

Planning Committee

Date: Wednesday, 9th February, 2022

Time: 11.00 am

Venue: Banqueting Room - Guildhall, Bath

Agenda

To: All Members of the Planning Committee

Councillors:- Sue Craig, Sally Davis, Shelley Bromley, Vic Clarke, Rob Appleyard, Lucy Hodge, Duncan Hounsell, Shaun Hughes, Dr Eleanor Jackson and Hal MacFie

Permanent Substitutes:- Councillors: Michael Evans, Andrew Furse, Liz Hardman, Ruth Malloy, Vic Pritchard, Matt McCabe, Manda Rigby, Brian Simmons and Ryan Wills

Chief Executive and other appropriate officers
Press and Public

The agenda is set out overleaf.



Mike Curtis

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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>

Paper copies are available for inspection at the Guildhall - Bath.

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

3. **Recording at Meetings:-**

The Openness of Local Government Bodies Regulations 2014 now allows filming and recording by anyone attending a meeting. This is not within the Council's control. Some of our meetings are webcast. At the start of the meeting, the Chair will confirm if all or part of the meeting is to be filmed. If you would prefer not to be filmed for the webcast, please make yourself known to the camera operators. We request that those filming/recording meetings avoid filming public seating areas, children, vulnerable people etc; however, the Council cannot guarantee this will happen.

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

4. **Public Speaking at Meetings**

The Council has a scheme to encourage the public to make their views known at meetings. They may make a statement relevant to what the meeting has power to do. They may also present a petition or a deputation on behalf of a group.

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. **Emergency Evacuation Procedure**

When the continuous alarm sounds, you must evacuate the building by one of the designated exits and proceed to the named assembly point. The designated exits are signposted. Arrangements are in place for the safe evacuation of disabled people.

6. **Supplementary information for meetings**

Additional information and Protocols and procedures relating to meetings

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

Planning Committee- Wednesday, 9th February, 2022

at 11.00 am in the Banqueting Room - Guildhall, Bath

AGENDA

1. EMERGENCY EVACUATION PROCEDURE

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

2. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

3. 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.

4. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

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

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

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

6. MINUTES OF THE PREVIOUS MEETING (Pages 7 - 20)

To confirm the minutes of the meeting held on 12 January 2022.

7. SITE VISIT LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (Pages 21 - 30)

8. MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (Pages 31 - 96)

The following applications will be considered in the morning session of the meeting (from 11am):

- 21/03907/FUL– 61 Warminster Road, Bathampton
- 21/04147/FUL – Frome House, Lower Bristol Road, Westmoreland, Bath
- 21/04507/FUL – Proposed Café, 223 Trajectus Way, Keynsham

The following applications will be considered in the afternoon session of the meeting (from 2pm):

- 221/04626/FUL – Ashfield, Stockwood Vale, Keynsham
- 21/05004/FUL - Clarkson House, 5 Great Stanhope Street, Kingsmead, Bath

9. QUARTERLY PERFORMANCE REPORT - OCTOBER TO DECEMBER 2021 (Pages 97 - 104)

The Committee is asked to note the quarterly performance report from October to December 2021.

10. NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES (Pages 105 - 108)

The Committee is asked to note the report.

The Committee Administrator for this meeting is Mike Curtis who can be contacted on 01225 477048.

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, 12th January, 2022, 11.00 am

Councillors: Sue Craig (Chair), Sally Davis (Vice-Chair), Shelley Bromley, Vic Clarke, Paul Crossley, Lucy Hodge, Duncan Hounsell, Shaun Hughes, Dr Eleanor Jackson and Hal MacFie

83 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

84 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no apologies for absence.

85 DECLARATIONS OF INTEREST

There were no declarations of interest.

86 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was no urgent business.

87 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.

88 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 15 December 2021 were confirmed and signed as a correct record.

89 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.
- Oral statements by members of the public and representatives. A copy of the speakers' list is attached as *Appendix 1* to these minutes.

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

Item No. 1

Application No. 21/03981/FUL

Site Location: 18 St Catherine's Close, Bathwick, Bath, BA2 6BS – Erection of two storey side and rear extension and single storey rear extension following demolition of existing structures.

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 Manda Rigby, local ward member, spoke against the application. She pointed out that there are no other two storey rear extensions in this street. There is concern regarding overlooking and any application should preserve and enhance the Conservation Area.

The Case Officer responded to questions as follows:

- The extension is considered to be acceptable in this location. She explained how the roofscape relates to the surrounding area.
- The Committee should consider each case in its own merits and any decision on this application is unlikely to set a precedent for future decisions.
- The loss of residential amenity relating to the outlook can be considered if the development is felt to be significantly overbearing.

Cllr Jackson stated that, for an urban area, the proposal does not represent overdevelopment of the site. She did not believe that the extension would impact negatively on the urban design of the area. It would enhance the area and the view of the front of the property would not be affected. She then moved the officer recommendation to permit. This was seconded by Cllr Davis.

Cllr Hughes noted the topography of the estate and stated that each plot has its own unique features. The property needs renovation, but he expressed concern regarding the two-storey element of the proposal.

Cllr Hodge was disappointed that the rear and side extensions have not been reduced in height.

Cllr Hounsell felt that this would represent a planning gain as the development would be an improvement on the existing structure. He stated that the application is policy compliant.

Cllr Crossley noted that this street consists of large houses with a variety of extensions and styles. He felt that the proposal would enhance the building and view.

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.

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

The Committee considered:

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

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

Item No. 1

Application No. 21/03207/FUL

Site Location: Tynning House, Hursley Hill, Publow – Erection of detached dwelling following demolition of existing HMO property.

The Case Officer reported on the application and her recommendation to refuse. She drew the Committee's attention to paragraph 148 of the NPPF (National Planning Policy Framework) which states:

When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. "very special circumstances" will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

The agent spoke in favour of the application.

The officers then responded to questions as follows:

- The current NPPF guidance should be followed rather than earlier legislation.
- It is a matter of judgment whether the new dwelling is materially larger than the existing property, taking into account both the volume increase and the visual aspect of the application.
- Amendments have been made to the access and Highways Officers now consider the application to be compliant.
- If members were minded to permit the application then a condition could be included to require the existing building to be demolished prior to the commencement of any other works.
- The NPPF states that there should be a presumption in favour of development. However, members should have regard to the Green Belt policies.
- Officers are not aware of any structural or safety reasons why the existing building needs to be demolished.
- The site currently constitutes one single plot. If the Committee was minded to

permit the application then a landscaping condition could be included for the remainder of the site.

Cllr Hounsell stated that the Green Belt policy is very clear and should be taken into account. He highlighted the visual impact of the volume increase in this location.

Cllr Clarke stated that he could see no grounds for overturning the officer recommendation and that it is important to protect the Green Belt.

Cllr Hodge then moved the officer recommendation to refuse. She felt that there were no special circumstances as to why the application should be permitted in this Green Belt location. She also pointed out that Whitchurch Village Council have stated that they could only accept the proposal if the square footage is no larger than the original dwelling. The motion was seconded by Cllr Clarke.

Cllr Crossley stated that this is an interesting proposal, and he did not think that there was a material volume increase.

Cllr Davis did not believe that the proposal would have an adverse effect on the Green Belt. It would not be materially larger than the existing dwelling and conditions could be put in place to ensure that there was appropriate landscaping.

Cllr Jackson could not see the justification or benefit of demolishing the existing building.

