

Planning Committee

Date: Wednesday, 29th 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, 29th 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 Democratic Services Officer 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 - 48)

To confirm the minutes of the meeting held on 1 July 2020.

6. MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (Pages 49 - 110)

7. QUARTERLY PERFORMANCE REPORT - APRIL TO JUNE 2020 (Pages 111 - 120)

The Committee is asked to note the quarterly performance report.

8. NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES (Pages 121 - 122)

The Committee is asked to note the report.

The Democratic Services Officer 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, 1st July, 2020, 2.00 pm

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

10 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no apologies for absence.

11 DECLARATIONS OF INTEREST

The following declarations of interest were made:

- 19/04772/FUL – Additional Development Area, Holburne Park, Bathwick, Bath. Cllr Manda Rigby stated that she had attended the exhibitions relating to these developments along with the Planning Case Officer.
- Cllrs Hal MacFie, Matt McCabe and Manda Rigby declared interests in planning application nos. 20/01690/VAR and 20/01689/VAR – Liberal Democrats, 31 James Street West, Bath. The interests related to their work for the Liberal Democrat Party. The Councillors stated that they would leave the meeting while this item was discussed and would not speak or vote.
- Cllr Duncan Hounsell declared an interest in planning application no. 20/01119/FUL – 31 Torridge Road, Keynsham. Cllr Hounsell used to live in Torridge Road. He stated that he would leave the meeting while this item was discussed and would not speak or vote.
- Cllr Sue Craig declared a disclosable pecuniary interest in application no. 20/00006/LBA – 21 Victoria Buildings, Bath as she was the applicant and it concerned her property. Cllr Craig stated that she would leave the meeting while this item was discussed and would not speak or vote.
- With regard to planning application no. 20/01249/FUL – The Coach House, College Road, Lansdown, Bath - Cllr Hodge stated that she would make a statement as local ward member and would not speak or vote.

12 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

The Chair asked officers for an update regarding the enforcement action at Land Rear of 18-25 Queenwood Avenue, Bath which had been agreed at the last meeting. Officers agreed to provide a written update via email.

13 **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.

14 **MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 3 June 2020 were confirmed and signed as a correct record.

15 **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 the Committee's delegated powers, the applications be determined as set out in the decisions list attached as *Appendix 3* to these minutes.

Item No. 1

Application No. 19/04772/FUL

Site Location: Additional Development Area, Holburne Park, Bathwick, Bath – Proposed erection of eight 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 permit. He explained that the officer recommendation had now been changed to refusal. Following the refusal of application 19/03838/FUL no viability appraisal for this application has been provided and therefore the failure to provide the required level of affordable housing has not been justified.

A representative from the Bath Preservation Trust spoke against the application.

The Agent spoke in favour of the application.

Cllr Rigby, local ward member on the Committee stated that she welcomed the proposal to provide a masterplan for the whole site rather than considering individual applications for this area. She was concerned about the lack of affordable housing and noted that only 31% affordable housing would be provided if this application were agreed. She felt that the application represented overdevelopment and that the drop in ground levels would result in overlooking. She also stated that the

proposal does not enhance either the Conservation Area or the World Heritage Site. It also did not comply with the affordable housing policy.

Cllr McCabe felt that the access to the public highway should not be removed but should remain open to cyclists.

Cllr Jackson felt that the required level of affordable housing should be provided and moved the officer recommendation to refuse. She noted that no evidence had been submitted regarding viability. She also felt that the proposed design was unacceptable and would dominate the hillside on this highly visible site.

Cllr Davis seconded the motion.

The motion was put to the vote and it was RESOLVED unanimously to REFUSE the application for the reasons set out in the report.

16 **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 3, 4, 5 and 6 attached as *Appendix 1* to these minutes.
- Oral statements by members of the public and representatives. A copy of the speakers' list is attached as *Appendix 2* to these minutes.

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

Item No. 1

Application No. 20/00861/FUL

Site Location: 231 Wellsway, Bath, BA2 4RZ – Change of use from residential dwelling (Use Class C3) to HMO (Use Class C4)

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

A local resident spoke against the application.

The applicant spoke in favour of the application.

Cllr Winston Duguid spoke against the application. He raised concerns regarding an increase in noise due to higher density and loss of a bungalow to student accommodation. He queried the need for more student accommodation in Bath at a time when student numbers are not likely to increase.

Officers then responded to questions as follows:

- The Case Officer confirmed that the residents of the HMO would not

necessarily be students. The Use Class C4 related to three or more unrelated individuals. A further application would be required if the applicant wished to increase the number of occupants to seven or more.

- Whilst the B&NES policy does not specify space standards, this application does meet national space standards.
- The area is outside of the saturated area for HMO properties and meets Tests 1 and 2 of the Supplementary Planning Document relating to HMOs.

Cllr Davis stated noted that the applicants had reduced the number of bedrooms requested from 7 to 4. She also noted that the access to the bungalow was very steep and not particularly suitable for older people. She moved the officer recommendation to permit. This was seconded by Cllr Clarke.

The motion was put to the vote and it was RESOLVED by 6 votes in favour, 2 votes against and 2 abstentions to PERMIT the application subject to the conditions set out in the report.

Item No. 2

Application No. 20/00257/FUL

Site Location: Land between Three Gables and Payson's Croft, Church Lane, Bishop Sutton – Erection of dwelling

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

A local resident spoke against the application.

Cllr Vic Pritchard, local ward member, spoke against the application. He felt that the application was in conflict with the local Neighbourhood Plan. He stated that there were a number of sensitive issues and inconsistencies within the proposal and asked the Committee to refuse the application.

The Case Officer then responded to questions as follows:

- The area is of a mixed character with an altering building line. The property is slightly set back.
- The site is considered to be within the definition of infill development.

Cllr Davis noted that a number of revisions have been made to the original plans. She then moved the officer recommendation to permit. This was seconded by Cllr Jackson.

The motion was put to the vote and it was RESOLVED by 9 votes in favour and 1 vote against to PERMIT the application subject to the conditions set out in the report.

Item No. 3

Application No. 20/01337/FUL

Site Location: Lambrook Barn, Deadmill Lane, Lower Swainswick, Bath, BA1 8DE – Erection of single storey extension

The Case Officer reported on the application and her recommendation to permit. In response to a question she explained that the new extension would have a flat roof

and that there was already some timber cladding on the building. The impact on the street scene would be minimal.

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

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

Item No. 4

Application No. 20/01078/FUL

Site Location: Land North of 9B, Tennis Court Avenue, Paulton – Erection of detached dwelling

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

A local resident spoke against the application.

Cllr Liz Hardman, local ward member, spoke against the application. She raised concerns regarding disruption of the street scene due to all other houses in this street being semi-detached. She also raised concerns at the lack of parking provision in an already busy road. She pointed out that Paulton Parish Council strongly opposed the application.

Officers then responded to questions as follows:

- The Highways Officer confirmed that he had visited the site in June and had not seen any particular parking issues. He confirmed that vehicles currently reverse onto the road from this site and that this is not prejudicial to highway safety. He also explained that the new owner purchased the site in February 2020 and that, since then, the parking area had only been available to them. This meant that any displacement of parking had already occurred and so would not be affected by this application.
- The Case Officer confirmed that there were no concerns regarding the design of the new dwelling.
- The total floor area is 108sqm.
- The Team Manager, Development Management, informed the Committee that there is currently no finalised Neighbourhood Plan for Paulton but one is being produced.
- The Case Officer explained that the new property would be positioned slightly lower than 9B Tennis Court Avenue and that this would prevent overlooking. She stated that the application is policy compliant.

Cllr Clarke felt that a house in this location would be more attractive than the existing garages.

Cllr Rigby stated that she did not know the area and moved that a site visit take place to enable the Committee to better understand the concerns raised. Cllr Hodge seconded the motion.

Cllr Hounsell stated that it was important to fully understand the street scene and noted that all other matters appeared to be policy compliant.

The motion was put to the vote and it was RESOLVED by 8 votes in favour, 1 vote against and 1 abstention to DEFER consideration of the application pending a SITE VISIT.

(Note: At this point Cllrs MacFie, McCabe and Rigby left the meeting having declared interests in the following application. The Vice-Chair, Cllr Sally Davis then took the Chair).

Item No. 5 and 6

Application Nos. 20/01690/VAR and 20/01689/VAR

Site Location: Liberal Democrats, 31 James Street West, Bath – 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). 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).

The Case Officer reported on the applications and her recommendations to permit and to grant listed building consent. She drew members' attention to the matters in the update report.

Cllr Jackson stated that the variations to the conditions were an improvement on the previous applications and moved the officer recommendations to permit and grant listed building consent. This was seconded by Cllr Clarke.

The motion was put to the vote and it was RESOLVED unanimously to PERMIT application no. 20/01690/VAR and to grant listed building CONSENT to application number 20/01689/VAR.

(Note: At this point Cllrs MacFie, McCabe and Rigby returned to the meeting and Cllr McCabe resumed the Chair).

Item No. 7

Application No. 20/00782/FUL

Site Location: 51 Lymore Avenue, Twerton, Bath, BA2 1BB – Provision of a loft conversion and erection of hip to gable and rear dormer extension.

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

The applicant spoke in favour of the application.

Cllr Paul Crossley, local ward member, spoke in favour of the application. He pointed out that 34 letters of local support for the application had been received and only 1 objection. The applicant had discussed his proposals with his neighbours, and they supported him. The retrospective nature of the application had been a genuine mistake. He stated that the proposal would give the family the extra space

they need and would not be harmful to the local area as there are already a mix of different properties.

The Case Officer then responded to questions as follows:

- The site is not in a Conservation Area but is within the World Heritage Site.
- There are various different roof forms in the area.

Cllr Rigby noted that the retrospective aspect of this application had no bearing on the decision of the Committee. She did not feel that the proposal would be harmful to the local area and moved that the application be delegated to officers to permit.

Cllr Jackson seconded the motion and noted that the hip would be to the side and not to the front or rear of the property.

Cllr Davis supported the motion as she felt the application did reflect the character of the area and would not be detrimental.

The motion was put to the vote and it was RESOLVED unanimously to DELEGATE TO PERMIT the application as the application is not harmful or detrimental to the character of the area.

(Note: At this point Cllr Duncan Hounsell left the meeting having declared an interest in the following application).

Item No. 8

Application No. 20/01119/FUL

Site Location: 31 Torridge Road, Keynsham, BS31 1QQ – Erection of a detached bungalow (Resubmission).

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

The agent spoke in favour of the application.

The officers responded to questions as follows:

- The Legal Advisor stated that the Committee should not rely on restrictive covenants and should secure any requirements either by a S106 Agreement or through planning conditions.
- The Case Officer confirmed that some trees were removed from the site last year. The trees were not protected by a Tree Preservation Order and are not in a Conservation Area and so no permission to remove them was required. Additional planting could be requested if required to compensate for the trees that have been removed.
- The Highways Officer confirmed that there is room for vehicles to manoeuvre and that some amendments have been made to the site access to facilitate this.
- A mix of housing is supported in this area.
- Permitted Development Rights for the property would remain in place and would be quite wide-ranging. This would allow development such as a dormer or loft conversion. The Legal Advisor informed the Committee that

sound planning reasons would be required to remove existing permitted development rights.

- The wall is not listed and the property is not in a Conservation Area.

Cllr MacFie felt that the proposal would be detrimental to the amenity of the existing properties as their outlook would be reduced. This would also affect the outlook across the roofscape with loss of trees and a garden view. He also expressed concerns about the tight access to the property.

Cllr Davis pointed out that the applicant has made changes to the original application reducing the development to one bungalow and moving the parking area.

Cllr Clarke was disappointed at the removal of mature trees but acknowledged that permission was not required to do this. More dwellings were required in the area and overall, he found the objections to the application quite weak.

Cllr Rigby felt that the loss of amenity to local residents was significant and included a loss of openness.

Cllrs Hodge and Craig expressed concern at the loss of green infrastructure.

Cllr McCabe stated that the impact on amenity was substantial and that any further development, resulting in a two-storey property, would increase this impact.

Cllr MacFie moved that the application be refused for the following reasons:

- Loss of amenity.
- Loss of openness.
- Loss of green infrastructure.

This was seconded by Cllr Rigby.

Cllr Jackson felt that the bungalow would be too close to the boundary of Waldron Road and would also have ecological implications.

The Team Manager, Development Management, clarified the reasons for refusal confirming that the Committee was concerned about the loss of the spacious character of the area (Policy D7), the development being contrary and harmful to residential amenity, and contrary to the Placemaking Plan due to loss of green infrastructure. The mover and seconder of the motion agreed to delegate to officers to refuse the application for the reasons outlined above.

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

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

(Note: At this point Cllr Sue Craig left the meeting having declared a disclosable pecuniary interest in the following item).

Item No. 9

Application No. 20/00006/LBA

**Site Location: 21 Victoria Buildings, Westmoreland, Bath, BA2 3EH -
Installation of secondary glazing to all windows.**

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

Cllr Jackson moved the officer recommendation to grant listed building consent. This was seconded by Cllr Rigby.

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

(Note: At this point Cllr Sue Craig returned to the meeting).

Item No. 10

Application No. 20/01399/FUL

**Site Location: New Leaf Farm, Mill Lane, Bathampton, Bath – Erection of
agricultural storage building.**

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

A representative from the Bath Preservation Trust spoke against the application.

The Case Officer responded to questions as follows:

- Enforcement action is being undertaken separately regarding the removal of the unauthorised static caravan. However, no enforcement notice has been served.
- Although other buildings on the site could be used for agricultural storage, the applicant is still permitted to apply to erect another building for agricultural purposes.
- The farm is a working farm primarily dealing with cattle, but the applicants are diversifying.
- The materials to be used would be corrugated steel (dark grey) for the roof and Yorkshire timber cladding.
- The issues raised by the Bath Preservation Trust are addressed to some extent in the officer recommendation. The applicant would have to submit a further application for any future change of use.
- The building would be at the end of a long access track and would have minimal impact from Mill Lane. It is not adjacent to a public highway or footpath.

Councillor Hounsell moved the officer recommendation to permit. This was seconded by Cllr Davis.

The motion was put to the vote and it was RESOLVED by 7 votes in favour and 3 votes against to PERMIT the application subject to the conditions set out in the report.

Item No. 11

Application No. 20/01249/FUL

Site Location: The Coach House, College Road, Lansdown, Bath – Erection of rear and side extension.

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

A neighbour and a representative of local residents spoke against the application.

The agent spoke in favour of the application.

Cllr Lucy Hodge, local ward member, spoke against the application. She outlined the history of the site and explained that the building has been substantially extended. It has now reached the point of overdevelopment. If permission were granted, then the footprint of The Coach House would exceed that of the main building. The area is characterised by large family homes with no back-land development. The proposal would be at odds with the historic layout and the building has reached the limit of its development.

Cllr Mark Elliott, local ward member, spoke against the application. He explained that there is no room for vehicles to turn on this plot and that traffic has already increased in this area. The overdevelopment would also cause overlooking. The development could also set a precedent in this Conservation Area and would lead to loss of amenity and of green space. A mix of properties should be maintained, and this represents overdevelopment on a back-land site.

