrity of Lansdown with no overall public benefit - contrary to policy B4 and BD1 (3)
2. Adverse harm to the character of the conservation area - contrary to policies HE1, BD1 (4), D2 and D7. The area is characterised by large houses in large verdant plots with some small ancillary buildings. The proposal seeks to extend what was a coach house to become a 5 bed-room house which would be out of character in terms of the relationship between existing dwellings and the pattern of development and grain in the conservation area.
3. Overdevelopment of this backland site - contrary to policy D7. Further extending this ancillary building will change its historical relationship with the main house, St. Elmo and it will be disproportionate in terms of scale and height.
4. A detrimental effect on the residential amenity of adjacent neighbours in terms of privacy and overlooking - contrary to policy D6. It appears that the proposed east side elevation double doors/window to the second floor extension bedroom 5 and the potential external access to a flat roof or raised walk way to the shed could give rise to overlooking of the gardens of three neighbouring properties.

Third Party representations: 12 objection comments received. The main points being:

- o Overdevelopment of the site.
- o Negative impact on the character and appearance of the main dwelling and surrounding dwellings, as well as having a negative impact on the setting of the conservation area.
- o The driveway is too narrow and there is no turning space.
- o There will be an increase in traffic and the safety of other residents, particularly children, will be compromised.
- o Overlooking and loss of privacy for surrounding occupiers.
- o The garden area is not adequate for a 5-bed dwelling.
- o The parking area is not adequate and the three parking spaces are not sufficient to show the 2.4 x 4.8m dimensions.
- o Issues regarding traffic and noise during construction phase.
- o Damage to the shared drive.
- o The red line does not show the access driveway to the highway and no certificate has been served on the owner.
- o This is an expansion of the previously refused application from 2008.
- o The East elevation is incorrect.
- o Raises question of subsidence if the steps are removed.
- o Structural impact of removing steps on the surrounding walls and structures to the other side of the wall.
- o Restricted access for emergency services.
- o The proposal fails to provide adequate space to access garden borders to enable proper maintenance.
- o Loss of wildlife due to loss of garden space.
- o Storage of garden equipment/bins and bikes.

11 more objection received regarding the revised plans. The main points being:

- o All previous concerns still exist.
- o The officer was not prepared to express a view on the planning merits of the proposals- interested to learn if this was due to office instruction.
- o Difficulty understanding the plans- no explanation is given to the feature defined by herring-bone shading liberally drawn over the elevations. What does the shading on the North elevation represent and how is this related to land to the North.
- o Are there any restriction to permitted development on the original application?
- o Too close to the rear wall and trees in the garden of no.3.
- o The proposed first floor roof plan (1903-P102-P1) shows a rooflight positioned lower than the rooflights on the west side- this is absent from the proposed elevations (1903-P201-P1).
- o The plans do not take into account the gradient of the land.
- o The flat roof could be used as a seating area.
- o The red line includes the access but this should be in a blue line because they do not own the access.
- o West elevation seems incorrect in terms of levels.

Comments regarding the revised plan to show the correct level of the window on both the roof plan and the elevations:

I write to further object to the fact that on this application no further comments are enabled after last minute design changes have been made. This without the ability for stakeholder scrutinise and raise potential objection.

With reference to the latest drawings and my previous 2 objections:

Drawing 10th of June 2020 reference 1903 - P201- P3. If you compare this elevation drawing with the revised drawing dated the 21st of May 2020, reference 1903 P201 - P2 you will see that the Velux window has been lowered considerably. This will mean it will overlook my garden to a greater extent because it is over the proposed staircase. At the higher level it would not be so intrusive. The Velux windows on the west side are far higher. The planning portal is now closed on this case for further objection which is entirely unsatisfactory.

It is not satisfactory that continual changes to plans are made and extensions in time granted in order to facilitate planning acceptance.

POLICIES/LEGISLATION

POLICIES:

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

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

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

CP6 Environmental Quality
CP2 Sustainable construction
B4 World Heritage Site

The relevant Placemaking Plan policies should be considered:

DW1 District Wide Spatial Strategy
D2 Local character and distinctiveness
D4 Streets and Spaces
D5 Building Design
D6 Amenity
ST1 Promoting sustainable travel
ST7 Transport Access and Development Management
HE1 Historic Environment

LEGAL FRAMEWORK

- o Town and Country Planning Act, 1990

NATIONAL PLANNING POLICY FRAMEWORK, February 2019

- o The NPPF has been considered in light of this application but does not raise any issues that conflict with the aforementioned local policies which remain extant.