Cllr MacFie felt that the new property would not be inappropriate.

Cllr Bromley stated that she had concerns regarding the volume increase of the proposal and the adverse impact it would have on the Green Belt.

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

Item No. 2

Application No. 21/03907/FUL

Site Location: 61 Warminster Road, Bathampton, Bath, BA2 6RX – Installation of roof extension with lift to provide first floor accommodation.

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

A local resident spoke against the application.

The Case Officer then responded to questions as follows:

- A condition could be included to require a screen along the walkway area. However, this was not included in the original recommendation as the area is a transitory space.
- The walkway would provide access to the lawn area replacing the existing steps.
- There are currently a mix of materials and built form in this street and it is not considered that a modern dwelling would cause harm to the area.

Cllr Hounsell moved that consideration of the application be deferred pending a site visit. This was seconded by Cllr Jackson who stated that a site visit would enable members to view the street scene and assess the impact on residential amenity.

The motion was put to the vote and it was RESOLVED by 7 votes in favour, 2 votes against and 1 abstention to DEFER consideration of the application pending a SITE VISIT.

91 **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 12.35 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services

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BATH AND NORTH EAST SOMERSET COUNCIL**MEMBERS OF THE PUBLIC AND REPRESENTATIVES SPEAKING AT THE MEETING OF THE PLANNING COMMITTEE ON WEDNESDAY 12 JANUARY 2022**

SITE VISIT LIST			
ITEM NO.	SITE NAME	NAME	FOR/AGAINST
1	18 St Catherine's Close, Bathwick, Bath, BA2 6BS	Martin Shirley	Against
		Huw Bunn (Applicant)	For
		Cllr Manda Rigby (Local Ward Member)	Against

MAIN PLANS LIST			
ITEM NO.	SITE NAME	NAME	FOR/AGAINST
1	Tynning House, Hursley Hill, Publow	Oliver Keates (Agent)	For
2	61 Warminster Road, Bathampton, Bath, BA2 6RX	Steve Hayler	Against

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BATH AND NORTH EAST SOMERSET COUNCIL
PLANNING COMMITTEE
12th January 2022
DECISIONS

Item No:	001	
Application No:	21/03981/FUL	
Site Location:	18 St Catherine's Close, Bathwick, Bath, Bath And North East Somerset	
Ward: Bathwick	Parish: N/A	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Erection of two storey side and rear extension and single storey rear extension following demolition of existing structures.	
Constraints:	Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP9 Affordable Housing Zones, MOD Safeguarded Areas, Policy NE2A Landscapes and the green set, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,	
Applicant:	Mr And Mrs Bunn	
Expiry Date:	12th January 2022	
Case Officer:	Samantha Mason	

DECISION PERMIT

1 Standard Time Limit (Compliance)

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

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

2 Plans List (Compliance)

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

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

PLANS LIST:

This decision relates to the following plans:

0136-3-301A, 0136-3-305A, 0136-3-310A, 0136-3-311A, 0136-3-312, 0136-3-320A, 0136-3-322, 0136-3-330A received 24th August 2021.

0140-3-350A received 4th October 2021.

0136-3-319D, 0136-3-318D and 0136-3-308D received 6th October 2021.

0140-3-340E received 11th November 2021.

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 - General Note for all Development

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. CIL may apply to new developments granted by way of planning permission as well as by general consent (permitted development) and may apply to change of use permissions and certain extensions. **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 any development commences**.

Do not commence development until you been notified in writing by the Council that you have complied with CIL; failure to comply with the regulations can result in surcharges, interest and additional payments being added and will result in the forfeiture of any instalment payment periods and other reliefs which may have been granted.

Community Infrastructure Levy - Exemptions and Reliefs Claims

The CIL regulations are non-discretionary in respect of exemption claims. If you are intending to claim a relief or exemption from CIL (such as a "self-build relief") it is important that you understand and follow the correct procedure **before** commencing **any** development on site. You must apply for any relief and have it approved in writing by the Council then notify the Council of the intended start date **before** you start work on site. Once development has commenced you will be unable to claim any reliefs retrospectively and CIL will become payable in full along with any surcharges and mandatory interest charges. If you commence development after making an exemption or relief claim but before the claim is approved, the claim will be forfeited and cannot be reinstated.

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. If you have any queries about CIL please email cil@BATHNES.GOV.UK

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:	01
Application No:	21/03207/FUL
Site Location:	Tynning House, Hursley Hill, Publow, Bristol
Ward: Publow And Whitchurch	Parish: Whitchurch LB Grade: N/A
Application Type:	Full Application
Proposal:	Erection of detached dwelling following demolition of existing HMO property.
Constraints:	Bristol Airport Safeguarding, Norton Malreward Unlicensed Airstrip, Agric Land Class 1,2,3a, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Neighbourhood Plan, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,
Applicant:	Mr Smart
Expiry Date:	17th January 2022
Case Officer:	Isabel Daone

DECISION Refuse as per officer recommendation

Item No:	02
Application No:	21/03907/FUL
Site Location:	61 Warminster Road, Bathampton, Bath, Bath And North East Somerset
Ward: Bathavon North	Parish: Bathampton LB Grade: N/A
Application Type:	Full Application
Proposal:	Installation of roof extension with lift to provide first floor accommodation.
Constraints:	Agric Land Class 1,2,3a, Policy B4 WHS - Indicative Extent, Policy CP9 Affordable Housing Zones, Housing Development Boundary, MOD Safeguarded Areas, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,
Applicant:	Mr & Mrs Bye
Expiry Date:	14th January 2022
Case Officer:	Isabel Daone

DECISION Defer for site visit

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Bath & North East Somerset Council	
MEETING:	Planning Committee
MEETING DATE:	9th February 2022
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.

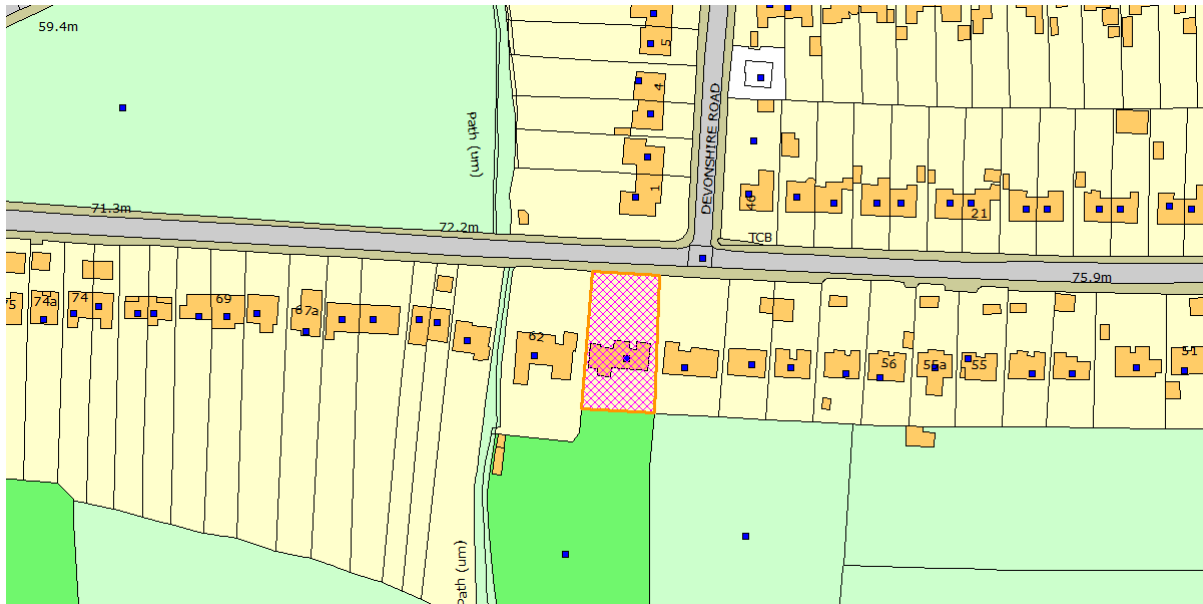
- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting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