Cllr Hodge summed up by stating that the proposal is contrary to policies D7, HE1 and BD1, does not contribute positively to the area and is detrimental to the amenities of local residents.

The Case Officer then responded to questions as follows:

- The proposal would represent a 43% increase in floor space.
- The shed is located at the side of the property.
- The Highways Officer explained that he had visited the site in June and, while he appreciated that it is not ideal to have to reverse out of the site this is already the current situation.
- The building is not listed.
- The two-storey element to the proposal is smaller than the proposal put forward in 2003 and is at the rear of the property.

Cllr Jackson stated that the size of the building had been greatly increased. She noted its impact on the main house and felt that it should be a subservient building.

Cllr Rigby moved that the application be refused on the following grounds:

- The Coach House should be ancillary to the main building and this development would make it in competition with the main building.
- The proposal does not preserve or enhance the Conservation Area, contrary to policies HE1 and D4.
- The proposal exacerbates existing highway/traffic problems.

- Loss of amenity due to overdevelopment of the site and overlooking contrary to Policy D6.

Cllr Jackson seconded the motion. She stressed the unacceptable loss of amenity.

The Team Manager, Development Management, cautioned against the use of a highways reason for refusal as there is no clear evidence that there would be an increase in vehicles reversing onto the highway. He also explained that officers did not feel that overlooking would increase as a result of the application.

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

17 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 6.48 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

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

ITEMS FOR PLANNING PERMISSION

Item No.	Application No.	Address
Site visit 001	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 piecemeal, disjointed submission of multiple planning application does not suitably account for the overall coherence of the Holburne Park site and its contextual setting within the World Heritage Site.
- The proposals exacerbate the existing overdevelopment of an already dense residential site.
- The poor quality of the drawings are insufficient to make a proper assessment of the landscape and visual impact of the development.
- The failure to provide affordable housing does nothing to address the housing crisis locally.
- Loss of the designated school site to residential development resulted in a failed 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.

Item No.	Application No.	Address
03	20/01337/FUL	Lambrook Barn, Deadmill Lane, Lower Swainswick, Bath

Plan Update

Plan no. SMH/28/19/18 – 02 (Existing House Elevations and Gym Survey) was superseded and replaced with plan SMH/28/19/18 - 02a on 26th June 2020. The front and rear elevations were incorrectly labelled on the original drawing. The Agent has corrected this on the updated plan.

Item No.	Application No.	Address
04	20/01078/FUL	Land North of 9B Tennis Court Avenue Paulton

Further information has been submitted by Cllr Hardman

Photographs indicating use of the garage and works being carried out on site have been forwarded to the Case Officer from interested parties.

1-The photographs indicate the garage in use not being obsolete as stated by the applicant.

Officer comment: This matter is addressed below.

2-Photographs of some ground works being carried out on the site.

Officer comment: These works appear to be drainage works and should permission not be granted for this development then further works on the site may need to be investigated.

Amendments to the committee report:

Typing error in section Summary of consultations/representations

Cllr Liz Hardman -Objection

Paragraphs in report amended as follows:

Residential Amenity

All *the habitable room 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. *There is one high level window on the northern elevation serving a bathroom with a ground floor window on the southern elevation serving a toilet therefore it is not considered the neighbours would suffer a severe loss of amenity through loss of privacy.* Whilst loss of view over the site has been raised as an objection this matter would not warrant refusal of the application.

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 Tennis Court Road (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 now in separate ownership and at present the site is used by the owners of the site who lives locally as confirmed by the agent. The garage has been shown by submitted photos by interested parties to be used for some storage and parking, the garage is not obsolete. However, the agent has confirmed the owner does sometimes park his van on the site, but this will stop once the site is developed if planning permission is granted. As the site is privately owned its use is at the discretion of the owner and does not provide general parking facilities for local residents.*

The submitted site plan indicates that a pedestrian right of way is to be provided along the southern boundary of the site allowing rear access to the new property if planning permission is granted and 21 Tennis Court Road (Hope Terrace).

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 forecourt 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.

Item No.	Application No.	Address
005	20/01690/VAR	Liberal Democrats 31 James Street West

Consultation Comment from BaNES Drainage & Flooding:

No objection

Full Comment: The area in front of the house is at medium risk of surface water flooding. It may be wise to site any motors for the lift mechanism above any likely flood levels.

Consultation comments received do not relate directly to the variation sought ie. internal and external alteration to the rear of the premises.

Item No.	Application No.	Address
006	20/01689/VAR	Liberal Democrats 31 James Street West

For clarity, this application is being considered under section 19 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to vary Conditions 6 and 7 of approval 20/00099/LBA. Section 16 of the Act does not apply and references to it in the main report should be disregarded. Nevertheless, members are advised that, in considering whether to grant the variation, special regard should still be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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 1 JULY 2020

SITE VISIT LIST			
ITEM NO.	SITE NAME	NAME	FOR/AGAINST
1	Additional Development Area, Holburne Park, Bathwick, Bath	Caroline Kay (Bath Preservation Trust)	Against
		Charlotte Taylor-Drake (Agent)	For

MAIN PLANS LIST			
ITEM NO.	SITE NAME	NAME	FOR/AGAINST
1	231 Wellsway, Bath, BA2 4RZ	David Pyles	Against
		Lee Wadsworth (on behalf of applicant)	For
		Cllr Winston Duguid (Local Ward Member)	Against
2	Land between Three Gables and Payson's Croft, Church Lane, Bishop Sutton	Graham Young	Against
		Cllr Vic Pritchard (Local Ward Member)	Against
4	Land North of 9B, Tennis Court Avenue, Paulton	Tracy Pierce	Against

		Cllr Liz Hardman (Local Ward Member)	Against
7	51 Lymore Avenue, Twerton, Bath, BA2 1BB	Gareth Lyon (Applicant)	For
		Cllr Paul Crossley (Local Ward Member)	For
8	31 Torridge Road, Keynsham, BS31 1QQ	Michael Ashbee (Agent)	For
10	New Leaf Farm, Mill Lane, Bathampton, Bath	Joanna Robinson (Bath Preservation Trust)	Against
11	The Coach House, College Road, Lansdown, Bath,	Judith Cameron	Against (To share 3 minutes)
		Andrew Beard	
		Chris Beaver (Agent)	For
		Cllr Mark Elliott (Local Ward Member)	Against
		Cllr Lucy Hodge (Local Ward Member)	Against

BATH AND NORTH EAST SOMERSET COUNCIL

PLANNING COMMITTEE

1st July 2020

DECISIONS

Item No:	001	
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 July 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.

PLANS LIST:

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

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.

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

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
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	

DECISION CONSENT

1 Time Limit - Listed Building Consent (Compliance)

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

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

2 Plans List (Compliance)

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

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

PLANS LIST:

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.

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.

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.

Condition Categories

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

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

Pre-commencement - The condition requires the submission and approval of further information, drawings or details before any work begins on the approved development.

The condition will list any specific works which are exempted from this restriction, e.g. ground investigations, remediation works, etc.

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

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

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

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

Item No:	02	
Application No:	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
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 & Aerodrome,	
Applicant:	Mr Christopher Banks	
Expiry Date:	2nd July 2020	
Case Officer:	Samantha Mason	

DECISION PERMIT

1 Standard Time Limit (Compliance)

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

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

2 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:

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

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:	07	
Application No:	20/00782/FUL	
Site Location:	51 Lymore Avenue, Twerton, Bath, Bath And North East Somerset	
Ward: Southdown	Parish: N/A	LB Grade: N/A
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	

DECISION PERMIT

1 Standard Time Limit (Compliance)

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

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

2 Plans List (Compliance)

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

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

PLANS LIST:

This decision relates to the following plans:

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.

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:	01	
Application No:	20/00861/FUL	
Site Location:	231 Wellsway, Bath, Bath And North East Somerset, BA2 4RZ	
Ward: Widcombe And Lyncombe	Parish: N/A	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Change of use from residential dwelling (Use Class C3) to HMO (Use Class C4)	
Constraints:	Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP9 Affordable Housing Zones, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE2A Landscapes and the	

green set, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,

Applicant: Mrs Clare WADSWORTH
Expiry Date: 29th April 2020
Case Officer: Thomas Boyle

DECISION PERMIT

1 Standard Time Limit (Compliance)

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

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

2 Plans List (Compliance)

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

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

3 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:

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

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.

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

Ward: Keynsham East	Parish: Keynsham Town Council	LB Grade: N/A
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 & Aerodro,	
Applicant:	Mr David Britton	
Expiry Date:	10th June 2020	
Case Officer:	Dominic Battrick	

DECISION REFUSE

1 Given the design, scale, massing and siting of the proposed development the proposal is considered to result in harm to the amenities of the adjacent occupiers at Walden Road through loss of outlook and overbearing impact. The proposal is therefore contrary to policy D6 of the Placemaking Plan for Bath and North East Somerset (2017) and the NPPF.

2 The proposal by reason of its design, siting, scale, massing, layout is considered to harm the open spacious character of the plot and wider area, failing to respond to the local context and failing to maintain the character of the area. The proposal is therefore contrary to 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 the NPPF.

3 The proposal results in the loss of Green Infrastructure through the level of built form proposed in the rear garden resulting in an impact to the wider Green Infrastructure network. The development fails to maximise the local Green Infrastructure in accordance with policy NE1 of the Placemaking Plan for Bath and North East Somerset (2017) and CP7 of the adopted Core Strategy (2014) and the NPPF.

PLANS LIST:

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
Proposed Site Plan (revised) - 2004/1B
Received 16/06/2020.

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

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework. Whilst the application was recommended for permission by Officers the Planning Committee considered the proposal to be unacceptable for the stated reasons.

Item No:	11
Application No:	20/01249/FUL
Site Location:	The Coach House, College Road, Lansdown, Bath

Ward: Lansdown	Parish: N/A	LB Grade: N/A
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	

DECISION REFUSE

1 The proposal amounts to over-development of the site and the extensions are of a poor quality design and as such the scheme will not preserve the character or appearance of this part of the Bath Conservation Area. Furthermore, the siting of the new rooflights will have a significant negative overlooking/loss of privacy impact on neighbouring occupiers to the East, South and North of the site. The scheme is contrary to policies D2, D4, D5, HE1 and D6 of the Bath and North East Somerset Placemaking Plan (2017).

2 The increase from a 4-bed to a 5-bed property will exacerbate the existing highways situation at the property. Cars will have to reverse down a narrow driveway which will have a significant negative highway safety impact contrary to policy ST7 of the Bath and North East Somerset Placemaking Plan (2017).

PLANS LIST:

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.

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.

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:	03	
Application No:	20/01337/FUL	
Site Location:	Lambrook Barn , Deadmill Lane, Lower Swainswick, Bath	
Ward: Bathavon North	Parish: Swainswick	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Erection of single storey extension	

Constraints:	Article 4 The Swainswick Valley, Agric Land Class 1,2,3a, Policy B4 WHS - Indicative Extent, Contaminated Land, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Flood Zone 2, Flood Zone 3, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE2 AONB, Policy NE2A Landscapes and the green set, Policy NE3 SNCI, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,
Applicant:	Mr Burns
Expiry Date:	6th July 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 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:

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.

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:	10	
Application No:	20/01399/FUL	
Site Location:	New Leaf Farm, Mill Lane, Bathampton, Bath	
Ward: Bathavon North	Parish: Bathampton	LB Grade: N/A
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	

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 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:

This decision relates to the BLOCK PLAN; SITE LOCATION PLAN; and PROPOSED ELEVATIONS all submitted to the Local Planning Authority on 20 April 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.

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.

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:	06
Application No:	20/01689/VAR
Site Location:	Liberal Democrats, 31 James Street West, City Centre, Bath
Ward: Kingsmead	Parish: N/A LB Grade: N/A
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

DECISION CONSENT

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:

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'

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:	05	
Application No:	20/01690/VAR	
Site Location:	Liberal Democrats, 31 James Street West, City Centre, Bath	
Ward: Kingsmead	Parish: N/A	LB Grade: N/A
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	

DECISION PERMIT

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 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:

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'

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.

Bath & North East Somerset Council	
MEETING:	Planning Committee
MEETING DATE:	29th July 2020
RESPONSIBLE OFFICER:	Simon de Beer – Head of Planning
TITLE:	APPLICATIONS FOR PLANNING PERMISSION
WARDS:	ALL
BACKGROUND PAPERS:	
AN OPEN PUBLIC ITEM	

AGENDA
ITEM
NUMBER

BACKGROUND PAPERS

List of background papers relating to this report of the 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.

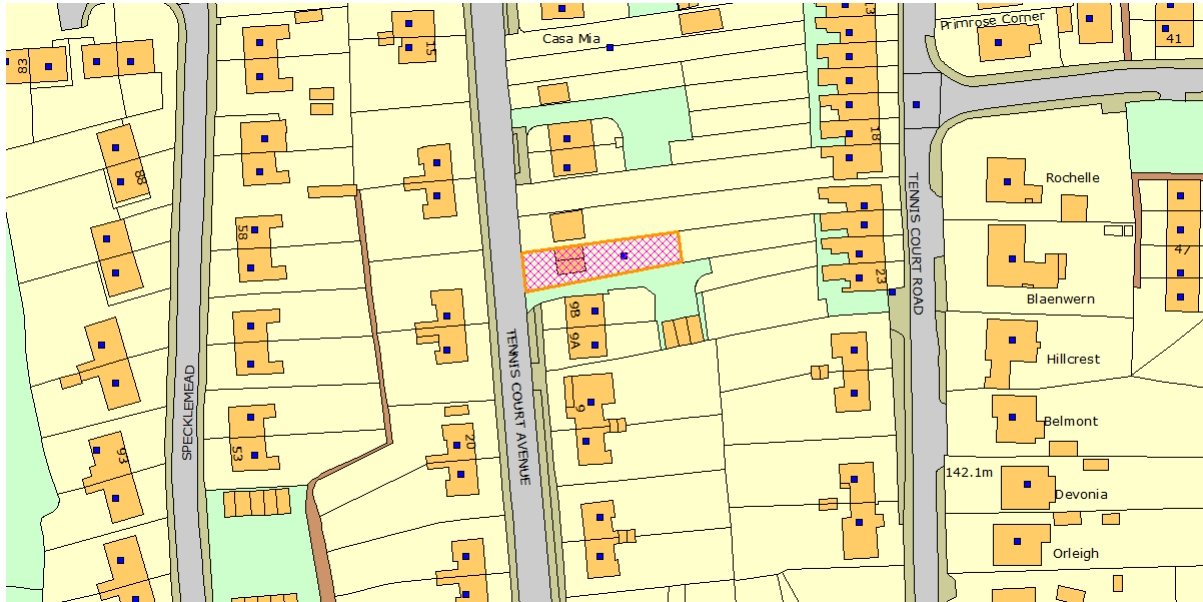
- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting 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	20/01078/FUL 5 June 2020	Harrub Ltd Land North Of 9B, Tennis Court Avenue, Paulton, Bristol, Erection of detached dwelling.	Paulton	Christine Moorfield	PERMIT
02	20/01061/FUL 30 July 2020	Longacre Development Ltd 21 Henrietta Gardens, Bathwick, Bath, Bath And North East Somerset, BA2 6NA Erection of 4no. dwellings and associated works following demolition of existing dwelling.	Bathwick	Samantha Mason	PERMIT
03	19/04024/FUL 24 April 2020	Frater Developments 8 South Parade, Chew Magna, Bristol, Bath And North East Somerset, BS40 8SJ Conversion and change of use of former Natwest Bank Buildings into 3 apartments and retail unit	Chew Valley	Samantha Mason	PERMIT
04	19/05110/FUL 12 June 2020	Mr Dean Three Ways, Station Road, Clutton, Bristol, Bath And North East Somerset Erection of a single storey 2 bedroom dwelling adjacent to existing bungalow	Clutton And Farmborough	Hayden Foster	PERMIT

REPORT OF THE HEAD OF PLANNING ON APPLICATIONS FOR DEVELOPMENT

Item No: 01
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 Area 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 neighbour's 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 spaces 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: 02
Application No: 20/01061/FUL
Site Location: 21 Henrietta Gardens Bathwick Bath And North East Somerset BA2 6NA



Ward: Bathwick **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Dr Kumar Councillor Manda Rigby
Application Type: Full Application
Proposal: Erection of 4no. dwellings and associated works following demolition of existing dwelling.
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 B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Contaminated Land, Policy CP9 Affordable Housing Zones, Flood Zone 2, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,
Applicant: Longacre Development Ltd
Expiry Date: 30th July 2020
Case Officer: Samantha Mason
 To view the case click on the link [here](#).