NATIONAL PLANNING PRACTICE GUIDANCE

Due consideration has been given to the recently published NPPG

There is a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character of the surrounding conservation area.

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 site is located within the built-up residential area of Bath where the principle of development is accepted subject to compliance with all other policies.

CHARACTER AND APPEARANCE:

The existing dwelling is a detached two storey house which is set back from the road and within the original curtilage of the main house known as St Elmo on College Road. The property is screened on all boundaries with its neighbours by high stone walls.

The scheme proposes to add a single storey rear and side extension which are similar in size to the extensions proposed in the permitted application reference 08/04725/FUL. However, this scheme also proposes a two storey extension to the rear.

The proposed materials are a mixture of buff Bath stone to match the garden walls with reconstituted Bath stone to match the existing rear wall. The pitched roof will be constructed from slate and new zinc cladding will be attached to the dormer. Dark grey aluminium windows and dark grey steel crittel doors are also proposed.

A further plan has been submitted (1903-SP101) showing that a section of wall will be re-built and that the lean-to shed and the stair will be removed. This is considered acceptable and a condition shall be attached to ensure that the wall is re-built so as to be matching in materials and appearance to the existing wall.

Comments have been submitted to explain that the proposed first floor roof plan (1903-P102-P1) shows a rooflight positioned lower than the rooflights on the west side but that this is absent from the proposed elevations (1903-P201-P1). However, revised plans have now been submitted to show that rooflights are all in the same position on the elevations and the roof plans.

Objection comments have been submitted to explain that the east elevation is incorrect but the comment doesn't say how it is incorrect. However, after looking carefully at this elevation and also after discussion with the agent it is considered that the east elevation is an accurate representation as existing and proposed.

Objection comments have been submitted to explain that the scheme is over-development of the site and that there is inadequate garden space for a five-bedroom property. However, the proposed extensions are considered to be in-keeping with the size, proportions, design and materials of the existing building. The new two storey element is considered to be a proportionate addition and is situated to the rear of the property. Therefore, the two-storey element in this application is on a reduced scale and within a different position to the two storey element that was refused for being over-development in the 2003 application. Overall it is considered that the size, design and use of materials of the proposed extensions are acceptable and in-keeping with the host property. The scheme is not considered to be readily visible within the conservation area and World Heritage Site and as such the proposal would preserve the setting of this part of the Bath conservation area and World Heritage Site. The garden space leftover is also considered to be sufficient for this size of property. Overall the scheme is in compliance with policies D2, D4 and HE1 of the Placemaking Plan (2017).

PLANNING OFFICER'S ASSESSMENT OF HIGHWAY IMPACTS:

Objection comments have been submitted to explain that the increase from a 4-bed to a 5-bed property means that three parking spaces are required in the standards set out in policy ST7 of the Placemaking Plan. However, the comments have explained that the driveway is too narrow and that there is no adequate parking and turning space. However, the standards set out in policy ST7 relate to new-build dwellings only and these new standards would not restrict existing singular residential properties from extending their properties and creating a new bedroom.

Concerns have been expressed regarding an increase in traffic and concern regarding the safety of other residents, particularly children. However, the inclusion of one additional bedroom is not considered to create any significant increase in traffic. Construction vehicles will be temporary and the applicant would need to be mindful not to block the shared access at any point. Comments have explained that the scheme will restrict access for emergency services, however, the access and driveway will remain as existing and the increase in size of the property is not considered to create any issues over and above the existing situation for the access of emergency vehicles.

Concern has also been expressed regarding damage to the shared drive. However, any damage to the drive would be a civil matter between the owners of the drive and would not be a material consideration within the planning assessment.

Overall the access and parking arrangement on the site are considered acceptable and the scheme is broadly compliant with policy ST7 of the Placemaking Plan (2017).

Whilst the scheme is considered compliant with policy ST7, a pre-commencement construction management plan is considered necessary in this instance due to the positioning of the property and 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. Permission to attach this condition has been sought and confirmed in the email dated 15th June 2020.