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ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
001	21/03907/FUL 14 January 2022	Mr & Mrs Bye 61 Warminster Road, Bathampton, Bath, Bath And North East Somerset, BA2 6RX Installation of roof extension with lift to provide first floor accommodation.	Bathavon North	Isabel Daone	PERMIT

REPORT OF THE HEAD OF PLANNING ON APPLICATIONS FOR DEVELOPMENT

Item No: 001
Application No: 21/03907/FUL
Site Location: 61 Warminster Road Bathampton Bath Bath And North East Somerset BA2 6RX



Ward: Bathavon North **Parish:** Bathampton **LB Grade:** N/A
Ward Members: Councillor Kevin Guy Councillor Sarah Warren
Application Type: Full Application
Proposal: Installation of roof extension with lift to provide first floor accommodation.
Constraints: Agric Land Class 1,2,3a, Policy B4 WHS - Indicative Extent, Policy CP9 Affordable Housing Zones, Housing Development Boundary, MOD Safeguarded Areas, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,
Applicant: Mr & Mrs Bye
Expiry Date: 14th January 2022
Case Officer: Isabel Daone
To view the case click on the link [here](#).

REPORT

The application refers to a detached bungalow located within the Bathampton Housing Development Boundary.

Planning permission is sought for a roof extension and other external alterations.

The application was referred to the Chair and Vice Chair of the Planning Committee as the officer's recommendation is contrary to the comments of the Parish Council. Their comments are as follows:

CHAIR: COMMITTEE

I have reviewed this application and note the objections from Bathampton Parish Council and third parties.

Given the contrast in design from the existing and proposed property, and the potential impact on the residential amenity of the neighbouring property, I believe that this proposal would benefit from being debated in a public forum at committee.

VICE CHAIR: COMMITTEE

I have looked at this application noting the BPC & third-party objection comments, issues raised have been addressed as the application has been assessed against relevant policies, the Design & Access Statement was helpful in justifying the proposal & conditions identified to overcome some concerns.

The impact on the character & appearance on the street scene in particular remains a concern, as was the case with No. 57 which has been referred to in comments, therefore I recommend the application be considered by the planning committee so this issue can be debated in the public arena.

Relevant Planning History:

12/01732/FUL

REFUSED - 25 June 2012

Erection of side extension to the current bungalow to create ancillary accommodation for the property and erection of detached garage

12/04348/FUL

PERMIT - 26 November 2012

Erection of single storey side extension to create ancillary accommodation following removal of integrated single garage and erection of detached single garage with associated works (Resubmission)

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses :

BATHAMPTON PARISH COUNCIL:

Bathampton Parish Council has no objection in principle to the application, but we do feel that the finished works will not be in keeping with the original streetscape of the Warminster Road. We note that this streetscape has already been compromised by the approved works at No. 57. Does the Local Plan Policy D2 requiring proposals to contribute positively to and not harm local character and distinctiveness not apply here?

Representations Received :

THIRD PARTY REPRESENTATIONS:

One objection has been received as follows -

We live next door in the bungalow at 62 Warminster Road.

We object to the application for the following three reasons:

We are concerned that the proposed walkway leading from the first floor to halfway up the garden will reduce our privacy by allowing the applicants to overlook our back garden, and also to see into the window of the bathroom on the eastern side of our bungalow.

We feel that the proposed windows at the rear of the first floor, and also the walkway mentioned above will reduce our privacy by allowing the occupants to overlook the field behind the house that forms part of our garden. Indeed, the applicant mentioned to me that this was part of the reason for the plans.

We also feel that raising the height of the existing roof will have an impact on the amount of light coming into our bungalow, in particular to the bathroom mentioned above.

POLICIES/LEGISLATION

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

- o Bath & North East Somerset Core Strategy (July 2014)
- o Bath & North East Somerset Placemaking Plan (July 2017)
- o West of England Joint Waste Core Strategy (2011)
- o Bath & North East Somerset saved Local Plan policies (2007) not replaced by the Core Strategy or the Placemaking Plan:
 - Policy GDS.1 Site allocations and development requirements (policy framework)
 - Policy GDS.1/K2: South West Keynsham (site)
 - Policy GDS.1/NR2: Radstock Railway Land (site)
 - Policy GDS.1/V3: Paulton Printing Factory (site)
 - Policy GDS.1/V8: Former Radford Retail System's Site, Chew Stoke (site)
- o Made Neighbourhood Plans

Core Strategy:

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

CP6: Environmental Quality

DW1: District Wide Spatial Strategy

SD1: Presumption in favour of sustainable development

Placemaking Plan:

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

D1: General urban design principles

D2: Local character and distinctiveness

D3: Urban fabric

D5: Building design

D6: Amenity

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).

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

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.

CHARACTER AND APPEARANCE

The existing site comprises a bungalow with a hipped roof and hipped projections. It follows a fairly traditional material palette including stone and a tiled roof. The character of the dwellinghouses along this part of Warminster Road is mixed. There is a mix of dwelling heights, with bungalows and two-storey dwellings prevalent. The material palette is also mixed and there are examples of stone, timber and render in the locality.

The application seeks permission to add an additional storey to the dwelling. This will be achieved by raising the height of the roof and adding dormers to both the front and rear elevations. Bathampton Parish Council have objected to the scheme on the basis that the proposed works would not be in keeping with the street scape, contrary to Policy D2.

Officers have no objection to the raising of the roof height to accommodate an additional storey. The resultant dwelling will appear inherently modern, in stark contrast to the existing traditional building. The materials included will be timber for the walls, fibre cement slate across the roof and cementitious boarding in black to the dormers. Given the contrasting design from the existing dwelling, the case officer requested that justification for the design be submitted. In response, a Design and Access Statement has been provided.

Following a visit to the site, it was noted that there is another modern development located at no.58 Warminster Road within the vicinity. It is considered that the concept of a modern

dwelling is therefore acceptable in principle and the proposed modern dwelling would not be considered contrary to the character of the locality in this regard. The proposed dwelling will be located away from the edge of the road and the existing building line maintained at the frontage. Timber and slate both appear within the locality and the material palette is therefore considered to respond to the local context. Notwithstanding this, a condition securing a full schedule of materials is recommended.

It is considered that given the mix of surrounding developments in regard to their character and appearance, that the inclusion of a modern dwelling in this context would not cause harm to the locality in this regard. Policy D2 states that development should respond well to the local context. Given the modern development at no.58 and the mix of its surroundings the development is considered to achieve this.