REPORT

Reasons for going to Committee:

Local Ward Councillor, Cllr Kumar, requested the application be heard at committee should the officer be minded to permit, siting planning reasons within the request. The officer was minded to permit as such in accordance with the councils Scheme of Delegation the proposal was recommended to the Chair and Vice Chair of the Committee. The Vice chair recommended delegation to officers, however the Chair has the final

decision and recommended the application be heard at committee, stating "I have looked at this application, and the issues it raises in a number of areas. Although the officers have answered the points raised, I think, given its sensitive location, the decision should be made in the public domain."

Site Description:

The application refers to a site in the Bathwick ward of Bath, the site currently comprises a detached modern bungalow. The site is within the Bath Conservation Area, World Heritage Site, and Flood Zone 2.

Proposal:

Planning permission is sought for the erection of 4no. dwellings and associated works following demolition of existing dwelling.

Relevant Planning History:

There is no relevant planning history on this site.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses :

Arboriculture: no objection subject to conditions and S106 agreement

Archaeology: No objection subject to conditions

Conservation: No objection subject to conditions

Historic England: some concerns regarding archaeology. The archaeological mitigation should therefore be proportionate to that potential significance and you should discuss this with your Archaeological advisor.

Drainage and Flooding: 8th April - scope for revision
29th June - no objection subject to condition

Environment Agency: No comments received

Ecology: No Objection subject to conditions.

Highways: No objection subject to conditions

Wessex Water: Wessex Water may have pipes in the area. Additionally the planning authority need to be satisfied that the soakaway arrangements will work.

Representations Received :

49 objections have been received along with 2 representations, the following is a summary of the points raised;

- Overdevelopment of the site

- Loss of light
- Loss of privacy
- Parking concerns, including accessibility and safety and insufficient number of spaces
- Highways safety and visibility issues concerns
- Emergency vehicle access concerns
- Concern over the resurfacing of the access road
- Harm to conservation area
- Harm to setting of listed buildings
- Concern for Roman archaeology
- Harm to World Heritage site
- Concern over design and impact to local character
- No building for life standards included
- Scale, height and massing harmful
- Does not meet flood sequential test
- Concern over ground water flooding
- Does not include a construction management plan
- Concern over intensification of access road
- Loss of trees unacceptable
- Concern over ownership certificates
- Sewerage and surface water drainage concerns
- Fowl and sewerage concerns
- Concern over planning process
- Lack of amenity space
- Loss of views
- Contrary to climate change emergency and clean air zone
- The access road should not have been included in the plans
- Site visit requested

Please note that the local residents association submitted a 20 page objection, the officer has not summarised every individual point, however the above list covers the broad areas of objections and the letter has been duly read and is available for consumption on the public website.

Cllr Manda Rigby:

I am writing as a local councillor, with relevant knowledge of the specific issues around the site as a previous occupant of 18 Henrietta Gardens, which forms the other end of the small enclave down the private road encompassing 18-21. I would like the new case officer to take into account the following planning considerations particularly when assessing the application. Is this overdevelopment of the site both in terms of number of dwellings and height and massing? Ramifications include cars accessing and exiting the lane (a junction with v poor visibility), including those for garage access in Daniel Street...is the infrastructure, notably drainage system, capable of sustaining 4 new houses? Heritage issues...a full archaeological survey needs to be undertaken given the historical significance of local finds, and does the proposal enhance the conservation area as per NPPF guidelines. Design...is the design suited to the local built environment? Ecological. The area has many bats roosting and flying through, how will they be protected? In current covid climate, how will it be ensured that all those who wish to speak

with the decision makers to give their input (whether officer or committee) will have chance to do so?

Cllr Yuktेशwar Kumar:

I would simply like to request that if the officers are minded to approve this application then it should be please discussed at the planning committee meeting. My main comment for call in requests:

1. Possible overdevelopment of site.
2. Heritage aspect to be fully assessed.
3. Has full archaeological and ecological surveys made?
4. Some residents are unable to send the comment online as they may not have necessary resources during the lockout situation.
5. Insufficient parking issues.

Bath Preservation Trust:

While we accept this site has development potential we have some concerns regarding the proposed design, use of materials, and window fenestration. In keeping with the pattern of roof profiles of terraced development in Bath, we would encourage a design that breaks up the continuous roofline to allow for the individual buildings in the terrace to be distinguished from one another, which would better reflect the traditional detailing visible in Daniel Street and Bathwick Street. Furthermore, whilst the use of materials that match the local historic vernacular such as Bath stone ashlar and natural slate are entirely appropriate, we feel that the exaggerated 'overhang' of the roof and vertical slate cladding create a top-heavy appearance that does not suitably reflect the traditional roof profile of the area. We would add that the colour of slate indicated in both the 3D Visualisation and Proposed Elevations is very dark and sharply contrasts with the lightness of the Bath stone; we would therefore suggest that a lighter natural slate is selected, and a sample provided to the case officer for clarification as part of the application. We would additionally recommend that the existing window fenestration is reconsidered; currently, it appears irregular and unbalanced, particularly along the west elevation. We would continue to recommend the inclusion of aspects of traditional window articulation such as symmetrical shape, size, and positioning to better complement and harmonise within the setting of a group of listed buildings, and the character and appearance of the wider conservation area.

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:

- B1: Bath Spatial Strategy
- B4: The World Heritage Site and its Setting
- CP2: Sustainable Construction
- CP5: Flood Risk Management
- CP6: Environmental Quality
- CP9: Affordable Housing
- 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
- D.3: Urban fabric
- D.5: Building design
- D.6: Amenity
- D7: Infill and backland development
- D10: Public realm
- HE1: Historic environment
- NE3: Sites, species and habitats
- NE6: Trees and woodland conservation
- ST7: Transport requirements for managing development
- H7: Housing accessibility
- 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).

SPD's:

The City of Bath World Heritage Site Setting Supplementary Planning Document (August 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.

Listed Buildings:

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

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
- Design and heritage
- Archaeology
- Residential amenity
- Highways matters
- Flooding and drainage
- Ecology
- Arboriculture
- Housing accessibility
- Sustainable construction
- Other matters

PRINCIPLE OF DEVELOPMENT:

The site is within the built-up area of Bath where the principle of development is acceptable subject to other material planning considerations discussed below.

Policy H5 has regard to the retention of existing housing stock. This proposal results in the demolition of 1 bungalow and its replacement with 4 dwelling, resulting in a net gain of 3 dwellings.

DESIGN AND HERITAGE:

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.

Policy HE1 requires development that has an impact upon a heritage asset, whether designated or non-designated, will be expected to at least preserve or enhance its significance.

The proposal site is located in Bathwick, close to the City Centre boundary. The site is surrounded by residential development and not far to the south lies Henrietta Park. The existing site comprises a 20th century bungalow, to the north is garden land, to the east are the tall terraced grade II listed town houses of Daniel Street, to the south is a terrace of dwellings and three storey block of flats, to the west is a mix of more modern residential development including semi-detached dwellings and bungalows.

The site historically appears to have been used as productive gardens and from historic maps from the C19 there is evidence of glass houses and some buildings. However, comprehensive residential development occurred in the latter part of the C20. The existing modern bungalow is of poor quality both in terms of use of materials and design and detracts from the setting of adjacent listed buildings and from this part of the Bath Conservation Area. Therefore, the principle of demolition of the existing building and redevelopment is acceptable and supported.

The proposed development that comprises four terraced dwellings is a more intensive use of the plot. However, it is consistent with the dense historic development of Bath, intensive use of building plots and the use of the terrace form of development that characterises the city. The plot sizes results in each dwelling have a small rear garden and parking to the front. Plot sizes vary greatly in the locality. Therefore, the principle of the proposed density of development, in this instance, is acceptable. The proposal is not considered to result in overdevelopment of the site.

The proposed dwellings are 2 and a half storey, whereby a proposed bedroom and en suite will be located within the pitched roof. It is typical across Bath for properties roof spaces to be converted into liveable accommodation. The roof form and materials are considered to ensure that the proposal reads as such a height. The overall height of the proposed dwellings is approximately 8m. typically a storeys average height is around 4 metres. The height of the immediately adjacent terrace is around 7.3m. the block of flats is taller still and the properties directly east of the site are set well above the height of the proposal. Given the mix of property heights in the area and the subservient nature to the larger buildings it is considered the scale of the proposal is acceptable. Additionally, the material placement will go some way to reducing the visual height of the property. The overall scale of the proposal is considered to be appropriate for the plot and surrounding context

The proposal is clearly of a contemporary design incorporating elements such as strong visible lines and materials favoured at present, for example aluminium windows. the

proposal site, as touched on above, is surrounded by a mix of architectural styles including Georgian town houses and more modern properties which have a variety of architectural styles and eras and follow the typology and vernacular of the period in which they were created. This mixed local design and the use of high-quality natural materials in the project including Bath Stone and natural slate are considered to ensure successful integration. The scheme is contemporary but uses both materials and design elements to respect the appearance of the surrounding Conservation Area. Given the character of the street scene overall it is considered that the proposals are acceptable in terms of character and appearance. Additionally, the Conservation Officer has not raised an objection to the scheme, it is noted also that whilst the Bath Preservation Trust have some reservations they support the materials proposed.

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.

The proposed dwellings will be set 39m away from the rear elevation of the listed buildings of Daniel Street and 15m from the boundary of their rear gardens. The site would not be visible from Daniel Street, or other principle streets, there would therefore be no impact to the principle setting of listed buildings. Whilst visible within the wider setting of the rear of the Daniel Street Grade II properties it is considered that the proposal will at least preserve their setting given the existing situation on site. There would be no harm to the aesthetic significant of the listed buildings.

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

Overall 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 HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and paragraph 17 and part 7 of the NPPF.

WORLD HERITAGE SITE:

The proposed development is within the World Heritage Site, therefore consideration must be given to the effect the proposal might have on the setting of the World Heritage Site. In

this instance, due to the design of the proposed development it is not considered that it will result in harm to the outstanding universal values of the wider World Heritage Site. The proposal accords with policy B4 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.

ARCHAEOLOGY:

In this area there are records of Roman burials in stone coffins and buildings with mosaic floors. These have been interpreted as being part of a large cemetery, known as Bathwick Roman Cemetery, along one of the Roman roads leading out of Bath.

The submitted archaeological assessment document concludes that this proposal is likely to impact on highly significant archaeological remains relating to the Roman period occupation of the site. These remains may include human burials and associated funerary activity. The document states that these remains should be considered exceptionally significant due to their association with the Aqua Sulis temple complex and therefore the World Heritage Site.

The Roman remains likely to be found on this site will fall under the third attribute of the First Outstanding Universal Values (OUV) of the World Heritage Site. OUV 1: Roman Archaeology - Attribute 3: Roman and Iron Age archaeological remains beyond the city wall including hill forts, field systems, villas and funerary monuments, demonstrating the context of the Roman city (WHS Management Plan 2016-2022 page 18).

The assessment describes the difficulty in evaluating any remains present due to the nature of the site, it would be necessary to excavate trial trenches and/or auger boreholes. However, excavation of meaningful trial trenches here before determination of planning permission would be difficult because it would necessitate demolition of the bungalow, which cannot be done without Planning Permission because the site lies within a Conservation Area.

Historic England have been consulted on the scheme and have advised that the archaeological mitigation should therefore be proportionate to that potential significance and the Local planning authority (LPA) should defer to advice from Archaeological advisors.

South West Heritage Trust provide consultation advice to the LPA on matters of archaeology. They have concluded that the findings of the report are reasonable including the present difficulty in evaluating the full extent of any archaeology prior to granting of permission. As such conditions have been recommended by the South West Heritage trust including a written scheme of investigation, a programme of works, controlled archaeological investigation prior to commencement of development, and post excavation mitigation measures. This will ensure the ability to evaluate the significance of any finds which are of potential archaeological interest and to publish or disseminate them accordingly.

RESIDENTIAL AMENITY:

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

The proposed 2 ½ storey terraced dwellings will be located centrally within the site, spreading the length of it, following roughly the same building line as the adjacent terrace. The side elevations have a small number of small windows serving a stairway and a bathroom, these are not considered to result in opportunities for overlooking of properties to the north or south.

The front elevation will look towards the rear of Daniel Street first to the row of garages at the rear of the properties. Behind these are long gardens followed by the properties themselves, the rear elevation of which is set some 39m away. The window placement to the front of the property is set at roughly the same window levels as the neighbouring terrace and as such will result in minimal opportunities to look past the garages. The windows to the attic accommodation at the front are small rooflights above head height.

The rear elevations will look towards the bungalow at 3 Henrietta Gardens, however given the orientation of the built form of the property and the boundary treatment the residential amenity of these neighbours is again not considered to be significantly impacted to warrant refusal. It is accepted that in residential areas some level of overlooking does exist. It appears no objection has been received from this property.

Given the orientation of the proposal roughly in line with with the neighbouring terrace and the location of surrounding properties, and sun path, it is not considered the proposal would result in significant levels of overshadowing.

An objector has raised concerns in regard to the loss of their view. The right to a certain view is not a material planning consideration. The proposal is not considered to result in an overbearing impact on neighbours or loss of amenity.

Overall 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 (HDC) Team have been consulted on this scheme.

Vehicular access to the application site is proposed to be taken from the existing unadopted private lane which currently serves number 21 Henrietta Gardens. The existing visibility from the private lane onto Henrietta Gardens, which is subject to a speed limit of 20 mph, is acceptable.

Interrogation of the 'CrashMap' database reveals that there have been no recorded Personal Injury Collisions (PICs) in the vicinity of the application site during the previous 60-months, therefore HDC officers do not consider that the proposed intensification of use of the existing vehicular access will be to the detriment of highway safety.