RESIDENTIAL AMENITY:

Objection comments have been received to explain that there will be over-looking and a loss of privacy for neighbouring dwellings as a result of the scheme. However, the two storey element to the rear will block up the existing window to the rear and there is no new window proposed here. There is a new double door opening with a Juliet balcony proposed in the east side two storey element, however, considering the property to the East is approximately 40 metres away from the host property and as this is a built-up residential area where a certain level of over-looking is accepted, there are not considered to be any significant negative impacts in terms of over-looking and loss of privacy. Therefore, the level of over-looking and loss of privacy for neighbouring dwellings as a result of the scheme is considered to be normal for areas such as these and there are not considered to be any significant negative residential amenity impacts for any surrounding occupiers.

Confirmation has been received from the applicant to explain that access would be possible to the flat roof from the new first floor bedroom to allow for maintenance/cleaning and to clean the roof lights. However, a roof top patio has not been proposed and to ensure this does not become a roof top patio a condition shall be attached to the permission to ensure that there is no loss of privacy for surrounding occupiers in accordance with policy D6 of the Placemaking Plan (2017).

Due to the distances between the property and other residential dwellings (approx. 35-37m to the rear, 24m to the front and 26m to the South West) and also the nature and scale of the extensions there are not considered to be any significant negative impacts for surrounding occupiers or future residents of the dwelling.

Comments have been received to explain that the proposed first floor roof plan (1903-P102-P1) shows a rooflight positioned lower than the rooflights on the west side- this is absent from the proposed elevations. However, revised plans have now been submitted to show that the rooflight is at the correct position in both the proposed roof plan and the proposed elevations.

Comments have been submitted to explain that the plans do not take the gradient of the land into consideration and that the gradient of the land is not correct particularly on the West elevation. However, the shading on the plans represents the dwelling being cut into the earth and that the land behind the boundary wall is at a higher level (approximately 1m). The Coach House is approximately 1m higher than the neighbouring garden to the west. It is considered that the plans are clear and the gradient of the land in which the dwelling sits is taken into consideration.

Objections to the revised plans explain that if you compare this elevation drawing with the revised drawing dated the 21st of May 2020, reference 1903 P201 - P2 you will see that the Velux window has been lowered considerably. The objector has explained that this will mean it will overlook their garden to a greater extent because it is over the proposed staircase. The applicant sent in plans to show that the level of this rooflight is the same on both the elevations and the roof plans and that this position was indeed the lower position. This rooflight is above the stairs and is not serving any primary living accommodation which again limits the degree of over-looking/loss of privacy. Regardless of the level of the window within the roof, the distances between the properties and the fact that this is a built-up residential area means that there is not considered to be any significant negative impacts.

The proposal is considered to be compliant with policy D6 of the Placemaking Plan (2017).

ARBORICULTURE:

Trees on and adjacent to the property are protected by the Bath Conservation Area designation. A Tree Preservation Order also exists within properties in Hamilton Road immediately to the north.

The submissions indicate that trees are present but do not fulfil the local list of requirements because no tree survey or arboricultural impact assessment has been provided.

The arboriculture officer has explained that the redline boundary appears to incorporate soft landscaping immediately adjacent to South Lawn. The arboriculture officer has gone on to explain that the loss of trees and other vegetation here would have an adverse effect on the appearance of the locality and no replanting on site would be possible as mitigation. Furthermore, the arboriculture officer has explained that the redline also incorporates the tree involved in the S211 notice, reference 20/00895/TCA which was indicated to be within the grounds of St Elmo 2 College Road. However, after further investigation and discussion with the applicant it has been confirmed that no trees or other vegetation is proposed to be removed and the existing trees on site will be protected by a pre-commencement arboriculture method statement and tree protection condition.

It has been clarified by the applicant that the existing retaining wall to the northern boundary is in a poor state of repair and would need replacing within the next year or so as it has been affected by root damage from the trees in the neighbouring garden. Therefore, it is proposed that a section of the existing wall as indicated on the attached plan is removed and rebuilt during the works to the new extension and a condition shall be attached to ensure that the wall is re-built in a manner in-keeping with the existing wall.

A plan has been received to show the retention of two trees (1903-SP101) and a condition shall be attached regarding an arboriculture method statement and a tree protection plan to ensure the existing two trees on the boundary along this section of the wall can be retained.