RESIDENTIAL AMENITY:

A neighbouring resident has raised that the proposed walkway would result in unacceptable levels of overlooking into the neighbouring property. The rear of the site is unusual. The existing patio area is located at the same level of the existing back door. However, there is also a lawned area which slopes very steeply towards the rear boundary. The height of this slope already allows for views into the neighbouring properties gardens. The proposed walkway seeks to connect the new first floor to the steep lawned area. It is not proposed to be any higher than the existing slope and as such, is not considered to create a significant additional impact to the neighbouring residents. The walkway is located in the middle of the property and away from the boundary. The nature of the walkway means that movement along it would be transient. The level of overlooking from this element of the scheme is therefore not considered to be significant to a point which would warrant a refusal on this basis.

There is a balcony element to the walkway which would allow for views into no.60. Notwithstanding the submitted drawings, a privacy screen would be requested through condition to be located on the eastern boundary of the balcony element to ensure privacy is maintained. An obscure glazed 1.8m high screen is an example of what may be acceptable.

A local resident has also raised concerns regarding overshadowing and loss of light, particularly to the bathroom window on the adjacent property. The rear elevations of these properties face south and as such, there will be some additional overshadowing during the first part of the day as the sun moves from east to west. As the neighbouring bungalow window is at ground floor level, this may result in a reduction of light to this. However, there is some separation between the two dwellings and a bathroom is not considered to be primary living accommodation. The maximum height of the existing dwelling is 4.4m. The height of the proposed dormer element which will project back and have the most impact on the neighbouring occupiers is approximately 5.5m. It is therefore accepted that the increase in height and depth will cause some additional impact to the neighbouring occupiers. However, given the orientation of the properties and the fact they are physically separated, it is not considered that the impacts will be significant and a refusal on this basis would, again, not be substantiated.

CONCLUSION:

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

RECOMMENDATION

PERMIT

CONDITIONS

1 Standard Time Limit (Compliance)

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

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

2 Materials - Submission of Materials Schedule (Bespoke Trigger)

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

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

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

The development shall thereafter be carried out in accordance with the approved details.

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

3 Privacy Screen Design (Bespoke Trigger)

Notwithstanding the approved drawings, details of a privacy screen to be located on the eastern side elevation of the balcony (not walkway) shall be submitted to and approved in writing by the Local Planning Authority. The screen shall be installed prior to the first use of the balcony and shall be permanently retained for the lifetime of the development.

Reason: To protect the privacy of the neighbouring occupiers in accordance with policy D6 of the Bath and North East Somerset Placemaking Plan.

4 Plans List (Compliance)

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

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

PLANS LIST:

1 This decision relates to the following plans:

18 Aug 2021	A17 21 19 P01	PROPOSED BLOCK PLAN
18 Aug 2021	A17 21 19 P02	PROPOSED GROUND FLOOR PLAN
18 Aug 2021	A17 21 19 P03	PROPOSED FIRST FLOOR PLAN
18 Aug 2021	A17 21 19 P04	PROPOSED ROOF PLAN
18 Aug 2021	A17 21 19 P05	PROPOSED ELEVATIONS - SHEET 1
18 Aug 2021	A17 21 19 P06	PROPOSED ELEVATIONS - SHEET 2
18 Aug 2021	A17 21 19 S01	LOCATION PLAN

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 - General Note for all Development

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. CIL may apply to new developments granted by way of planning permission as well as by general consent (permitted development) and may apply to change of use permissions and certain

extensions. **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 any development commences**.

Do not commence development until you been notified in writing by the Council that you have complied with CIL; failure to comply with the regulations can result in surcharges, interest and additional payments being added and will result in the forfeiture of any instalment payment periods and other reliefs which may have been granted.

Community Infrastructure Levy - Exemptions and Reliefs Claims

The CIL regulations are non-discretionary in respect of exemption claims. If you are intending to claim a relief or exemption from CIL (such as a "self-build relief") it is important that you understand and follow the correct procedure **before** commencing **any** development on site. You must apply for any relief and have it approved in writing by the Council then notify the Council of the intended start date **before** you start work on site. Once development has commenced you will be unable to claim any reliefs retrospectively and CIL will become payable in full along with any surcharges and mandatory interest charges. If you commence development after making an exemption or relief claim but before the claim is approved, the claim will be forfeited and cannot be reinstated.

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. If you have any queries about CIL please email cil@BATHNES.GOV.UK

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.

Bath & North East Somerset Council	
MEETING:	Planning Committee
MEETING DATE:	9th February 2022
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.

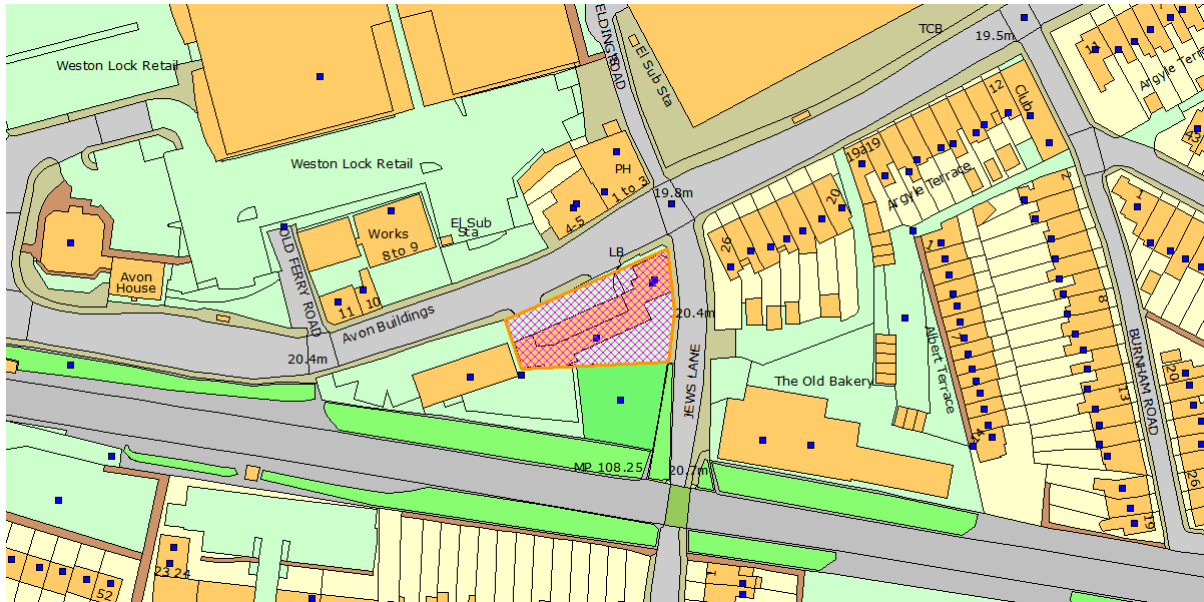
- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting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

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ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	21/04147/FUL 14 January 2022	Mr Matthew Halstead Frome House, Lower Bristol Road, Westmoreland, Bath, Bath And North East Somerset Enlargement of Frome House and associated change of use from office (Use class E(g)) (Excluding existing ground floor tyre repair centre) to 66 student bedspaces and associated works.	Westmoreland	Samantha Mason	PERMIT
02	21/04507/FUL 18 February 2022	Taylor Wimpy Proposed Cafe, 223 Trajectus Way, Keynsham, Bath And North East Somerset, Erection of no. 4 dwellings (Use Class C3) and associated works	Keynsham North	Isabel Daone	PERMIT
03	21/04626/FUL 11 February 2022	Mr Mike Bullock Ashfield, Stockwood Vale, Keynsham, Bristol, Bath And North East Somerset Proposed ridge height increase and dormer extension to provide further accommodation in roof. Installation of side balcony to master bedroom.	Keynsham North	Christine Moorfield	REFUSE
04	21/05004/FUL 21 January 2022	LiveWest Clarkson House, 5 Great Stanhope Street, Kingsmead, Bath, Bath And North East Somerset Replacement of front windows from timber to uPVC.	Kingsmead	Anna Jotcham	REFUSE

REPORT OF THE HEAD OF PLANNING ON APPLICATIONS FOR DEVELOPMENT

Item No: 01
Application No: 21/04147/FUL
Site Location: Frome House Lower Bristol Road Westmoreland Bath Bath And North East Somerset



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

Ward Members: Councillor Colin Blackburn Councillor June Player

Application Type: Full Application

Proposal: Enlargement of Frome House and associated change of use from office (Use class E(g)) (Excluding existing ground floor tyre repair centre) to 66 student bedspaces and associated works.