HDC officers note that the unadopted private lane is approximately eight metres in width, which is sufficient to allow opposing cars to safely pass one another. However, the 'Transport Technical Note' (TTN) submitted in support of the application acknowledges that casual parking activities occur on the private lane and the swept path analysis included as Appendix A to the TTN demonstrates that such parking activities do not hinder access to the proposed residential plots for a fire engine, which is acceptable.

The applicant does not propose to construct a turning head at the northern end of Henrietta Gardens as part of the works. However, the unadopted private lane is existing and there is no evidence that turning a vehicle within the existing confines of the lane is difficult, therefore requesting the provision of a turning head is not considered reasonable.

Each of the four proposed three-bedroomed residential dwellings require the provision of two off-street, car parking spaces, plus a single visitors parking space, to comply with the requirements of the authority's adopted parking standards. An 'Accessibility Assessment' which forms Appendix B to the TTN 'scores' 51 placing the application site in the 'high' accessibility rating category, allowing HDC officers to apply a discount of between 25% and 50%.

Applying the maximum permitted discount of 50% means that the proposed residential development would be policy compliant with a single off-street, car parking space per plot. However, submitted plan reference 2213/011 indicates that each plot will benefit from two off-street, car parking spaces, the dimensions of which accord with the minimum requirement of 2.4-metres by 4.8-metres. A compromise of providing policy compliant off-street, car parking for each of the plots is that the applicant is unable to provide a visitor parking space, which is considered to be acceptable in this instance, given the reduction permitted by the 'Accessibility Assessment' and the central sustainable nature of the application site.

Highway officers note that swept path analysis which forms Appendix D to the submitted TTN demonstrates that each of the proposed off-street, car parking spaces is fully accessible, however this relies upon the area in front of the existing garages located on the east side of the private lane being kept clear.

The TTN acknowledges that casual parking activities occur on the private lane, for the most part on the western side, due to the presence of garages on the east side. Whilst submitted plan reference 2213/006 indicates that the existing garages will be retained, HDC officers consider it unlikely that car parking activities will occur in front of them, where none currently exist, which will obstruct the off-street, car parking proposed for each of the proposed residential plots.

Cycle storage for two bikes is provided internally for each dwelling in line with the policy requirements.

Submitted plan reference 2213/035 indicates the provision of refuse storage for each of the proposed residential dwellings. However, as a rule, Bath and North East Somerset (B&NES) refuse collection operatives do not enter private lanes to collect refuse, although it is understood that may be the present case, as such the applicant will need to provide details of how refuse will be collected. A waste management plan can achieve this and be secured by condition.

Additionally, given the location and nature of the site a construction management plan will be required by condition.

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:

Fluvial flood risk and sequential test:

The site is located in Flood Zone 2 where risk of fluvial flooding is considered to be higher but not as high as flood zone 3. Residential dwellings are classified as a 'more vulnerable' use but can be considered appropriate development in flood zone 2 subject to the sequential test being passed according to the NPPF and NPPG.

The sequential test seeks to steer new developments to areas with the lowest probability of flooding. This requires it to be demonstrated that there are no sequentially preferable "reasonably available" sites at a lower flood risk.

The applicant has submitted a comprehensive review of alternative sites within the city of Bath. Bath is considered to be the appropriate area of search in this instance and is consistent with the policy requirements of B1.

The submitted review considered a range of sites from a variety of sources within the city. The review concludes that there are no reasonably available alternatives to accommodate this development. It is therefore considered that the sequential test is passed.

Other sources of flooding:

The Flooding and Drainage Team have been consulted on the scheme and have confirmed the site is at low risk of surface water flooding, with fluvial flooding being the dominant risk. The Environment Agency were consulted on the scheme, but no comments have been received from them since March.

In the first instance it is proposed that the site will drain to soakaways.

British Geological Survey infiltration maps indicate that seasonally shallow ground water is a significant constraint to the use of soakaways at this location. Their maps indicate that groundwater can be expected to be less than 3m deep at certain times of the year.

In addition Environment Agency Maps warn that between 50 to 75% of the 1km map tile this site is located within is at risk of ground water flooding. The proposed soakaways will have their base 1.8 deep, soakaways are to have a minimum of 1m clearance from the base of the structure to the shallowest seasonal ground water level. This suggests that it is likely that ground water will come to within 1m of the base of the soakaway structures. At this stage no infiltration testing has been done to confirm the viability of the soakaway.

The Flooding and Drainage team have engaged in conversations with Wessex Water and the developer and have confirmed that the principle of draining the site to a shallower permeable paving system to minimise the risk of encountering groundwater is acceptable. This gives the developer three options, a traditional deeper soakaway, a shallow permeable paving soakaway and should soakaways not be viable discharge to the foul system in Henrietta Gardens. The drainage hierarchy shall be followed. As such a bespoke pre-commencement condition is attached to ensure detailed drainage design is achieved prior to development in the interests of flood risk management in accordance with Policy CP5.

Additionally, it is noted that a Flood Risk Assessment has been submitted and that the scheme incorporates Flood resilient measures including:

- Raised floor levels to 22.46 AOD to comply with Environment Agency standing advice
- Non-carpeted floors
- Internal walls will be constructed of materials with low water penetration, good drying ability, and good retention of pre-flood integrity
- Door and window materials waterproof and seals suitably robust.
- best practice in terms of flood resilience including the location of ground floor electrical circuits and sockets, internal floor specification, non-return drainage valves etc.

The proposal is therefore considered acceptable in regard to flooding and drainage matters.

ECOLOGY:

The Ecological Appraisal (Ethos Environmental Planning, March 2020) submitted to inform the application is sufficient. No further ecological surveys are required. Designated sites will not be impacted by the proposals and no Habitats of Principal Importance are present. The buildings on site were inspected. No evidence of use by roosting bats was found and the buildings were assessed as having negligible potential to support bat roosts. The site is likely to be used by breeding birds and possibly hedgehog and reptiles.

The recommendations set out in Section 8 of the ecology report must be followed as such this will be secured by condition.

All schemes should achieve measurable net biodiversity gain to meet the NPPF (paragraphs 170, 174, and 175), Bath and North East Somerset Core Strategy and Placemaking Plan policies (for example Policies D5e and NE3) and emerging government policy. The recommendations for a flowering lawn mixture and additional planting of value to wildlife is supported. The proposed bat and bird boxes on the northern gable are also welcomed as shown in Drawing 2213/020.

The proposal is considered acceptable on ecological grounds.

ARBORICULTURE:

Trees on and adjacent to the site are protected by the Bath Conservation Area. The Council's Arboricultural Officer has been consulted on the application.

Two arboricultural reports have been provided dated July 2019 and April 2020. The earlier report relates to a previous iteration so is out of date or irrelevant because the current proposal includes the removal of all trees within the site.

It is accepted that the propped Apple identified as T001 and the dead tree identified as T011 within the survey could require removal irrespective of the current proposal, however, the remaining losses are a direct result of the proposal.

The council's Arboriculturalist has confirmed a Tree Preservation Order would not be placed on the trees within the site having due regard to the assessment criteria used and their limited public visibility, variable condition and past management and likely future management requirements. As such the removal of the remaining trees is accepted.

Policy NE6 of the Placemaking Plan requires compensatory provision of tree planting should there be impact to trees. The density of the development prevents replacement planting on site. However, section 3.5 of the Planning Obligations Supplementary Planning Document provides a mechanism to secure replacement planting off site. The fixed number replacement system adopted means that 13 replacement trees will be required off site. This is identified with the Arboricultural report dated April 2020.

The level of contributions required has been set at:
£839.20 per tree planted in open ground (no tree pit required)
£2,183.48 per tree planted in hard standing (tree pit required)

The identification of sites is beyond the scope of this application; however, it is noted by the Arboricultural officer that there may be capacity for a number to be planted within Henrietta Gardens. Nevertheless, a S106 Agreement will be required to secure the contributions to off site tree planting to mitigate the tree losses.

Additionally, conditions will be imposed to ensure precautionary measures that no demolition or construction activities which may not be apparent at planning application stage could adversely affect the offsite protected trees.

The Arboricultural Officer has raised a concern that an aerial view of the site suggests that the canopies of the two offsite trees identified as T008 and T010 overhang further into the site within the red line boundary than indicated in the submitted plans and that future occupants of unit 1 could perceive these trees as a nuisance due to seasonal debris eg needle shedding and fruit. However it is considered that that could equally likely be the case with the current residential situation and that the pruning of trees would not be contrary to planning policy.

It is also noted that the Arboricultural Officer has stated that she is mindful of the contributory roles which trees play in climate change mitigation such as carbon sequestration; air quality improvements (temperature moderation and filtration of pollutants) and surface water management given the council has declared a climate emergency. However, the officer considers that the scheme would result in four sustainable located dwellings on previously developed land within the heart of the city and that the intensification of a sustainable site in itself brings climate benefits compared to building on greenfield sites on the edge of city. As such in this instance the loss of the trees is not considered to result in a reason for refusal on climate emergency grounds.

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.

HOUSING ACCESSIBILITY:

Placemaking Plan Policy H7 requires 19% of all new market housing to be provided to enhanced accessibility standards meeting the optional technical standard 4(2) in the Building Regulations Approved Document M. The 19% is based on a 'rounded up' figure. Therefore 1 of the 4 proposed dwellings must meet enhanced accessibility standards. The H7 checklist has been submitted with the scheme confirming that 19% of the proposed dwellings meet the Optional Technical standard 4(2) in the Building Regulations Approved Document M. the proposed plans show the end dwelling meets the standards.

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 29.75% 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.).

Concern has been raised by an objector that the proposal is contrary to the council's climate change emergency and clean air zone. However, the site will contribute to the districts required housing stock in an extremely sustainable location within Bath city centre, where residents will not have to rely on vehicles to access local services, for example the local supermarket, doctor's surgery and park are all within walking distance. The buildings will incorporate sustainable construction as indicated above and will be required to make offsite tree planting contributions. It is not considered the proposal should be refused on climate change grounds.

Other Matters:

Objections have been raised by third parties that the correct notification was not undertaken in light of Certificate C. Certificate C has been signed and the agent has provided evidence that formal notice was published in the Bath Chronicle, the requirements of the applicant have been duly fulfilled.

An additional point of concern was the inclusion of the access road within the redline boundary, this is common practise within planning as it is appropriate to show that access can be achieved to a site from a public highway.

The applicant has offered to undertake upgrade works to the access road. This however does not form part of this application. There are no highways objections to the quality of the road impeding access. The ownership of the access roadway is not known despite investigations by residents. The road is not adopted. Therefore, not weight has been given to this statement made by the applicant by the officer in the decision.

A site notice was erected on the 23rd of March 2020. Neighbours were notified via consultation, a notice was placed in the paper, as such the council has undertaken their statutory requirements in regard to consultation. Furthermore, the applicant undertook their own local engagement prior to the submission, additionally the local residents association and Ward Councillor have informed residents locally of the application.

The officer undertook a comprehensive site visit of the site and surrounding area. There have been calls for the officer to undertake a meeting with local residents, however local residents have been able submit their objections in writing, which is required in order for them to be considered, as part of the application process and these comments have been considered by the officer.

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 Drainage Design (Pre-commencement)

No development shall commence (except for demolition, ground investigations or remediation works), until a detailed drainage design including plans and calculations (demonstrating no flooding at the critical 1in100+40% storm event) has been submitted to and approved in writing by the Local Planning Authority. This design should consider discharge to the ground via soakaways in the first instance for which evidence of both a viable infiltration rate (testing to comply with BRE Digest 365); and confirmation that there will be least 1m clearance between the highest seasonal groundwater level and the base of the proposed infiltration structure is required. If soakaways are demonstrated not to be viable then an alternative means of disposing surface water within the site will be required for approval (this should be supported with any relevant third party approvals).

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.

3 Archaeological Evaluation (Pre-commencement)

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

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

4 Archaeology Controlled Excavation (Pre-commencement)

No development shall commence, except archaeological investigation work, until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a controlled excavation of all significant deposits and features which are to be disturbed by the proposed development, and shall be carried out by a competent person(s) and completed in accordance with the approved written scheme of investigation. Thereafter the building works shall incorporate any building techniques and measures necessary to mitigate the loss or destruction of any further archaeological remains.

Reason: The site is within an area of major 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.

5 Archaeology Post Excavation and Publication (Pre-occupation)

No occupation of the development shall commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of post-excavation analysis in accordance with a publication plan which has been submitted to and approved in writing by the Local Planning Authority. The programme of post-excavation analysis shall be carried out by a competent person(s) and completed in accordance with the approved publication plan, or as otherwise agreed in writing with the Local Planning Authority.

Reason: The site has produced significant archaeological findings and the Council will wish to publish or otherwise disseminate the results in accordance with Policy HE1 of the Bath & North East Somerset Placemaking Plan.

6 Tree Protection Plan (Pre-commencement)

No development shall take place until an annotated tree protection plan produced following the recommendations contained within BS 5837:2012 identifying measures (fencing and/or ground protection measures) to protect the trees to be retained has been submitted to and approved in writing by the Local Planning Authority and details within the approved document implemented as appropriate. The plan shall include proposed tree protection measures during site preparation (including clearance and level changes), during construction and landscaping operations. The plan should include the design of protective fencing proposed and take into account the control of potentially harmful operations such as the position of service runs, storage, handling and mixing of materials on site, burning, and movement of people and machinery.

Reason: To ensure that the trees are protected from potentially damaging activities in accordance with policy NE.6 of the Placemaking Plan and CP7 of the Core Strategy. This is a condition precedent because the works comprising the development have the potential to harm retained trees. Therefore these details need to be agreed before work commences.

7 Implementation of Wildlife Scheme (Pre-Occupation)

No occupation of the development hereby approved shall commence until a report produced by a suitably experienced ecologist confirming and demonstrating, using photographs, completion and implementation of the Wildlife Protection and Enhancement Measures detailed in Section 8 of Ecological Appraisal (Ethos Environmental Planning, March 2020) has been submitted to and approved in writing by the Local Planning Authority. This shall include avoidance and protection measures for nesting birds, reptiles and hedgehog and ecological enhancement measures including bat and bird boxes, hedgehog connectivity measures and beneficial planting for wildlife.

Reason: To demonstrate the completed implementation of the Wildlife Protection and Enhancement recommendations as set out in the ecology report, to prevent ecological harm and to provide biodiversity gain in accordance with NPPF and policies NE3 NE5 and D5e of the Bath and North East Somerset Local Plan.

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

No construction of the external walls of the development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. Additionally, a sample panel of all external walling materials to be used showing the lime mortar joints shall be erected on site. 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, D5 and HE1 of the Bath and North East Somerset Placemaking Plan and Policy CP6 of the Bath and North East Somerset Core Strategy

9 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.

10 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, and site opening times. 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.

11 Waste Management Plan (Pre-Occupation)

No occupation of the development hereby approved shall commence until a detailed waste management plan including collection arrangement by refuse vehicles has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

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

12 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).

13 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.

14 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.