The ground level to the neighbours garden on the northern boundary is only approximately 600mm lower than the top of the boundary wall and significantly higher than the ground level to the Coach House side of the boundary. It has been confirmed that the new retaining wall will be the same height and location as the existing. Therefore, it is considered that the tree roots can be protected during the works.

The arboriculture officer has explained that tree protection measures are possible to protect the Magnolia to the front of the property from harm, however, this tree is not readily visible to the general public so has less importance compared to trees towards the frontage. Nevertheless, this tree should also be taken into account when producing the method statement and protection plan. As this is a pre-commencement permission has been received from the applicant to attach the condition as confirmed in the email dated 10th June 2020.

OTHER ISSUES:

Objection comments submitted explain that there will be an issue regarding traffic and noise during the construction phase. However, this will be temporary and the scheme is a small-householder application. However, the applicant should be mindful of the times of works and deliveries of materials so as to be respectful to neighbouring properties.

Comments have explained that the red line does not show the access driveway to the highway and no certificate has been served on the owner. However, revised plans have been submitted and show that the driveway access to the highway is now included in the red-line boundary. Concern has been expressed to explain that the applicants do not own the access but do have a right of access over it. However, as the access and driveway is in relation to the site this access needs to be included in the red line boundary irrespective of who is the owner. Certificate B has also been signed and notice has been served on the owners of the site. Therefore, the ownership of the access is clear but this needs to be a part of the red line as this is the sole access for the site.

Comments have explained that this is an expansion of the previously refused application in 2008. However, the application in 2008 was permitted but the application in 2003 was refused for being over-development and having an adverse impact on neighbouring properties. Whilst the scheme in the current application includes a two storey element, this is in a different position and is a smaller scale than that proposed in 2003.

Concern has been expressed regarding subsidence if the steps are removed as well as the structural impact of removing steps on the surrounding walls and structures to the other side of the wall. However, this is something that will be looked into when the applicant applies for building regulations sign-off and is not something which can be assessed at planning application stage.

Other comments received have explained that the proposal fails to provide adequate space to access garden borders to enable proper maintenance. However, whilst this is something that the applicant should consider, this is not a material planning consideration and does not have an impact on the outcome of this application.

Comments submitted have explained that the loss of garden space will result in a detrimental loss of wildlife. However, the extension is not considered to give rise to any

significant loss of wildlife because this is a smaller household extension and there is sufficient garden space left over. Any loss of wildlife as a result I considered to be negligible.

Comments have been submitted regarding the lack of storage for garden equipment, bins and bikes. However, it is not considered that this proposal will have any significant impact on the existing situation with regard to the storage of bins, bikes and garden equipment. It is up to the owner of the property to consider this. There is sufficient garden space leftover and the owner of the dwelling can decide how to use this space to provide storage for such things.

Comments have been submitted to explain that the officer was not prepared to express an opinion on the merits of the scheme. However, until a full assessment has been made it is standard practice not to discuss the likely outcome of the proposal and then this would need to be discussed with the applicant first rather than a third party.

There are no permitted development rights restrictions on the property and even if there were this would just require the submission of a full application rather than a certificate of lawfulness if the scheme were permitted development.

Comments have been submitted to explain that there is some difficulty understanding the plans as there is no explanation given to the feature defined by the herring-bone shading liberally drawn over the elevations. A more specific question regarding what the shading on the North elevation represents and how this is related to land to the North was also asked. The shading on the elevations is to show that the dwelling is set into the ground. For example the new single storey extension will only project 300-400mm above the boundary wall line.

Comments have been submitted to explain that the extension is too close to the boundary wall and trees of the neighbouring garden. However, in terms of the planning assessment, there are no issues regarding building up to the boundary in terms of character, appearance or residential amenity. If there is any damage to the wall as a result of the build then this is a civil matter between the applicants and the neighbours. A pre-commencement tree method statement and tree protection condition shall also be attached to the permission to ensure that there is no damage to the trees during the build.

Comments have been submitted to explain that it is not satisfactory that continual changes to plans are made and extensions in time granted in order to facilitate planning acceptance. However, this is the planning process and it is the position of the Council to make sure that the plans are correct and match each other and that the correct procedures are followed. It was considered that the objections regarding the rooflight and over-looking/loss of privacy would not change regardless of the level of this rooflight. Therefore, a further three week consultation and delay was not considered necessary in this instance.