Constraints: Article 4 HMO, Agric Land Class 3b,4,5, Air Quality Management Area, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, British Waterways Major and EIA, Contaminated Land, Policy CP9 Affordable Housing Zones, HMO Stage 1 Test Area (Stage 2 Test Req), LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Railway, SSSI - Impact Risk Zones, Water Source Areas,

Applicant: Mr Matthew Halstead

Expiry Date: 14th January 2022

Case Officer: Samantha Mason

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

REPORT

The officer is minded to permit and local ward councilors have objected. As such the application was referred to the chair of the committee as per the council's scheme of delegation. In their decision the Chair stated; 'I have reviewed this application and note

the objections and comments from all parties. Despite adjustments which have been made during the course of the application process, this remains a controversial development and I therefore think it would benefit from being debated in public at committee'. The Vice Chair concurred.

Details of location and proposal and Relevant History:

The application refers to a site along the Lower Bristol Road that forms a corner plot with Jews Lane. The built form on site currently comprises both a two storey element and a three storey element. The two storey element is vacant office building. The three storey building accommodates Bathwick Tyres on its ground floor; this does not form part of the proposed development in the application, above this is further vacant office.

Planning permission is sought for the enlargement of Frome House and associated change of use from office (Use class E(g)) (excluding as stated, the existing ground floor tyre repair centre) to 67 student bedspaces and associated works.

Relevant Planning History:

DC - 98/00692/FUL - RF - 1 December 1998 - Demolition of former Post Office adjacent to Jews Lane, erection of building to form an extension to adjacent building to form additional office accommodation

DC - 99/00601/FUL - PERMIT - 13 January 2000 - Demolition of former Post Office adjacent to Jews Lane, erection of building to form an extension to adjacent building to form additional office accommodation (revised proposal)

DC - 15/05535/FUL - PERMIT - 18 January 2016 - Re-roof building.

DC - 18/01977/FUL - PERMIT - 3 July 2018 - Erection of single storey extension to the rear elevation to allow access to lift from main lobby area. Creation of raised paving area to front elevation and other alterations. A newly installed Shower/WC will be installed to the 2nd floor again from an extended lobby area. The building's use will remain as offices.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses :

ARCHAEOLOGY:

3rd Nov: No objection

ARBORICULTURE:

18th Oct: No objection

CONSERVATION:

13th Oct: The scale of the development remains unacceptable and is considered Policy HE1 of the Placemaking Plan. The proposal is considered to cause harm to the adjacent

designated and undesignated heritage assets contrary to Paragraph 202 and 203 of the NPPF.

CONTAMINATED LAND:

17th Sept: No objection subject to conditions.

DRAINAGE:

8th Oct: No objection subject to conditions

ECONOMIC DEVELOPMENT:

No response

ECOLOGY:

11th Oct: Further information required. A scoping survey for bats and nesting birds will be required to inform the application. Conditions will be required to secure a Construction Environmental Management Plan (CEMP), sensitive external lighting scheme and detailed specification to deliver biodiversity net gain, including species-specific measures, if consent is granted.

30th Dec: No objection subject to conditions

ENVIRONMENTAL PROTECTION:

5th Oct: No objection subject to condition

PARKS:

12th Oct: No objection. The Parks & Green Spaces Department has no objection to this application subject to a S106 agreement securing a payment of £125,477 to greenspace enhancement projects in the local area to make the development comply with policy LCR6 and the Planning Obligations SPD (amended August 2019).

20th Dec: In regards to Green Space contributions, the principle for using S106 for these is set out in the Planning Obligations SPD in August 2019. This approach has been accepted at appeal on both the Homebase and Plumbase applications. The deficits of greenspace typologies in wards in the vicinity of the development were highlighted to provide towards the justification for requesting a greenspace contribution. An increase in population where deficits occur add further pressure on existing greenspace. Contributions can be requested for greenspace provision or improvement to mitigate the impacts of this additional use from an increased population. The Innox Park project is complete. When the Green Space Strategy is reviewed I'd expect the typology of this greenspace to change from Amenity Green Space, of which there is a surplus in Twerton, to a Park & Recreation Ground, a deficit. Therefore rebalancing the provision and meeting the needs of residents. The Linear Park Projects include, Bloomfield Green, Sandpits, Brickfields Open Space and the Linear Park corridor that links these spaces. Brickfield Open Space is approx. 365m walk from Frome House to the nearest Brickfields entrance,

this is well within the Green Space Strategy 600m direct line access standard. Therefore Brickfields is directly related to the Frome House development and a request for a S106 contribution is justified. Considering the above, I propose focusing greenspace S106 contributions towards the Brickfields Project.

The Brickfields Project is currently active, a public consultation was carried out in the summer of 2020.

<https://www.bathnes.gov.uk/services/sport-leisure-and-parks/parks-green-spaces/brickfields-park>

Based on the consultation the following infrastructure are highlighted as priorities, with outline costs:

Medium sized outdoor gym :	£30,000
Access improvements to include new access point from Linear Park, bicycle stands, improved seating and a 550 metre path around the north of the park:	£65,000
Regrade and improve football/sports area:	£15,000
New viewpoint and picnic area	£18,000
Total:	£128,000

I can confirm that in the event that the Scala application commence and the associated S106 contribution be received any request for funding from Frome House will not overlap with funding for Brickfields from elsewhere. The number of student units proposed has reduced to 66 and therefore the recalculation of the S106 request is: 66 residents X £936 = £61,776

HIGHWAYS:

5th Oct: Objection. Scope for revision

11th Nov: Objection. Scope for revision

7th Jan: No objection subject to conditions

LANDSCAPE:

7th Oct: No objection subject to conditions

URBAN DESIGN:

7th Oct: Scope for revision

17th Nov: Revised plans are a positive step but scope for further improvement remains.

Representations Received :

Clr Crossley - This application poses many questions and issues for the locality and as such should the officer be minded to permit the application then this is a formal request that the decision is made in public by the planning committee.

My reasons for the request.

1. at 5 stories this is out of character for this area which is typified by terraced housing
2. the amenity of residents in Albany Road are adversely affected.
3. this is a busy junction with the two large retail stores on the river side of the road and a difficult junction for cars at Jews Lane to pull out and turn right towards the city. In fact at busy times the exit from Jews Lane by and large only happens when the pedestrian crossing is activated and cars are stopped.
4. all the residential streets are heavily parked and though the application is for a PBSA it is backed by evidence from other PBSAs that there will be several cars associated with the development which puts pressure on limited parking spaces.
5. this area has seen a number of PBSA developments already and this is simply making it too many
6. it represents loss of employment space which is in short supply.