15 Plans List (Compliance)

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

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

PLANS LIST:

1 This decision relates to the following plans:

- 13 Mar 2020 001 Site Location Plan
- 13 Mar 2020 005 Opportunities and Constraints Plans
- 13 Mar 2020 006 Proposed Site Plan
- 13 Mar 2020 011 Proposed Ground Floor Plan
- 13 Mar 2020 012 Proposed First Floor Plans
- 13 Mar 2020 013 Proposed Second Floor Plans
- 13 Mar 2020 014 Proposed Roof Plan
- 13 Mar 2020 020 Proposed North Elevation
- 13 Mar 2020 021 Proposed East Elevation
- 13 Mar 2020 022 Proposed South Elevation
- 13 Mar 2020 023 Proposed West Elevation
- 13 Mar 2020 025 Proposed Sections
- 13 Mar 2020 030 Proposed Site Section Aa
- 13 Mar 2020 031 Proposed Site Section Bb

13 Mar 2020 032 Proposed Site Section Cc
13 Mar 2020 033 3d Visualisation
13 Mar 2020 034 Aerial Views Massing Model
13 Mar 2020 035 Proposed Waste Management Plan
13 Mar 2020 19084-D01-B Drainage Strategy Layout

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.

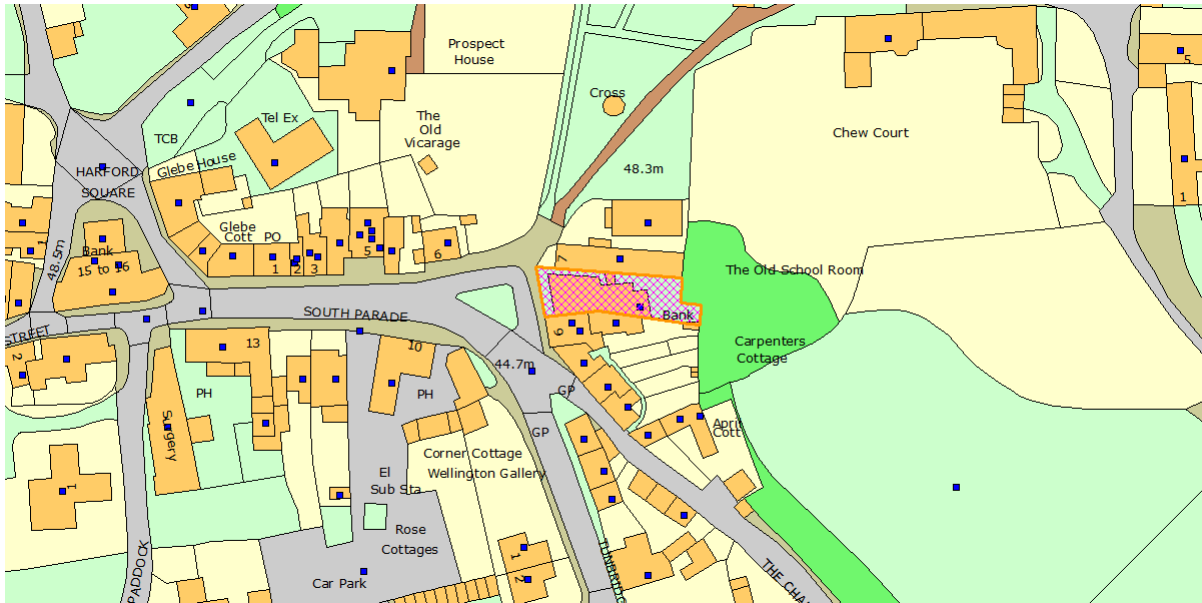
4 Community Infrastructure Levy

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: 03
Application No: 19/04024/FUL
Site Location: 8 South Parade Chew Magna Bristol Bath And North East Somerset BS40 8SJ



Ward: Chew Valley **Parish:** Chew Magna **LB Grade:** N/A
Ward Members: Councillor Vic Pritchard Councillor Karen Warrington
Application Type: Full Application
Proposal: Conversion and change of use of former Natwest Bank Buildings into 3 apartments and retail unit
Constraints: Bristol Airport Safeguarding, Agric Land Class 3b,4,5, Coal - Standing Advice Area, Conservation Area, Policy CP12 Centres and Retailing, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Housing Development Boundary, Listed Building, Policy NE1 Green Infrastructure Network, Policy NE5 Ecological Networks, Neighbourhood Plan, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,
Applicant: Frater Developments
Expiry Date: 24th April 2020
Case Officer: Samantha Mason
To view the case click on the link [here](#).

REPORT

Reasons for going to committee:

The above application was recommended to the chair of the planning committee in line with the Council's Scheme of Delegation as the officer is minded to permit and the Parish council objected and local ward council requested it be called in. The chair has recommended the application be heard at committee stating in his decision 'The issues around this development are many and varied. Although some have been progressed other concerns remain. This decision needs to be considered in public.'

Description:

The application refers to a Grade II* Listed Building located in the centre of Chew Magna, within the Conservation Area. The last use of the site was as Natwest Bank.

Planning permission is sought for the conversion and change of use of former Natwest Bank Buildings into 3 apartments and a retail unit.

Relevant Planning History:

DC - 97/03074/FUL - PER - 5 January 1998 - Alterations to services till

DC - 00/02444/FUL - PERMIT - 4 January 2001 - Installation of satellite dish

DC - 01/01739/FUL - PERMIT - 8 January 2002 - Alterations including provision of access ramps

DC - 02/02066/AR - RF - 12 November 2002 - Installation of an ATM unit; and display of illuminated and non-illuminated signage.

DC - 04/01399/FUL - PERMIT - 21 June 2004 - External alterations to allow improved access for disabled users

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses:

CHEW MAGNA PARISH COUNCIL:

6th November - Objection. The change of use of an A1 commercial building to a six apartments block requires residential private parking provision in excess of 12 vehicles. (Core Strategy and CVNP Policy). This is clearly not practicable in the constricted public space at the front of the former bank building, and existing on-street parking is not viable in the immediate vicinity of the site or anywhere else in the village due to the chronic parking places shortage that is currently considered to threaten the settlement's commercial and community activity. The two storey apartment block to the rear of the building, planned to replace the existing single storey complex, would significantly reduce the light to the nearby listed buildings on both sides. Significantly compromise the street scene in this Conservation Area.

5th May - objection. The change of use of an A1 commercial building to a four apartments and single retail development requires residential private parking provision in excess of 8 vehicles. Although the revised application has attempted to address two aspects of the

original application that were causing concern, namely the unsightly street- store of recycling bins and the unacceptable rear extension enlargement, neither of these revisions solves these problems satisfactorily.

24th June - Objection. We are glad to see a further reduction in the proposed number of apartments, but despite this revision, the number of dedicated residential parking spaces required to comply with Policy ST7 (BANES Placemaking Plan) and CVNP policy (HDE8b) has not been met. Furthermore, owing to the very confined curtilage of the property, compliance with these policies would not be attainable for this permitted change of use.

HIGHWAYS:

24th September - Highways Development Control (HDC) does not consider that the TS provides a robust justification for a car free development in this instance. HDC considers that a shortfall of 12 off-street parking spaces will result in an increase in on-street parking in the vicinity of the application site, in an area where on-street parking stock is limited and demand is high, which would affect highway safety and/or residential amenity which is contrary to Policy ST7 of the Bath and North East Somerset Placemaking Plan.

1st October 2019 - The site visit further enhances HDCs previous observations that the existing use is a community use to which the majority of customers would walk and that the future occupiers of the proposed flats are significantly more likely to be reliant on the private car as their primary means of transport. HDC maintains that a shortfall of 12 off-street, car parking spaces is unacceptable.

23rd March - The applicant has failed to demonstrate that the proposed works will not result in an increase in the number of on-street, car parking activities in the vicinity of the application site which would affect highway safety and/or residential amenity, which is contrary to Policy ST7 of the Bath and North East Somerset Placemaking Plan.

8th April - HDC officers note that the applicant has revised the scheme such that a retail unit is retained at the front of the application site and that the proposed number of apartments has been reduced from six to four, In summary, a shortfall of eight off-street, car parking spaces is contrary to Policy HDE8b of the November 2016 Chew Valley Neighbourhood Plan.

15th June - The plan also indicates that the applicant has reduced the proposed number of apartments from four to three. HDC officers are mindful that the building will be brought back into use and that it is not possible to provide any off-street, car parking, regardless of the use which secures planning permission, within the red line boundary. However, at this time officers maintain their previous view that that future occupiers of the proposed apartments are likely to be reliant on the private motor car as their primary means of transport, therefore, a shortfall of six off-street, car parking spaces is not policy compliant and is therefore unacceptable. However, in order that the parking standards are applied using a flexible approach, departures from the prescribed minimum and maximum standards can be sought where specific circumstances can be demonstrated.

HISTORIC ENGLAND:

On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

CONSERVATION:

7th November - Objection, summary as follows; Historic building is regarded as a heritage asset. Adjacent building is a late mediaeval Grade II* listed building (Old School Room) and the development will have an impact on its setting. Additional extension will result in over-development. Bin store to front will detract from the conservation area and setting of heritage assets.

26th May - The revisions have largely responded positively to the advice provided by the LPA, however the remaining extension to the rear is unacceptable.

No further comments have been received from the Conservation Team to the latest round of consultations.

ARCHAEOLOGY:

No objection subject to conditions.

ARBORICULTURE:

17th December - Objection. The implications on adjacent protected trees has not been adequately considered. Future occupants, particularly of apartment 3 will therefore be adversely affected by the adjacent trees resulting in pressure on the adjacent owner to undertake tree works or removal. The extension should be removed from the proposal and the garden space treated as communal space.

14th April - No objection subject to conditions. The revised proposal has removed the proposed extension and the use of the rear garden space has been altered. The revisions full address previous Arboricultural comments.

Representations Received :

CLLR KAREN WARRINGTON: I would like to request that the above planning application is considered by the Planning Committee if the Planning Officer is minded to approve on the following planning grounds:

- 1) Over-development of the site: 6 very small flats
- 2) Parking - there is no designated parking contrary to ST7 and HDE8b of the Chew Valley Neighbour plan. Nor is there any land under the control of the developer to provide car parking spaces
- 3) Impact on the setting of a Grade II* listed building, The Old School Room, especially at the proposed back of the development whereby a new floor would be only metres away from the windows of the Old School Room
- 4) Domestic paraphernalia at the front of the Nat West Bank which will impact on the setting of the Conservation area of Chew Magna

31 objections have been received from third parties during the course of the entire application, the following is a summary of the points raised;

- Concern over the location of the bin store
- Negative impact to conservation area
- Negative impact to listed building setting
- Impact on local businesses' and community
- Concerns with sustainable construction requirements not being met.
- Inaccessible for wheelchair users
- Poor residential amenity for future occupiers through poor natural light and constrained aspects
- Overdevelopment of the site
- Density of units out of character with locality
- Change of use is not appropriate in this location, loss of commercial unit
- Commercial viability is challengeable
- Concerns with traffic flow and congestion
- Concerns during the construction period
- Concerns for road user and pedestrian safety
- Impact on neighbours residential amenity
- Lack of affordable housing
- Noise concerns

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
- CP3: Renewable Energy
- CP5: Flood Risk Management

CP6: Environmental Quality
CP8: Green Belt
CP10: Housing Mix
CP12: Centres and Retailing
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
GB1: Visual amenities of the Green Belt
GB2: Development in Green Belt villages
GB3: Extensions and alterations to buildings in the Green Belt.
H3: Residential development in existing buildings
CR3: Primary shopping areas and primary shopping frontages
HE1: Historic environment
ST7: Transport requirements for managing development
H7: Housing accessibility
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).

SPD's:

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

Neighbourhood Plans:

The following Chew Valley Neighbourhood Plan policies are relevant to this application:

HDE2: Settlement Build Character
HDE8: Parking for Domestic Dwellings
HDE9: Sustainable Drainage to Minimise Flooding
HDE13: Green Corridors and Biodiversity

HD15: Dark Skies Policy

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.

Listed Buildings:

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

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
- Heritage
- Character and appearance
- Residential amenity
- Highways and parking
- Flooding and drainage
- Accessibility
- Sustainable construction
- Any other matters

BACKGROUND:

Four rounds of revisions have been received during the course of this application. Initially the application proposed the loss of the A2 unit, converting it to six apartments via large extensions to the rear of the property. This was later reduced to four apartments and a retail unit. Later all extensions were removed. The final plans submitted are for the conversion of the building to one retail unit on the ground floor and three apartments across the ground floor, second floor and third floor with no extensions other than a small glazed link proposed.

PRINCIPLE OF DEVELOPMENT:

Planning permission is sought for the conversion and change of use of former Natwest Bank Buildings into 3 apartments and a retail unit. The proposal site is located within the defined Local Centre for Chew Magna as outlined on the policies map and defined within the hierarchy of shopping centres defined within Policy CP12 of the Placemaking Plan.

Policy CP12 relates to centres and retailing. It states that centres will be enhanced and maintained. It states that 'Retail development, offices, leisure and entertainment uses, markets, community facilities, arts, culture and tourism uses will be primarily located within, or where appropriate, adjoining the centres'.

The preamble to the policy states that 'maintaining and enhancing the retail function of centres is important in enabling residents and visitors to meet their shopping needs in the most sustainable way, in the most accessible locations.'

Initially the proposal resulted in the loss of the A2 unit. there are only 15 units within the centre that provide a main town centre use to the residents of Chew Magna. The loss of the unit to residential would result in the diminution of the local centre. Additionally, it is considered that the loss of the unit would further fragment the local centre which already has a number of breaks due to existing dwellings. However following revisions, a retail unit is proposed to be retained to the ground floor including facilities. The existing A2 use covered 3 floors and was a very large unit within the village, it is considered that the size and scale of the proposed unit is commensurate with village retail units and also means the unit would suit a wider scope of potential occupants.

It is noted that CP12 goes on to say that centres can be the focus for higher density forms of residential development. Therefore, it is considered that the residential unit proposed above the shop follow the spirit of the policy.

Overall the proposal is considered acceptable in regard to Policy CP12 of the Placemaking Plan and the thrust of the National Planning Policy Framework.

GREEN BELT:

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

The National Planning Policy Framework (NPPF) states that the construction of new buildings within the Green Belt should be regarded as inappropriate development which, by definition, is harmful to the Green Belt and should not be supported except in very special circumstances. However, a number of exceptions to this overarching policy are set out in the NPPF. One of these exceptions is the extension of an existing building, providing it does not result in a disproportionate addition over and above the size of the original building.

This national policy advice is to be read together with the relevant development plan. Policy GB3 of the Placemaking Plan states that proposals to extend a building in the Green Belt will only be permitted provided they would not represent a disproportionate addition over and above the size of the original building. In relation to extensions or alterations to existing dwellings the Placemaking Plan states that the SPD 'Existing Dwellings in the Green Belt' (2008) should continue to guide decisions.

The SPD states that limited extensions to a dwelling house may be acceptable, providing that they do not represent a disproportionate addition over and above the size of the original dwelling. It advises that extensions up to about a third the size of the original property are generally considered acceptable. Extensions greater than this are considered inappropriate development.