CONCLUSION:

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

There is a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. Here it is considered that due to the size, scale, design and materials proposed the scheme preserves the setting of conservation area.

RECOMMENDATION

PERMIT

CONDITIONS

1 Standard Time Limit (Compliance)

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

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

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

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

Reason: To ensure that trees to be retained are not adversely affected by the development proposals in accordance with Policy NE6 of the Bath and North East Somerset Placemaking Plan. This is a condition precedent because the works comprising the development have the potential to harm retained trees. Therefore these details need to be agreed before work commences.

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

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

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

4 No Terrace/Balcony Use (Compliance)

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

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

5 Boundary Wall (Compliance)

The boundary wall shall be re-built so that it is the same size, height, materials and appearance as the existing boundary wall.

Reason: To preserve the character and appearance of the site in accordance with Policies D2, D4 and HE1 of the Bath and North East Somerset Placemaking Plan.

6 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.

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:

1 This decision relates to the plan references;

1903-S001 P1 and 1903-P001 P1 received 6th May 2020.

1903-P101, 1903-P102, 1903-S101, 1903-S102 and 1903-S201 received 31st March 2020.

1903-P201 P3 and 1903-SP101 received 10th June 2020.

2 Permit/Consent Decision Making Statement

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

3 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

4 Responding to Climate Change (Informative):

The council is committed to responding to climate change. You are advised to consider sustainable construction when undertaking the approved development and consider using measures aimed at minimising carbon emissions and impacts on climate change.

5 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.

Bath & North East Somerset Council	
MEETING:	Planning Committee
MEETING DATE:	
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: 19/03218/ODCOU
Location: Barn Bailbrook Lane Lower Swainswick Bath
Proposal: Prior approval request for a change of use from office (Use Class B1a) to dwelling (Use Class C3).
Decision: REFUSE
Decision Date: 13 September 2019
Decision Level: Delegated
Appeal Lodged: 22 May 2020

App. Ref: 19/05260/FUL
Location: Purcells Uk Ltd 342 Bloomfield Road Bloomfield Bath BA2 2PB
Proposal: Erection of a dwelling with associated front and rear landscaping following demolition of existing garages.
Decision: REFUSE
Decision Date: 30 January 2020
Decision Level: Delegated
Appeal Lodged: 22 May 2020

App. Ref: 20/00214/FUL
Location: Selwood Manor 396 Bath Road Saltford BS31 3DQ
Proposal: Change of use from dwellinghouse (Use Class C3) to mixed use dwellinghouse (Use Class C3) and commercial leisure accommodation (commercial

holiday let)

Decision: REFUSE
Decision Date: 8 April 2020
Decision Level: Delegated
Appeal Lodged: 22 May 2020

App. Ref: 19/04123/FUL
Location: 19 Gladstone Street Welton Midsomer Norton Radstock Bath And North East Somerset
Proposal: Erection of a terrace of 4no dwellings adjoining 19 Gladstone Street.
Decision: REFUSE
Decision Date: 25 November 2019
Decision Level: Planning Committee
Appeal Lodged: 26 May 2020

App. Ref: 20/00478/ADCOU
Location: Barn And Yard Wellow Farm Norton Lane Wellow Bath
Proposal: Prior approval request for change of use from Agricultural Building to 1 no. Dwelling (C3) and for associated operational development.
Decision: REFUSE
Decision Date: 27 March 2020
Decision Level: Delegated
Appeal Lodged: 27 May 2020

App. Ref: 19/04452/FUL
Location: Poole Farm Sunnymead Lane Bishop Sutton Bristol Bath And North East Somerset
Proposal: Erection of a triple garage for domestic use.
Decision: REFUSE
Decision Date: 14 February 2020
Decision Level: Planning Committee
Appeal Lodged: 8 June 2020

App. Ref: 20/00133/VAR
Location: 20 Blenheim Gardens Fairfield Park Bath Bath And North East Somerset BA1 6NL
Proposal: Variation of condition 2 (materials) of application 19/02104/FUL

(Erection of two storey side extension with balcony (ground floor) at rear).