Cllr June Player (Summary) - Should you be minded to approve this application then I am requesting that it goes to Committee on the grounds that it is contrary to the following Planning Policies of the Bath and North East Somerset Core Strategy (2014) and Placemaking Plan (2017):

D2: Local Character and Distinctiveness

D3: Urban Fabric

D6: Residential Amenity

CP10: Housing Mix

ST7: Highway Safety

ED1B: Change of Use and redevelopment of B1(a) Office to Residential Use

Bath Preservation Trust (Summary):

Heritage concerns, design height and massing concerns, PBSA concerns. Whilst supportive of the opportunity for the reuse of the building and the retention of the tire repair centre, the proposed height, massing, and design would fail to respond positively to local townscape character and constitute overdevelopment and would have an adverse impact on the integrity and cohesiveness of the World Heritage Site. We remain resistant in principle to speculative PBSA. This application is contrary to sections 11 & 12 of the NPPF, and Policies CP6, D1, D2, D3, D4, D5, D6, HE1, B1, and B4 of the Core Strategy and Placemaking Plan and should be refused or amended with a more height-appropriate design.

Transition Bath:

The application doesn't include a Sustainable Construction Checklist, its likely that it doesn't comply with policies CP2 and SCR1 given there is no evidence e.g. solar panels to suggest it meets anything other than minimum building regulations. Could the planning officers in future require the completion of the Checklist as is required by B&NES before submission is accepted? In any assessment, recommendations could the Planning Officer explain why B&NES accepted this application without the Checklist, for a non-compliant building?

41 objections have been received from third parties; the following is a summary of the points raised:

- Concern over student accommodation
- Residential area saturated with students
- Student parking concerns
- Lack of parking
- Highways safety concerns
- Concern the building is too high
- Scale out of keeping
- Noise from students
- Lack of affordable housing
- Residential amenity concerns
- Landscape impacts
- Local character impacts
- Lack of renewable energy/ sustainable construction
- Lack of neighbour consultation
- Loss of business use
- No council tax income
- Bus service can not accommodate more people
- The plans are deceiving
- Heritage adverse impacts

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
- CP3: Renewable Energy
- CP5: Flood Risk Management

CP6: Environmental Quality
CP10: Housing Mix
SD1: Presumption in favour of sustainable development

Placemaking Plan:

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

D1: General urban design principles
D2: Local character and distinctiveness
D.3: Urban fabric
D.5: Building design
D.6: Amenity
ED1b: Change of use and redevelopment of B1(a) Office to residential use
HE1: Historic environment
NE2: Conserving and Enhancing the landscape and landscape character
NE2A: Landscape setting of settlements
NE3: Sites, species and habitats
NE5: Ecological networks
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
- Heritage
- Landscape
- Residential amenity
- Highways matters
- Drainage and flooding
- Contaminated land
- Trees
- Ecology
- Sustainable construction
- Any other matters

PRINCIPLE OF THE LOSS OF CURRENT USE:

The proposal site comprises the property known as Frome House. The property is essentially formed of two elements. A smaller two storey element that sits at the corner of the Lower Bristol Road and Jews Lane, and a larger three storey elements that faces onto the Lower Bristol Road.

The lawful use of the smaller element of the property is office use (class E(g)). With respect to the remainder of the building, the use comprises a car tyre centre across the entirety of the ground floor (Sui generis) with the upper two floors being in office use (class E(g)).

The planning statement indicates that the existing tyre repair centre will remain as existing. The proposal seeks to convert and extend the existing office elements to student accommodation. The proposal will result in 'new build elements' fronting Jews Lane and by increasing the height of the building.

Policy ED2B has regard to Non-Strategic Industrial Premises. The policy is clear that non-strategic sites are not afforded the same level of protection as those listed in Policy ED.2A (these being Strategic Industrial Premises). The policy states that applications for residential development or other uses will normally be approved unless there is a strong

economic reason why this would be inappropriate. Given that the Bathwick tyre is to remain on site the proposal complies with Policy ED2B.

As a result of this application office space will be lost. Policy ED1B has regard to both the change of use and redevelopment of office space to residential use. The preamble to the policy set out in paragraph 486 states 'Proposals for the redevelopment of offices to a C2, C4 or sui generis residential uses do not benefit from permitted development rights... Where a proposal is for student accommodation, Policy B5 of the Core Strategy will be used in decision-taking'. Therefore, the loss of office space (to PBSA) is acceptable if the principle of the proposed PBSA is in itself acceptable. This is discussed below.

PRINCIPLE OF PROPOSED USE:

Policy B1 7a enables provision of additional on-campus student bed spaces at the University of Bath and at Bath Spa University, and new off-campus student accommodation subject to Policy B5. It is noted that over the plan period a shortfall of 640 student beds has been identified which, if not addressed, would lead to an increased pressure in the private rented sector (e.g. a greater numbers of HMOs).

Policy B5 sets out the strategic policy for universities, private colleges and their impacts. It states that proposals for off-campus student accommodation (whether in the form, C2, C4 or sui generis residential units) or teaching space will be refused within the Central Area, the Enterprise

Zone and MoD land where this would adversely affect the realisation of the vision and spatial strategy in relation to delivering housing and economic development (in respect of office, industrial, retail and hotel space).

The proposed site is not within the Central Area, the Enterprise Zone or on MoD land, therefore it is not contrary to Policy B5. The principle of purpose-built student accommodation in this location is therefore acceptable subject to other material planning consideration such as the compatibility of the use with the existing car tyre workshop being retained on site; this, and other matters relating to impact, is considered elsewhere in the report.

CHARACTER AND APPEARANCE:

The NPPF sets out that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Paragraph 127 ensures development are sympathetic to local character, including the surrounding built environment and landscape

setting. Policy D1, D2, D3 and D5 of the Placemaking Plan guide high quality design in the district; they have regard to the character and appearance of a development and its impact on the character and appearance of the wider area.

The existing site is approx. 0.1ha, located on a corner plot of Lower Bristol Road and Jews Lane. The existing site currently comprises a Bathwick Tyre company at ground floor and offices above. The existing building is of no particular architectural merit and therefore the re-design of the building is considered acceptable in principle; the principle of re-using, upgrading and extending the building is also acceptable.

Scale and Height:

The site is located in the 'Valley Floor Area' as set out by the Bath Building Heights Strategy Document. In this part of the city the Strategy sets out that 'Building shoulder height should be 4 storeys. One additional setback storey within the roofscape is likely to be acceptable.'

Following pre-application advice and the Design Review Panel process a scheme has been submitted which has been reduced in height. The proposal is now four storeys with a 5 floor being located within the mansard roof at its tallest. The current element which is two storeys will be increased to three storeys with a fourth floor provided within a mansard roof. The height is considered acceptable in terms of the Building heights strategy.