Initially the proposal included a number of extensions to the rear, however the building has previously been extended to the rear by well over 33% of the original building through a series of flat roof extensions. The volume limitations have therefore already previously been exceeded.

As such revised plans were received from the agent removing the proposed extensions from the scheme. Now the scheme seeks to remove part of the unsightly structures to the rear of the building, and a simple small glazed link will be provided at second floor level, infilling a existing gap in the building. The volume is essential relocated. The change in volume is negligible. As such the proposal is considered acceptable and be appropriate within the Green Belt.

The Government attaches great importance to Green Belts, with the fundamental aim to keep land permanently open, and openness forming a key characteristic of the Green Belt, as outlined in para 133 of the NPPF.

Given that the proposal results in the removal or some unsightly elements of the building with the insertion of a small glazed link not visible from the public realm, and not widely visible within the site due to its infill style nature it is not considered that the proposal will result in harm to the openness of the Green Belt.

Overall the proposed development represents appropriate development in the Green Belt and as such the proposal is therefore considered to meet 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 the NPPF.

HERITAGE AND DESIGN:

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 site is located within the Chew Magna Conservation Area and neighbours The Old School Room, a grade II* listed building built in 1510, originally a medieval ale house. The raised pavement to the west of the entrance of the site is also Grade II listed.

8 South Parade is currently vacant but its most recent previous use was as NatWest Bank. According to Chew Magna Conservation Area Character Appraisal (2003) a cottage was demolished on the site in 1966 to make way for the building of the HSBC Bank.

The Chew Valley Neighbourhood Plan provides a parish character summary for Chew Magna and notes that the village is an historic settlement with many notable features including the Old School Room. The Old School Room is considered to have a wealth of

heritage significance due to its historic uses (it was originally a medieval ale house) as well as its well-preserved external appearance. The listing description specifically refers to the architectural features of the south elevation, closest to the proposed development.

The existing situation is that there has been an accumulation of a number of unsympathetic, modern flat roofed extensions. The proposal initially included the construction of additional flat roofed extensions and brought the development within even closer proximity to the southern elevation of The Old School Room. This would lead to additional development to an already overdeveloped site, exacerbated by merely replicating the style of the existing, modern extensions that are having a negative impact on the setting of the neighbouring listed building.

As such following several rounds of discussion with the agent revised plans were submitted removing all extensions other than a small glazed link at second storey set at the further point away from the listed School Room. The proposal also seeks to remove a stairwell and some unsightly structures to the rear of the building which will enhance the setting of the listed building, albeit by a small amount.

The works to the front of the building including the proposed bin store have also been removed from the scheme and the proposal is considered to be acceptable within the conservation area.

It is noted that Historic England raised no objection to the scheme.

There is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. In this case by virtue of the design, scale, massing, position and the external materials of the proposed development it is considered that the development would at least preserve the character and appearance of this part of the Conservation Area and its setting. The proposal accords with policy CP6 of the adopted Core Strategy (2014) and policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and Part 16 of the NPPF.

There is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant planning permission for development which affects a listed building or its setting, that the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Here it is considered that the proposals are consistent with the aims and requirements of the primary legislation and planning policy and guidance. The proposals would not have an unacceptable impact on the listed building or its setting and would preserve the significance of the designated Heritage asset. The proposal accords with policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and part 16 of the NPPF.

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.

ARCHAEOLOGY:

The proposed development lies within the historic core of Chew Magna and within one of the burgrave plots fronting onto South Parade, where evidence of medieval buildings and occupation may survive. It also lies within an area identified as having some potential for earlier Roman activity (Chew Magna Extensive Urban Survey, 1999). Given that the proposal no longer includes an extension and therefore does not require any groundworks an archaeological watching brief will no longer be included as a condition.

ARBORICULTURE:

Initially there was concern from that the proposal would result in implications on adjacent protected trees because of the extensions and trees had not been adequately considered. It was advised that the extension should be removed from the proposal and the garden space treated as communal space.

Following revisions, the revised proposal has removed the proposed extension and the use of the rear garden space has been altered. The revisions fully address previous Arboricultural comments and the arboricultural officer has removed her objection subject to conditions.

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.

Limited external alterations are proposed to the property, the insertion of a couple of new doors/ windows to the rear elevations will simply look towards the rear garden space of the site which is bounded by a large boundary wall. Amenity space for each apartment is small, nevertheless it has been provided and it is not uncommon for flats to have smaller outdoor amenity areas. It is not considered that 4 apartments would result in significant increase in noise within the village centre. The internal space provided for each apartment is acceptable.

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 applicant proposes to retain 66m² of retail space in the 'Bath and North East Somerset - Outside of Bath' area within which the requirement for vehicle parking is assessed on merit. It has been acknowledged that the existing use does not benefit from

any off-street, car parking provision, and HDC officers consider that the proposed retail unit will be a community facility, staffed by people who live locally, which will attract customers who are likely to walk to the unit as part of a trip to the centre of Chew Magna.

HDC officers are therefore content that the proposed modest retail unit does not require the provision of off-street, car parking spaces, which is consistent with the existing use.

The initially application for 6 residential units would have resulted in a shortfall of 12 parking spaces. Following several rounds of revisions, the scheme has been reduced to three residential units as follows;

Apartment 1: two-bed - 2 spaces required

Apartment 2: three-bed - 2 spaces required

Apartment 3: one-bed - 1 space required

Visitor parking - 1 space at a ratio of 0.2 spaces per dwelling

Total = 5.6 spaces required rounded to 6

At this time HDC officers maintain their previous view that that future occupiers of the proposed apartments are likely to be reliant on the private motor car as their primary means of transport, therefore, a shortfall of six off-street, car parking spaces is not policy compliant and is therefore unacceptable.

The case officer notes that outside of Bath each application is assessed on its own merits in terms of parking, however applying the parking standards for the Bath outer zone as a comparable guide the existing unit would have currently required 5 parking spaces. Meaning that the unit already has a technical shortfall of 5 spaces. The proposal would therefore, applying this methodology, only result in a shortfall of one space.

In order that the parking standards are applied using a flexible approach, departures from the prescribed minimum and maximum standards can be sought where specific circumstances can be demonstrated. Officers are mindful that the building will be brought back into use as a result of this scheme having been vacant for a long period, and that it is not possible to provide any off-street car parking within the red line boundary regardless of the proposed future use, given its existing location within the village. In this instance the officer considers that the proposed benefits of securing a retail unit and future use of the large building within the high street, couples with the provision of smaller market homes for the village, and the inability to ever provide on site parking for this building means that a departure from policy ST7 is required in this instance. As such it is not considered that the proposal should be refused on highways grounds.

FLOODING AND DRAINAGE:

The proposed development is located in flood zone 1. The proposed development is of a scale that is not considered to adversely impact on surface water flooding or the existing drainage system and neither is it considered to increase the risk of flooding to existing properties. The proposal therefore accords with Policies HDE9a and HDE9b of the Chew Valley Neighbourhood Plan.

AFFORDABLE HOUSING:

The National Planning Policy Framework states that provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer).

The site is not a major development and not located in a designated rural area as such affordable housing cannot be sought in this instance.

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.

HOUSING ACCESSIBILITY:

Placemaking Plan Policy H7 requires 19% of all new market housing to be provided to enhanced accessibility standards meeting the optional technical standard 4(2) in the Building Regulations Approved Document M. The 19% is based on a 'rounded up' figure. Therefore 1 of the 6 proposed dwellings must meet enhanced accessibility standards.

In this instance apartments 1, 2 and 3 will be built in accordance with the additional part M requirements, a H7 checklist has been submitted with the scheme and can be conditioned.

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 'medium development' to an existing building a 10% reduction in CO2 emissions is required by sustainable construction. In this case the submitted SCC shows that a 14% 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.).

CHEW VALLEY NEIGHBOURHOOD PLAN:

The proposal is not considered to significantly harm any of the important views identified within the Chew Valley Neighbourhood Plan area in accordance with Policy HDE3 of the Chew Valley Neighbourhood Plan.

The proposal, by reason of its height, scale and massing, is not considered to adversely impact on the sensitive skylines identified in the Chew Valley Neighbourhood Plan in accordance with Policy HDE4 of the Chew Valley Neighbourhood Plan.

The proposed development does not harm existing ancient hedgerows or woodland in accordance with HDE12a of the Chew Valley Neighbourhood Plan

The proposed development will not harm the Green Corridors identified in the Chew Valley Neighbourhood Plan or the biodiversity within them in accordance with Policy HDE13 of the Chew Valley Neighbourhood Plan.

The proposal is not considered to cause risk to or adversely affect water life biodiversity in accordance with Policy HDE14a of the Chew Valley neighbourhood Plan.

The proposed development is of a scale that is not likely to create adverse light spill that would impact on bats or other light sensitive species, and appropriate dark corridors have been incorporated into the scheme in line with Policy HDE15 of the Chew Valley Neighbourhood Plan.

CONCLUSION AND PLANNING BALANCE:

As discussed above, the proposal is considered acceptable on all policy grounds apart from in regard to policy ST7 of the Placemaking Plan. As such in normal circumstances the proposal would be recommended for refusal. However, there are a number of matters which represent material considerations in favour of the development. It is necessary to consider whether these matters amount to very special circumstances to justify the development.

The proposal would bring a redundant building back into use. The building has been vacant for a number of years. The proposal would result in 3 additional market dwellings. The conversion works of the proposed development would generate a number of construction jobs. Any future use of the building would result in the shortfall of parking as there is no opportunity to provide any parking within the red line boundary given the site is set up away from the round and locked in by development on all sides by listed buildings.

As such on balance it is considered that the benefits and circumstances of the scheme outweigh the harm and a departure from policy should be taken in order to permit the development. The scheme has been advertised as a departure in line with statutory requirements.

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 Bicycle Storage (Pre-occupation)

No occupation of the development shall commence until the proposed bicycle storage shown on the approved plans has been provided in accordance with 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 ST7 of the Bath and North East Somerset Placemaking Plan.

3 Construction Management Plan (Pre-commencement)

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

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

4 Tree Protection Plan (Pre-commencement)

No development shall take place until an annotated tree protection plan produced following the recommendations contained within BS 5837:2012 identifying measures (fencing and/or ground protection measures) to protect the adjacent trees has been submitted to and approved in writing by the Local Planning Authority and details within the approved document implemented as appropriate. The plan shall include proposed tree protection measures during site preparation during construction and landscaping operations. The plan should include the design of protective fencing proposed and take into account the control of potentially harmful operations such as the position of service runs, storage, handling and mixing of materials on site, burning, and movement of people and machinery.

Reason: To ensure that the trees are protected from potentially damaging activities in accordance with policy NE.6 of the Placemaking Plan and CP7 of the Core Strategy. This is a condition precedent because the works comprising the development have the potential to harm retained trees. Therefore, these details need to be agreed before work commences.

5 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).

6 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.

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:

05 Jun 2020 100 Rev C Proposed Floor Plans
05 Jun 2020 110 Rev B Proposed Elevations
11 Sep 2019 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 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.

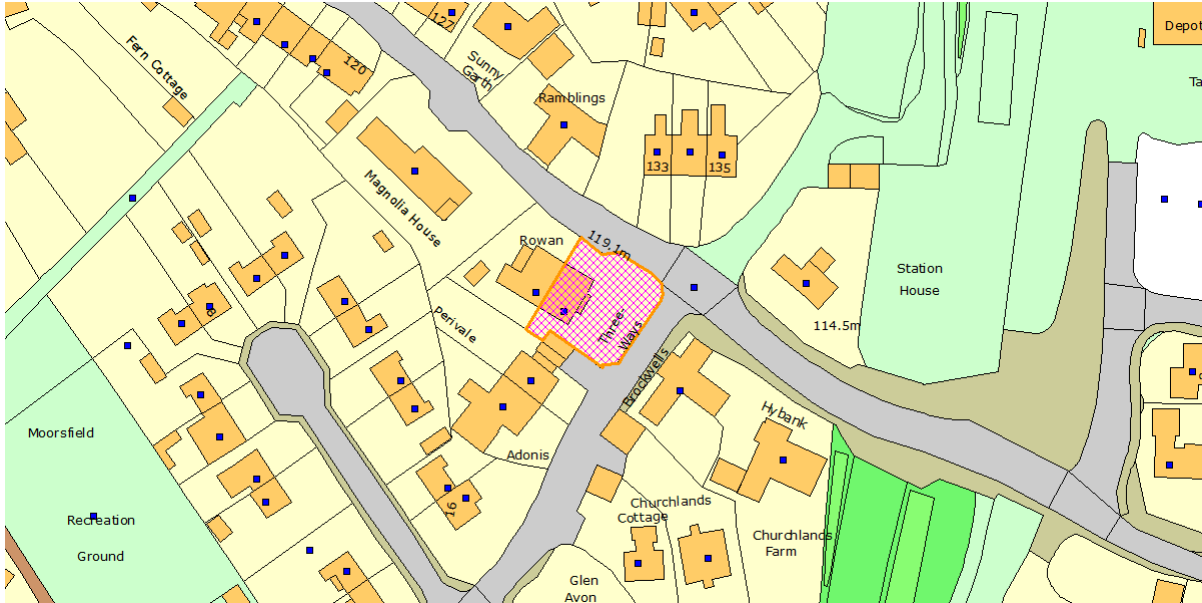
4 Community Infrastructure Levy

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: 04
Application No: 19/05110/FUL
Site Location: Three Ways Station Road Clutton Bristol Bath And North East Somerset



Ward: Clutton And Farmborough **Parish:** Clutton **LB Grade:** N/A

Ward Members: Councillor Sally Davis

Application Type: Full Application

Proposal: Erection of a single storey 2 bedroom dwelling adjacent to existing bungalow

Constraints: Bristol Airport Safeguarding, Clutton Airfield, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Policy CP9 Affordable Housing Zones, Housing Development Boundary, Policy M1 Minerals Safeguarding Area, Policy NE1 Green Infrastructure Network, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,

Applicant: Mr Dean

Expiry Date: 12th June 2020

Case Officer: Hayden Foster

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

REPORT

Reason for referral:

Objections have been received from the parish council. The application has been referred to the chair and vice chair of the development management planning committee in line with the planning scheme of delegation.

The vice chair has made the following comments:

'I have studied the application including the revised drawings which were shared with CPC after them contacting planning, their objection comments remain despite the modifications to the highways issues.

There have been 4 'updates' from Highways so obviously this part of the application has led to negotiation between the Officer & applicant, despite a now accepted solution to them it remains a major concern to CPC therefore I recommend the application be determined by the planning committee so all concerns can be debated in the public arena.'

The chair has made the following comments:

'I have looked at this application, and the concerns raised by the parish council regarding the site. Given its prominence on such a difficult junction I think these issues should be debated in the public domain.'

Given the views of the chair the proposal will be determined by the development management committee in line with the planning scheme of delegation.

Site Description and Proposal:

The proposal is to be associated with garden land belonging to a semi-detached house located off Station Road, which is within the residential area of Clutton.

The application seeks consent for the erection a single storey 2 bedroom dwelling adjacent to an existing bungalow.