Decision: REFUSE
Decision Date: 1 April 2020
Decision Level: Delegated
Appeal Lodged: 8 June 2020

App. Ref: 20/00033/FUL
Location: Friars Gate Sharpstone Lane Freshford Bath Bath And North East Somerset
Proposal: Erection of a double garage to replace single garage.
Decision: REFUSE
Decision Date: 27 February 2020
Decision Level: Delegated
Appeal Lodged: 9 June 2020

App. Ref: 20/00207/FUL
Location: Orchard House Iford Lane Hinton Charterhouse Bath BA2 7TG
Proposal: Single storey extension to the rear of the premises. This will provide a large lounge and rear entrance lobby.
Decision: REFUSE
Decision Date: 8 April 2020
Decision Level: Delegated
Appeal Lodged: 9 June 2020

App. Ref: 19/03530/OUT
Location: Parcel 9772 Norton Lane Chew Magna Bristol
Proposal: Outline planning permission for 5no. residential dwellings (C3). All matters reserved except access.
Decision: REFUSE
Decision Date: 1 October 2019
Decision Level: Delegated
Appeal Lodged: 12 June 2020

App. Ref: 19/04809/FUL
Location: Wyndrush Tilley Lane Farmborough Bath Bath And North East Somerset
Proposal: Erection of a 1 storey new build dwelling with rooms in the roof and changes to existing houses parking arrangements

Decision: REFUSE
Decision Date: 18 December 2019
Decision Level: Delegated
Appeal Lodged: 12 June 2020

APPEALS DECIDED

App. Ref: 19/03190/FUL
Location: Cleeves Cottage Gassons Peasedown St. John Bath Bath And North East Somerset
Proposal: Partial change of use from garage/workshop (B2) to residential (C3)
Decision: REFUSE
Decision Date: 7 October 2019
Decision Level: Delegated
Appeal Lodged: 20 November 2019
Appeal Decision: Appeal Allowed
Appeal Decided Date: 26 May 2020

App. Ref: 19/04735/FUL
Location: 14 Oolite Road Odd Down Bath Bath And North East Somerset BA2 2UU
Proposal: Loft conversion incorporating side and rear dormers to main roof slope.
Decision: REFUSE
Decision Date: 16 December 2019
Decision Level: Delegated
Appeal Lodged: 5 March 2020
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 3 June 2020

App. Ref: 19/03941/FUL
Location: Kelso House 23 Sion Road Lansdown Bath Bath And North East Somerset
Proposal: Erection of fence to boundary wall adjacent to Sion Road.

Decision: REFUSE
Decision Date: 18 December 2019
Decision Level: Delegated
Appeal Lodged: 24 March 2020
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 5 June 2020

App. Ref: 19/01380/FUL
Location: 15 The Mead Clutton Bristol Bath And North East Somerset BS39 5RQ
Proposal: Erection of a two storey detached dwelling and reconfiguration of parking area.
Decision: REFUSE
Decision Date: 2 July 2019
Decision Level: Delegated
Appeal Lodged: 11 February 2020
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 9 June 2020

App. Ref: 19/01596/FUL
Location: The Cottage Northfields Lansdown Bath Bath And North East Somerset
Proposal: Erection of 3no dwellings following removal of existing properties
Decision: REFUSE
Decision Date: 26 September 2019
Decision Level: Planning Committee
Appeal Lodged: 17 January 2020
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 10 June 2020

App. Ref: 19/04785/FUL
Location: Garages Rear Of 1 Cork Terrace St Michael's Road Lower Weston Bath
Proposal: Erection of one new dwelling following demolition of existing garages.
Decision: REFUSE
Decision Date: 10 January 2020
Decision Level: Delegated
Appeal Lodged: 24 February 2020
Appeal Decision: Appeal Dismissed

Appeal Decided Date: 16 June 2020

App. Ref: 20/00020/AR

Location: Red Lion High Street Paulton Bristol Bath And North East Somerset

Proposal: Display of 1no. externally illuminated fascia sign with applied 10mm perspex gold leaf letters, 1no. refurbished existing lantern, 2no. amenity boards, 1no. large amenity board to replace existing, 3no. A2 lockable poster case, 9no. LED floodlights, 1no. double sided pictorial with vinyl text, illuminated by linolites, 3no. single roundals with applied logo, illuminated by floodlights, 1no. refurbished existing entrance panel and 1no. lantern fixed to cradle bracket.

Decision: CONSENT

Decision Date: 6 February 2020

Decision Level: Delegated

Appeal Lodged: 2 March 2020

Appeal Decision: Appeal Allowed

Appeal Decided Date: 18 June 2020