Surrounding the site is Avon buildings to the north, which is three storeys plus a steeply pitched roof, along with the Golden Fleece, another three-storey building with a pitched roof. To the North East is Lidl which is of single storey appearance. To the immediate east is Argyle Terrace, a set of two storey terraced dwellings, again with pitched roofs. To the immediate west is the single storey building of Bathwick Tyres (outside of this application site) which also has a pitched roof, further to the west is an area free from buildings which the railway line passes through. To the immediate rear of the site is a reed area followed by the railway line, followed by the two storey dwellings of Albany Road. Finally, to the South East is a site known as the Old Bakery. That site has recently secured planning permission for a four-storey building. In both direction along the lower Bristol roads there are taller buildings of four or five stories, including towards the gateway end of the Lower Bristol Road into Bath. This area of Bath is visually distinct from the Georgian City with its fragmented townscape and a variety of building heights.

The design of the building is conventional and inoffensive, horizontal detailing has been used to help break up the scale and massing of the building. Bathwick Tyres is discernible on the ground floor and this is taken along the ground floor of the smaller element on the corner with Jews Lane. The window form follows horizontal patterns, and the mansard roof provides a further horizontal break in the way the massing is read.

Given the eclectic mix of buildings and heights in this already much altered part of Bath, it is considered the scale and height is acceptable in terms of local character and the site's context.

Layout:

The proposed layout of the site is much the same as existing; the existing building footprint is retained, the built form is to extend into the south west corner of the site along Jews Lane.

The provision of an external amenity space in the form of a private courtyard at first floor level above the cycle storage area is a positive feature, and subject to appropriate detailed design will be a significant asset to the scheme. Hard and soft landscaping details can be secured by condition.

The Urban Design officer suggested tree planting. The revised ground floor plan now indicates that a specimen street tree will be provided on the Lower Bristol Road frontage, which is welcomed.

Design detail:

In terms of materials, the predominant use of Bath stone ashlar for the external elevations is appropriate, and the dark grey standing seam metal clad mansard roofs will help to reduce the perceived size of the building and help it visually recede into its surroundings.

The Urban Design officer was consulted on the application and initially raised concerns regarding the large expanse of blank wall on the South West elevation of the building. Windows have since been introduced to that elevation and the Urban Design officer considers this to be an improvement, although they did note this could have been taken further. Nevertheless, the updated plans are considered satisfactory in design detail terms.

Character and appearance conclusion:

The proposal by reason of its design, siting, scale, massing, layout and materials is acceptable and contributes and responds to the local context and maintains the character and appearance of the surrounding area. The proposal accords with policy CP6 of the adopted Core Strategy (2014) and policies D1, D2, D3, D4 and D5 of the Placemaking Plan for Bath and North East Somerset (2017) and paragraph 17 and part 7 of the NPPF.

LANDSCAPE:

The development engages with Placemaking Plan policies NE2 (Conserving and Enhancing the Landscape and Landscape Character), NE2A (Landscape Setting of Settlements) and Core Strategy policy B4 (World Heritage Site).

Policy NE2 requires that proposals with potential to impact on the landscape/townscape character of an area or on views to be accompanied by a Landscape and Visual Impact Assessment (LVIA) undertaken by a qualified practitioner to inform the design and location of any new development. The application is supported by a Landscape and Visual Impact Assessment dated August 2021 produced by The Richards Partnership which is welcomed. The council's Landscape officer has been consulted on the application.

The immediate landscape setting of the site is the urban city scape. The green hillside forms the wider landscape setting to the west and north. The landscape conclusions of the LVIA are broadly accepted. It is not considered that there would be a landscape harm to the urban city scape setting given that the proposal would integrate with the city and would not be particularly discernible from the wider city.

In the immediate locality the LVIA identifies that there would be some minor adverse impacts given that the building would present one of the taller elements within the immediate setting, a point that would be apparent from close up. Clearly any building change would be more perceivable up close, and the building will have a height determined as acceptable in this 'Valley Area' of the city. The building will be read as that

of a standard building expected within a mix use city location. Overall, this is minor impact is not considered to be grounds for refusal.

Finally, the impact on the wider green hillside setting needs to be considered. The LVIA concludes that there will be some minor harm through the loss of views over the site to the green hillside, however this will only be at certain angles. The LVIA shows, particularly in Viewpoint 2, that the green hillside will still be visible surrounding the building and in long views. The dark grey mansard roof will help the building visually recede into the hill side surroundings in views also.

As discussed in the character and appearance section above, hard and soft landscape details, including external railings and a detailed design for the proposed external amenity space (first floor private terrace), can be secured via appropriate landscape conditions.

Notwithstanding the fact that some minor adverse landscape and visual effects have been identified, the overall conclusion of the LVIA that this is a high-quality functional design that would not be out of context within the immediate streetscape or be detrimental to the wider city and is supported by the Landscape officer. Overall the proposal is considered to have an acceptable landscape impact and as such complies with Policy NE2 of the Placemaking Plan as well as the NPPF.

HERITAGE:

Policies CP6 of the Core Strategy, HE1 of the Placemaking plan and section 16 of the NPPF have regard to Heritage. Policy HE1 requires development that has an impact upon a heritage asset, whether designated or non-designated, to preserve or enhance its significance and setting.

Frome House is located within the Bath World Heritage Site. The site is just outside the designated conservation area but within its setting. The site is in close proximity to a number of Grade II listed buildings, mostly located to the west, along with some buildings identified as non-designated heritage assets. Each heritage asset will be discussed in turn.

Listed Buildings:

The cabinet makers factory now Lidl supermarket is a grade II listed building. Avon House which now forms part of MacDonalD's is also a grade II listed building. A little further to the west at the junction of Lower Bristol Road and Twerton High Street the Twerton Viaduct, the Old Station House and arches 1-13 are listed.

The Conservation Officer has been consulted on the scheme and has raised concerns that the proposal would have a harmful impact on the setting of the nearby listed buildings, these concerns derive from the proposed height of the buildings.

The closest listed building is the cabinet makers factory now Lidl, this is around 50m away on the opposite side of the road. The building is low lying and appears single storey from the street scene. It is true that that it is the shortest building in the area. The factory was built in 1967 and listed in 2007. It derives its significance from the evidential and historical values of its built form, albeit diminished by the commercial advertisement and clear

alteration of its architectural style. The former factory experiences a range of building heights surrounding it as well as architectural styles. The proposed height increase of Frome House is not considered to alter the current experienced setting, it will simply echo the existing setting of varied heights and architectural style. Additionally, Frome House's location further to the south-west of the asset means that there will be limited changes to views either to or from the asset, and no views will be blocked.

The next nearest listed building is the Grade II Listed Avon House, currently a Macdonald's. It derives its significance from its evidential and historical values, with a more limited contribution made by aesthetic value. Similarly, to the above the experience of the setting of the asset is a variety of built form. Its location further to the east of the asset means that there will be limited changes to views either to or from the asset, and no views will be blocked.

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 as well as part 16 of the NPPF.

Conservation Area:

The site is located around 150m from the conservation area boundary. There is built form between the site and the conservation area limiting directing views to the site from the Conservation area and vice versa. The site could be described as forming part of the setting of the Conservation area and the increase in height of just over 4m will mean that there will potentially be some views of the proposed building from the conservation area. Nevertheless, the site is not considered to contribute to the conservation area's significance, neither enhancing nor detracting from its appearance, experience and understanding and no key views to or from the Conservation Area will be blocked or changed as a result of the proposals

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) as well as Part 12 of the NPPF.

World Heritage Site:

The proposed development is within the World Heritage Site (WHS); therefore consideration must be given to the effect the proposal may have on the setting of the

World Heritage Site. The green setting of the city, being as it is in a hollow/bowl within the surrounding hills, was one of the reasons for it being inscribed by UNESCO as a World Heritage Site; this green setting is one of the key attributes of its 'Outstanding Universal Value'.