Relevant Planning History:

None of relevance.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses:

Clutton Parish Council

The Parish Council have objected to the proposal citing the following comments:

'Residents already find it difficult to pull out onto Station Road from Venus Lane. It is on a cross roads as the track opposite Venus Lane is a frequently used access to the Scout Hut & to the pre-school. There is a conflict with the virtual pavement, cars leaving Venus Lane have to pull out onto the virtual footway to see if there is any traffic coming down Station Road. Building on this corner plot would further reduce sight lines at the junction.

The proposals are considered overdevelopment of this site. Due to the height of the bank the proposed bungalow would dominate the street scene.

The proposals do not provide adequate parking for the new dwelling.

The development is considered to be incongruous to the symmetry of the existing semi-detached bungalows of the plot.'

Following re-consultation with the parish council a summary of the comments made are as follows:

Character and Appearance

- o The proposed development is a gross overdevelopment of this site.
- o This is a prominent site in the centre of a rural village.
- o The owner of the new dwelling would have the right to build extensions up to whatever is the current permitted volume, leading to even further overdevelopment of the site.

Highways Safety

- o The examples of other nearby driveways supplied by the applicant are not comparable as they are not near a busy crossroads with a controversial pedestrian footway.
- o The junction is already of concern to the Parish Council, as there is a conflict between cars & pedestrians, with cars trying to exit the Junction across the virtual footway with very poor visibility.

Representations Received:

None received.

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
CP5 Flood Risk Management
CP6 Environmental Quality
CP7 Green Infrastructure
CP10 Housing Mix
DW1 District-wide spatial Strategy
RA1 Development in the villages meeting the listed criteria

RA2 Development in villages outside the Green Belt not meeting Policy RA1 criteria

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
NE1: Development and Green Infrastructure
NE6: Trees and Woodland Conservation
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 July 2018 and is a material consideration. Due consideration has been given to the provisions of the National Planning Practice Guidance (NPPG).

Clutton Neighbourhood Plan:

Consideration is also given to the Clutton Neighbourhood Plan which was made November 2015. The following policy can be considered:

CNP15: Landscape and Ecology
CNP20: Car Parking Provision

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 proposal is to be associated with garden land belonging to a semi-detached house located off Station Road, which is within the residential area of Clutton.

The application seeks consent for the erection a single storey 2 bedroom dwelling adjacent to an existing bungalow.

Principle of Development

The site is located within the residential area of Clutton and is situated within the Clutton housing development boundary. Therefore, the principle for the development of a house is acceptable subject to other considerations.

In addition to considering the principle of the proposed development there are several factors that are also relevant to the proposal, these are as follows:

Character and Design

The parish council have indicated that the proposal will result in overdevelopment and be overbearing. The submitted site plan displays the dwelling sitting comfortably within the site with enough outside amenity space retained for both the existing and proposed dwellings. It is considered that the placement of the dwelling within the plot available would not constitute overdevelopment. A comment has been received citing concerns with regards to permitted development rights. A condition can be attached to any permission granted to remove permitted development rights. This is to ensure a full planning application is submitted should any further extensions be sought.

When considering the design and appearance the proposal will provide a similar roof form, window and door openings to those on existing neighbouring dwellings. Regarding materials the proposal will provide pebble dash render and stone detailing which will replicate the existing dwelling. Such materials can also be seen on other dwellings within the immediate area.

The parish council also cite concerns the proposal will be incongruous to the symmetry of the existing semi-detached bungalows. It is noted that there is no clearly defined character along Station Road. The dwellings along this road are detached and terraced dwellings. Although the proposal will change the nature of the bungalows from semi-detached to a terrace of dwellings given the proposals size, scale, design, use of materials, and the existing range of dwellings in the area it is not considered that a dwelling in this location would be out of character.

The proposal will also see the introduction of a driveway within the front garden area to accommodate two parked cars. The proposed driveway will provide a level threshold onto Station Road. Information provided has indicated similar driveways are located along Station Road. This can be seen with Nos. 120, 123, 125, 133 Station Road. This is in addition to Sunny Garth and Ramblings. While this element of the proposal will result in some loss of garden space a portion of the front garden will remain. As noted, neighbouring dwellings within the vicinity have incorporated vehicle parking within front gardens.

Given the above 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 National Planning Policy Framework (NPPF).

Residential Amenity

As mentioned, the proposed dwelling is considered to sit comfortably within the site. There is enough outside residential amenity space provided for the existing and proposed dwellings. As such it is considered that the proposed dwelling would be able to provide an acceptable amount of amenity space for future occupiers of the proposal. As noted above permitted development rights can be removed to ensure appropriate residential amenity space remains.

Given the design, scale, massing and siting of the proposed development it is considered that 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

Due to the nature of the proposal Highways Development Control (HDC) has been consulted. Initially HDC had raised concerns with regards to the amount of parking proposed. This is in addition to how such parking spaces would be accessed by the existing and proposed dwellings.

Following conversations with the agent the parking layout has been revised, and HDC consulted once again. Within the response received it is noted that two proposed off-street, car parking spaces have been re-orientated such that they are now perpendicular to the adopted public highway. The dimensions of each of the spaces accord with the minimum requirement of 2.4-metres by 4.8-metres.

Comments received from the parish council have raised concerns regarding visibility and highways safety. HDC have noted that there have been no recorded Personal Injury Collisions (PICs) in the vicinity of the application site within the last 60-months. It is also noted that visibility from the proposed off-street parking area is similar to existing driveways in the vicinity of the application site. As a result, an objection on the grounds of insufficient visibility cannot be justified. However, it is noted that a 1.5-metre high hedge within the visibility splay from the off-street parking area onto Station Road is situated within the front garden area. A condition is recommended to limit the height of any hedge to 900mm in the interests of highway safety.

In summary, HDC raises no objection, subject to conditions and an advisory being attached to any permission granted.

Given the scale and use of the proposed development it is considered that the means of access and parking arrangements are acceptable and maintain highway safety standards. The proposal accords with policy ST7 of the Placemaking Plan for Bath and North East Somerset (2017) and part 9 of the NPPF.

Arboriculture

The site as existing presents shrub/ hedgerow. The size and scale of this existing vegetation is not considered to amount to significant visual or amenity value within this immediate area. This vegetation could also be removed without the need for planning permission.

Given the above the proposed development will not have an adverse impact on a tree which has significant visual or amenity value. The proposal accords with policy NE6 of the Placemaking Plan for Bath and North East Somerset (2017) and part 15 of the NPPF.

Sustainability

A sustainable construction checklist and sustainability assessment has been submitted with the application. Environmental sustainability and climate change are 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 futureproofing 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.

It is noted that Track 2 of the sustainability construction checklist for minor new build residential developments had 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 19.5% which meets the requirements as set out within the checklist.

The proposal has also set out other methods in order to achieve sustainability targets. This can be seen with the installation of solar panels and water butts. It is also noted that the site holds some space to the rear of the building which could 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 would be applicable 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.

Conclusion

A number of pre-commencement conditions are to be attached to any permission granted. In line with The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 the agent/ applicant have been made aware of the implementation of these conditions. No objection or response has been received from the agent/ applicant with the use of these conditions.

The proposed development is considered acceptable in principle. As such it is recommended that the application be permitted.

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 Construction Management Plan (Pre-commencement)

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

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

4 Drainage (Pre-Commencement)

Prior to the commencement of any works on site, details of the provision for the sustainable disposal of surface water within the site, so as to prevent its discharge onto the public highway, shall be submitted to the Local Planning Authority, and fully implemented to the satisfaction of the Local Planning Authority.

Reason: To ensure that an appropriate method of surface water drainage is installed and in the interests of flood risk management in accordance with Policy CP5 of the Bath and North East Somerset Core Strategy and Policy SU1 of the Bath and North East Somerset Placemaking Plan.

5 Visibility Splay (Pre-occupation)

The proposed hedge along the entire length of Station Road on the south-east side of the access shall be lowered to and maintained at a height of 900mm. The hedge shall be maintained as such thereafter.

Reason: To ensure sufficient visibility is provided in the interests of highways safety in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

6 Bound/Compacted Vehicle Access (Compliance)

The vehicular access shall be 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.

7 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).

8 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.

9 Materials (Compliance)

All external walling and roofing materials to be used on the proposed dwelling shall match those of the existing dwelling Three Ways in respect of type, size, colour, pointing, coursing, jointing, profile and texture.

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

10 Removal of Permitted Development Rights - No extensions or alterations (Compliance)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no extension, external alteration or enlargement of the dwelling hereby approved shall be carried out unless a further planning permission has been granted by the Local Planning Authority.

Reason: Any further extensions require detailed consideration by the Local Planning Authority to ensure the proposed dwelling allows for adequate and usable private or communal amenity space in line with policy D6 of the Bath Placemaking Plan.

PLANS LIST:

1 This decision relates to the following plans received 23rd November 2019:

Drawing Number: P002 - Proposed Ground Floor Plan

Drawing Number: P003 - Proposed Roof Plan

Drawing Number: P006 - Proposed Section

Plans received 15th May 2020:

Drawing Number: P100 C4 - Proposed Block Plan

Drawing Number: P005 C4 - Proposed 3D View and South Elevation

Plans received 22nd May 2020:

Drawing Number: P004 C4 - Proposed North and East Elevations

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 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.

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

7 Vehicular Crossing (Advisory)

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

This page is intentionally left blank

Bath & North East Somerset Council		
MEETING:	Planning Committee	
MEETING DATE:	29 July 2020	AGENDA ITEM NUMBER
TITLE:	Quarterly Performance Report April - June 2020	
WARD:	ALL	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Analysis of Chair referral cases		

1 THE ISSUE

At the request of Members and as part of our on-going commitment to making service improvements, this report provides Members with performance information across a range of activities within the Development Management function.

This report covers the period from 1 Apr – 30 Jun 2020.

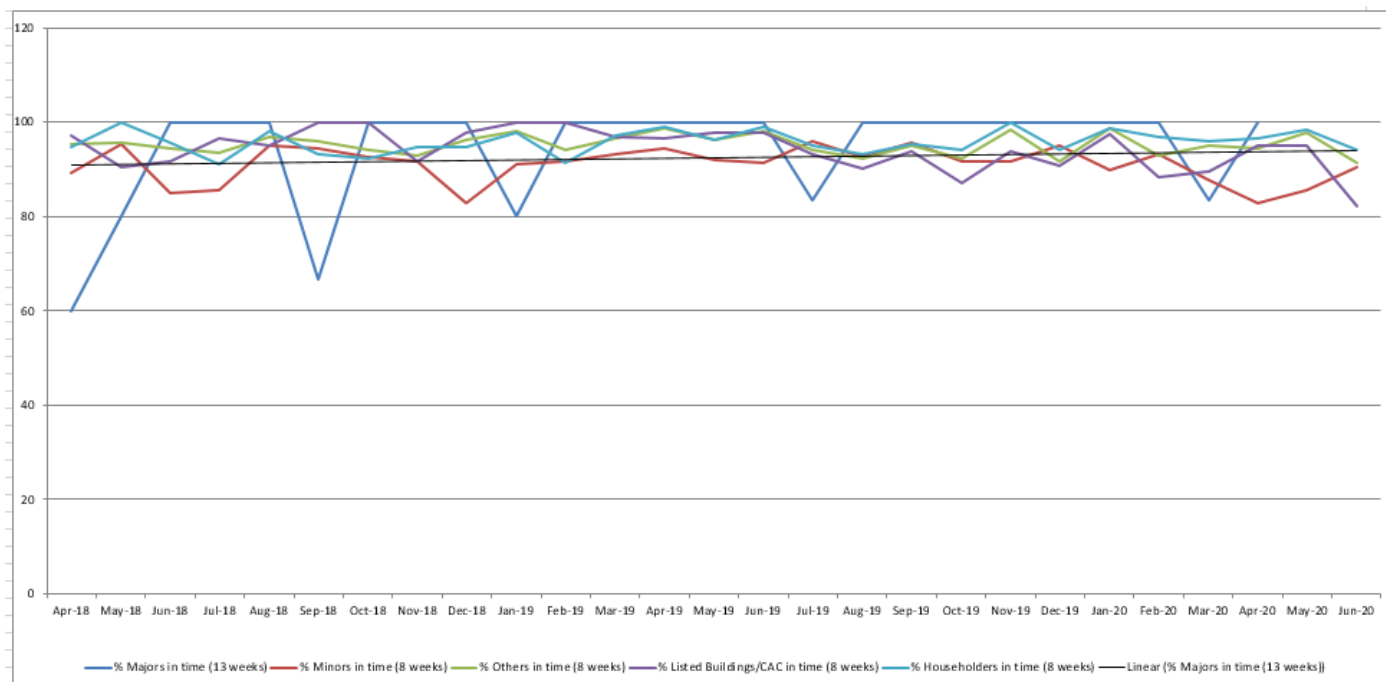
2 RECOMMENDATION

Members are asked to note the contents of the performance report.

3 THE REPORT

Tables, charts and commentary

1 - Comparison of Applications Determined Within Target Times



% of planning applications in time	2019/20				2020/21			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
% Majors in time	(11/11) 100%	(11/12) 92%	(8/8) 100%	(18/20) 90%	(3/5) 60%			
% Minors in time	(125/135) 93%	(142/150) 95%	(115/124) 93%	(108/120) 90%	(81/94) 86%			
% Others in time	(485/497) 98%	(421/449) 94%	(373/397) 94%	(333/347) 96%	(325/344) 94%			

Highlights:

- All three categories have been above target consistently every quarter for over 4 years.
- No Major application decisions made in May.

Note:

Major - 10+ dwellings/0.5 hectares and over, 1000+ sqm/1 hectare and over

Minor - 1-10 dwellings/less than 0.5 hectares, Up to 999 sqm/under 1 hectare

Other - changes of use, householder development, adverts, listed building consents, lawful development certificates, notifications, etc

2 - Recent Planning Application Performance

Application nos.	2019/20				2020/21			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Received	689	635	647	604	491			
Withdrawn	45	50	51	49	58			
Delegated no. and %	630 (98%)	587 (96%)	518 (97%)	474 (97%)	436 (98%)			
Refused no. and %	31 (5%)	37 (6%)	30 (6%)	39 (8%)	39 (9%)			

Highlights:

- An 8% fall in planning application numbers compared to the previous 12 months – the last published national trend figure was a 4% decrease (Year ending Dec 2019 - **Please note**

due to Covid-19 central government have postponed publishing the national planning application statistics until September).

- 28% fall in planning application numbers compared to the same quarter last year.
- The current delegation rate is marginally above the last published England average of 95% (Year to Dec 2019).
- Percentage of refusals on planning applications remains very low compared to the last published England average of 12% (Year ending Dec 2019) and we put this down to the high level of use and overall success of our Pre-application advice service which also brings income into the service.

3 – Dwelling Numbers

Dwelling numbers	2019/20				2020/21			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Major residential (10 or more dwellings) decisions	3	4	1	7	3			
Major residential decisions granted	3	4	1	6	1			
Number of dwellings applied for on Major schemes	158	140	201	50	0			
Number of dwelling units permitted on schemes (net)	264	420	93	265	175			

Highlights:

- There were 3 major residential planning decisions last quarter, one was granted.

4 - Planning Appeals

	Jul – Sep 2019	Oct – Dec 2019	Jan – Mar 2020	Apr – Jun 2020
Appeals lodged	18	16	14	17
Appeals decided	25	15	12	13
Appeals allowed	9 (36%)	2 (13%)	3 (25%)	4 (30%)
Appeals dismissed	16 (64%)	13 (87%)	9 (75%)	9 (70%)

Highlights:

- Over the last 12 months performance on Appeals Allowed (27%) is under the national average of approx. 30%
- Planning Appeal costs awarded against council in last quarter: £3807.00 31 Third Avenue Oldfield Park Bath
- Planning Appeal costs awarded against the council in this financial year: £3807.00

5 - Enforcement Investigations

	Jul – Sep 2019	Oct – Dec 2019	Jan – Mar 2020	Apr – Jun 2020
Investigations launched	181	147	138	140
Investigations in hand	214	184	220	257

Investigations closed	178	194	106	106
Enforcement Notices issued	5	1	3	1
Planning Contravention Notices served	3	5	11	2
Breach of Condition Notices served	0	0	0	0

6 – Other Work (applications handled but not included in national returns)

The service also processes other statutory applications (discharging conditions, prior approvals, prior notifications, non-material amendments etc) and discretionary services like pre-application advice. The table below shows the number of these applications received

	Jul – Sep 2019	Oct – Dec 2019	Jan – Mar 2020	Apr – Jun 2020
Other types of work	409	308	336	263

7 – Works to Trees

	Jul – Sep 2019	Oct - Dec 2019	Jan – Mar 2020	Apr – Jun 2020
Number of applications for works to trees subject to a Tree Preservation Order (TPO)	29	24	26	16
Percentage of applications for works to trees subject to a TPO determined within 8 weeks	100%	100%	96%	100%
Number of notifications for works to trees within a Conservation Area (CA)	185	241	185	117
Percentage of notifications for works to trees within a Conservation Area (CA) determined within 6 weeks	99%	99%	99%	100%

Highlights:

- Performance on works to trees remains excellent.

8 – Corporate Customer Feedback

The latest quarterly report is published here:

<https://beta.bathnes.gov.uk/view-complaint-reports>

9 - Ombudsman Complaints

When a customer remains dissatisfied with the outcome of the Corporate Complaints investigation they can take their complaint to the **Local Government Ombudsman** for an independent view.

Ombudsman Complaints	Jul – Sep 19	Oct – Dec 19	Jan – Mar 20	Apr – Jun 20
Complaints upheld	0	0	0	0
Complaints Not upheld	0	0	0	0

Highlights:

No Planning cases considered/closed this quarter. There have been no upheld complaints over the last year.

10 – Latest News – Covid-19

The Government was very clear from the outset that they expected all Planning authorities to continue to deliver services in order to support the economy and, following some minor changes as a result of Covid-19 restrictions, we are now operating a near normal service. The Government is also updating legislation to support recovery such as allowing restaurants to operate as takeaways, extending permission deadlines, changing construction operating hours and pavement licensing.

For further details see our website <https://beta.bathnes.gov.uk/planning> and the government website <https://www.gov.uk/government/collections/draft-planning-guidance-to-support-the-business-and-planning-bill>

11 – Section 106 Agreements and Community Infrastructure Levy (CIL)

Members will be aware of the Planning Obligations SPD first published in 2009. Planning Services have spent the last few years compiling a database of Section 106 Agreements. This is still in progress, but does enable the S106/CIL Monitoring Officer to actively monitor the delivery of agreed obligations. S106 and CIL financial overview sums below will be refreshed for every quarterly report. A CIL annual report is also published on our website: <https://beta.bathnes.gov.uk/policy-and-documents-library/annual-cil-spending-reports>

(Note: figures are for guidance only and could be subject to change due to further updates with regards to monitoring S106 funds)

S106 Funds received (2020/21)	£0
CIL sums overview - Potential (April 2015 to date)	£14,185,637.49
CIL sums overview - Collected (April 2015 to date)	£15,769,541.36

12 – Chair Referrals

Table 12 below shows the numbers of planning applications where Chair decision has been sought to either decide the application under delegated authority or refer to Planning Committee. ***A further analysis of Chair referral cases is attached as an Appendix item to this report.***

	Jul – Sep 2019	Oct – Dec 2019	Jan – Mar 2020	Apr – Jun 2020
Chair referral delegated	16	21	16	21
Chair referral to Planning Committee	9	11	12	5

13 – 5 Year Housing Land Supply

A	Total planned housing 2011-2029		13,000
B	Completions 2011-2019	2011-2019	6,157
C	Plan requirement	2011-2024	9,386
D	5 year supply requirement (100%)	2019-2024	3,229
E	5 year supply requirement (with 5% buffer)	2019-2024	3,390
G	Deliverable supply (#)	2019-2024	4,528
H	Deliverable supply buffer (%)	2019-2024	40%
I	Deliverable supply (#) over 100% requirement	2019-2024	1,299
J	Deliverable supply (#) over 105% requirement	2019-2024	1,138

A	Alternative Calculation Method			
B	5 year supply requirement (722x5)		3,610	
C	Surplus/deficit		381	
D	Deliverable supply		4,528	
E	5 year requirement + backlog/surplus		3,229	Supply as a % of requirement
F	5 year requirement + backlog/surplus +5% buffer		3,390	Supply in years
				134%
				6.68

The Council has identified a supply of deliverable housing land for **4,528** homes between 1 April 2019 and 31 March 2024. This compares to a five year housing land supply requirement (including 5% buffer) of 3,390 (Core Strategy requirement, calculated using the 'Sedgefield Method'). **This amounts to a housing land supply of 6.68 years.**

The monitoring reports are also published on our website: <https://beta.bathnes.gov.uk/policy-and-documents-library/five-year-housing-land-supply-and-housing-and-economic-land>

Contact person	John Theobald, Project/Technical and Management Support Officer, Planning 01225 477519
Background papers	CLG General Development Management statistical returns PS1 and PS2 + Planning applications statistics on the DCLG website: https://www.gov.uk/government/statistical-data-sets/live-tables-on-planning-application-statistics
Please contact the report author if you need to access this report in an alternative format	

Application no	ADDRESS	PROPOSAL	Decision Level	Decision Date	Status	Notes
19/03838/FUL	Site Of Former Ministry Of Defence OfficesWarminster RoadBathwickBath	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).	COMMDC	04-Jun-20	RF	Application is subject to a viability assessment in respect of affordable housing.
19/04450/FUL	Orchard House3 Rotcombe LaneHigh LittletonBristolBath And North East SomersetBS39 6JW	Erection of two dwellings and associated works.	CHAIR	03-Apr-20	PERMIT	Chair referral delegated decision
20/00616/FUL	Oak HouseSutton Hill RoadBishop SuttonBristolBath And North East SomersetBS39 5UT	Proposed vehicle access, parking bay and car port (Retrospective).	CHAIR	07-Apr-20	PERMIT	Chair referral delegated decision
20/00608/FUL	22 Courtenay RoadKeynshamBristolBath And North East SomersetBS31 1JY	Erection of Gazebo in garden and venetian fencing to the top of existing boundary wall (Retrospective)	CHAIR	08-Apr-20	PERMIT	Chair referral delegated decision
19/04542/FUL	Parcel 8108Bath RoadKeynsham	Erection of 9no. dwellings with access from Bath Road (via access approved under outline permission 16/00850/OUT) and associated works.	CHAIR	14-Apr-20	RF	Chair referral delegated decision
19/04085/FUL	Land South Of Unit 18Midsomer Enterprise ParkMidsomer Norton	Erection of standby gas generator plant and associated infrastructure.	CHAIR	14-Apr-20	PERMIT	Chair referral delegated decision
19/05287/FUL	43 Lyndhurst RoadTwertonBathBath And North East SomersetBA2 3JH	Erection of new dwelling to the side of existing dwelling. Provision of rear extension and dormers. To follow demolition the existing single garage (Resubmission of 19/03953/FUL)	CHAIR	17-Apr-20	PERMIT	Chair referral delegated decision
20/00185/FUL	11 Winscombe CloseKeynshamBristolBath And North East SomersetBS31 2HR	Erection of 3 bed two storey dwelling to the rear of 11 Winscombe Close (Resubmission).	CHAIR	21-Apr-20	RF	Chair referral delegated decision
20/00889/LBA	46 Sydney BuildingsBathwickBathBath And North East SomersetBA2 6DB	Demolition of a C20th ground floor side extension and replacing and enlarging the remaining lower ground floor extension; including small internal and service alterations.	CHAIR	24-Apr-20	RF	Chair referral delegated decision
20/00888/FUL	46 Sydney BuildingsBathwickBathBath And North East SomersetBA2 6DB	Demolition of a C20th ground floor side extension and replacing and enlarging the remaining lower ground floor extension; including small internal and service alterations	CHAIR	24-Apr-20	RF	Chair referral delegated decision
19/05541/FUL	Police Station Bath HillKeynshamBS31 1HJ	Demolition of buildings on site and erection of 9 dwellings, together with associated works.	CHAIR	27-Apr-20	PERMIT	Chair referral delegated decision
20/01065/FUL	Dawn BreakMiddle StreetEast HarptreeBristolBath And North East SomersetBS40 6BB	Provision of dormer loft conversion to existing dwelling.	CHAIR	27-Apr-20	PERMIT	Chair referral delegated decision
20/01255/D6A	The Vine HouseBailbrook LaneLower SwainswickBathBath And North East SomersetBA1 7AB	Discharge of S106 obligations - Schedule 1 and 2 attached to planning permission 10/01067/FUL.	CHAIR	01-May-20	RF	Chair referral delegated decision
20/00403/FUL	Cedar Lodge 16 Uplands DriveSaltfordBS31 3JH	Erection of detached garage with home office space and boundary fence (part-retrospective).	CHAIR	07-May-20	PERMIT	Chair referral delegated decision

20/00968/FUL	84 Triangle NorthOldfield ParkBathBath And North East SomersetBA2 3JB	Provision of loft conversion with new dormer to rear of house.	CHAIR	11-May-20	PERMIT	Chair referral delegated decision
20/01092/FUL	60 Eckweek RoadPeasedown St. JohnBathBath And North East SomersetBA2 8EJ	Erection of garage and conservatory (Resubmission)	CHAIR	13-May-20	PERMIT	Chair referral delegated decision
20/01136/FUL	Poole FarmSunnymead LaneBishop SuttonBristolBath And North East SomersetBS39 5UW	Erection of a triple garage for domestic use (Resubmission).	CHAIR	14-May-20	PERMIT	Chair referral delegated decision
20/00631/FUL	Gracie Barra 49 Upper Bloomfield RoadOdd DownBathBA2 2RY	Change of use from 2 holiday lets and a car port into 3 residential studios and associated parking.	CHAIR	20-May-20	PERMIT	Chair referral delegated decision
20/00881/FUL	40 Springfield BuildingsRadstockBath And North East SomersetBA3 3JB	Conversion of 4 bed house into 2no 2 bed dwellings	CHAIR	02-Jun-20	PERMIT	Chair referral delegated decision
20/01197/FUL	3 Beresford CloseSaltfordBristolBath And North East SomersetBS31 3HU	Erection of single storey rear and side wrap around extension.	CHAIR	05-Jun-20	PERMIT	Chair referral delegated decision
20/01139/FUL	The Lake HouseLansdown RoadCharlcombeBathBA1 9BJ	Re-cladding and re-roofing (with like for like materials) of an existing residential outbuilding to be used in connection with the Lake House and the insertion of windows, doors and decorative brick courses (Retrospective).	CHAIR	11-Jun-20	PERMIT	Chair referral delegated decision
20/01446/FUL	18 Old Forge WayPeasedown St. JohnBathBath And North East SomersetBA2 8TS	Erection of two storey side extension to form larger kitchen and utility room on ground floor and bedroom and bathroom on first floor.	CHAIR	12-Jun-20	PERMIT	Chair referral delegated decision
19/05519/FUL	Avon FarmAvon LaneSaltfordBristolBath And North East SomersetBS31 3ET	Change of use of a former office building to a dwelling (Retrospective).	COMMDC	04-Jun-20	RF	Chair referral to committee. I concur, given the level of activity on site I feel that the issues and concerns should be debated in the public arena.
19/04797/FUL	3 Scumbrum LaneHigh LittletonBristolBath And North East SomersetBS39 6JN	Erection of a single and two story rear extension.	COMMDC	04-Jun-20	RF	Chair referral to committee. I have looked at this application and the concerns expressed by the ward councillor and parish council, and consider the issues of amenity, character and appearance, and highways should be further considered at committee.
20/01024/FUL	84 Triangle NorthOldfield ParkBathBath And North East SomersetBA2 3JB	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.	COMMDC	04-Jun-20	PERMIT	Chair referral to committee. I have looked at this application, the concerns raised and the officers' comments. I think the committee may wish to consider whether the additional single storey extensions to both properties represents over-development of the site, alongside the redevelopment of the existing rear extensions.

19/05507/FUL	Old HouseNorthendBatheastonBathBath And North East SomersetBA1 8ES	Erection of a parking area gate mechanism, boundary pier and replacement walling. (Retrospective)	COMMDC	07-May-20	RF	Chair referral to committee. The committee may wish to look at the nature of the solutions chosen by the applicant, to see if they are appropriate in a rural setting.
19/05508/LBA	Old HouseNorthendBatheastonBathBath And North East SomersetBA1 8ES	External alterations for the erection of a parking area gate mechanism, boundary pier and replacement walling. (Regularisation)	COMMDC	07-May-20	RF	Chair referral to committee. The committee may wish to look at the nature of the solutions chosen by the applicant, to see if they are appropriate in a rural setting.
20/00395/RES	Land Between Homelands And 10Camerton HillCamertonBath	Approval of reserved matters with regard to outline application 17/00299/OUT (Erection of 1no. single storey dwelling (Resubmission).	COMMDC	04-Jun-20	APP	The parish council have objected to the scheme and the case officer is minded to permit.

This page is intentionally left blank

Bath & North East Somerset Council	
MEETING:	Planning Committee
MEETING DATE:	29th July 2020
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	

AGENDA ITEM NUMBER

APPEALS LODGED

App. Ref: 19/00772/FUL
Location: Land At Entrance To Manor Farm Bath Hill Wellow Bath
Proposal: Erection of two storey detached dwelling
Decision: REFUSE
Decision Date: 16 January 2020
Decision Level: Planning Committee
Appeal Lodged: 25 June 2020

App. Ref: 20/01423/VAR
Location: Commercial Parking Site Box Road Bathford Bath
Proposal: Variation of condition 9 of application 19/04793/FUL (Erection of a small car preparation centre and associated external works)
Decision: REFUSE
Decision Date: 23 June 2020
Decision Level: Delegated
Appeal Lodged: 30 June 2020

APPEALS DECIDED

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: 16 June 2020
Appeal Decision: Appeal Withdrawn
Appeal Decided Date: 23 June 2020