The impact on the City of Bath World Heritage Site is not addressed in the LVIA. Potential impact on the WHS is considered in the Historic Environment Assessment (by Cotswold Archaeology, Aug 2021), which concludes that there will be 'negligible harm to the WHS' and 'no harm to the significance of the WHS', but does not appear to have considered the loss of views of green hillsides and wooded skylines that contribute to the Outstanding Universal Value of the WHS. The loss of such views is acknowledged in the LVIA, although the significance of this to the WHS is not addressed.

The LVIA shows that the proposal will result in some small loss of views out towards the green hillside. It is important to note that in all parts of the City depending on your location and proximity to built form views of the green hillsides are blocked or limited. Here the LVIA shows that views of the surrounding green hillsides will continue to be available from vantage points immediately adjacent to the site and will be unaffected by this development. The further you move away from the development the more green-hillside will be visible above the roofline. The proposal is therefore considered to lead to very minor, if not negligible, harm to one of the outstanding values and therefore the WHS significance.

Non-designated Heritage Assets:

The Conservation Officer has identified the Golden Fleece and The Seven Stars as non-designated heritage assets.

The terrace on the other side of Lower Bristol Road which includes two public houses should be considered a non-designated heritage asset. Both buildings are recorded on the Bath Historic Environment Record ('HER'). The HER does not record any particular architectural or historical values or setting. It is considered their significance derives from the architectural features and public house use. The setting of these buildings is the existing street which is made up of a variety of buildings and use classes, along with the main road, a busy thoroughfare. The buildings physical form and functions will remain unaltered, and no views of the assets will be changed or blocked due to the Site's location on the opposite side of the road

It is concluded that the proposed works to Frome House, including the increased building height, will not harm any of the aspects of heritage interest which comprise the heritage significance of non-designated heritage assets in the vicinity of the Site.

Archaeology:

South West Heritage Trust, the Council's Archaeological consultants, have been consulted on the scheme and confirmed that based on the results of the submitted Heritage Statement there are limited or no archaeological implications to this proposal and have therefore raised no objections on archaeological grounds.

Heritage conclusion:

The proposal is considered to at least preserve the setting of the surrounding listed buildings, conservation area and non-designated heritage assets. The proposal is considered to result in very minor harm to one of the outstanding values of the WHS, in the words of the NPPF this can be described as being at the very lower end of less than substantial harm. The NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The scheme's public benefits, and the associated balancing exercise, are addressed in the planning balance section below.

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 proposal is located in a mixed-use area. To the east, on the opposite side of Jews Lane are residential dwellings and student accommodation. To the north are a mix include commercial uses such as The Golden Fleece Pub. To the south is the railway line with residential uses beyond that, and to the west is Bathwick Tyres. Therefore, the main dwellings potentially affected by the development are those to the east known as Argyle Terrace.

Number 26 is the end terrace dwelling located closest to the site. There is already built form on the site as discussed and windows which face onto Jews Lane, the proposal will increase the height of the existing building on the corner of Jews Lane by approximately 4.6m. The proposal is around 12m from the side elevation of number 26 separated by the road, and around 10m from the boundary at its closest point. Given the windows in the additional third floor will be set higher than Argyle Terrace there will be no direct overlooking, and the fourth floor is set back within the mansard roof, obscuring the angle further. The new extension to the southwest corner of the site will introduce some additional windows however given the existing situation, the fact that overlooking is expected in residential city areas to a degree, and the road separation it is not considered that the residential amenity of number 26 will be significantly adversely impacted to warrant refusal. Further east from 26 the impact reduces further.

The Environmental Protection Team have been consulted on this application, they have raised no objection subject to conditions. They note that the proposed residential accommodation will be impacted by noise from road traffic and existing Bathwick Tyres (during operational hours) accordingly mitigation is required as part of its design, and a post construction noise assessment is required by condition.

Future occupiers of the development are considered to have satisfactory amenity, additionally an area of private outdoor amenity space has been provided to the rear, along with general facilities such as cycle stores and waste storage.

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.

Proposal / Application History

The site is situated at the junction of Jews Lane, an unclassified Highway subject to 20mph speed limit and the A36 Lower Bristol Road subject to a 30mph speed limit. Opposite Jews Lane, Fielding's Road provides access to Lidl supermarket, as well as leading to a footbridge over the River Avon.

Accessibility / Public Transport / Walking / Cycling:

The application is supported by a Transport Statement and a Travel Plan prepared by Jubb Consulting Engineers Ltd (August 2021). The documents identify the site as highly accessible located within walking and cycle distance of a range of day-to-day services as well as educational establishments. The site is also located within walking distance of Oldfield Park rail station.

Trip impact / Highway and Transport capacity:

Section 6.3 of the transport statement considers the forecast trip generation of the site. The existing land use as B1 office will cease, although it has not been quantified it would have potential to produce a significant number of trips in the peak hours.

The proposed development is forecast to generate up to 12 two-way trips in the am and pm peak hours. Over a 12-hour period there would be an estimated 105 two-way trips. As the development is proposed to be 'car free', cars have been excluded from the analysis and applied to the other modes. The primary mode of transport is forecast to be walking followed by bus, train, cycling and finally taxis.

Because no trip generation has been calculated for the existing land use it is difficult to estimate the net trip impact of the development. Because the development is 'car free', vehicle trips will be restricted to taxis, deliveries and servicing of the site. The development is likely to lead to a reduction in vehicle movements to/from the site when compared to the former use.

While the number of trips associated with other modes may increase, the facilities for walking cycling and public transport would not be significantly impacted by this scale of trips.

Access / Layout / Highway Safety/ Servicing / Emergency vehicles:

Pedestrian access to the site would be from the footway on Lower Bristol Road. To the side of the site on Jews Lane there will be vehicle access car parking and access to the cycle store and bin store via an extended dropped kerb footway crossover.

The revised plans do not show any details of any changes to existing dropped kerb footway crossover. The proposed Ground Floor Plan indicates that the new vehicle access will be extend a short distance further north along Jews Lane than the existing gateway. Although the kerb stones are already at a low level, the section of footway north of the existing access footway may not have been constructed to carry vehicle traffic. Any works to the footway and dropped kerbs which would require a licence from the Highway Authority.

The Transport Statement includes a review of injury accident data for the preceding five years. While there are a number of accidents in the vicinity of the site there does not appear to be any pattern of accidents which would be exacerbated by the development. It is further noted that the development is likely to reduce the number of vehicle trips associated with the site.

The Travel Plan and Transport Statement have been updated to reflect the revised Ground Floor Plan W0653-0200 Rev F. The revised Plans also includes changes to deliveries, student move in/out strategy, car parking and cycle parking which are now all satisfactory and the Highways team have no longer raised concerns. As the site has direct highway frontage, emergency vehicles can readily access the site.

Car Parking / Cycle Parking/ EV charging:

The proposed student accommodation will be car-free and enforced by tenancy agreements which complies with the standards identified in the PMP. One disabled parking space is proposed. In line with the PMP, B&NES Parking Strategy and national policy the disabled parking space should be provided with at least passive provision for electric vehicle charging.

Secure cycle parking for 40 cycles is proposed in a store to be accessed from Jews Lane. The proposed number of cycles exceeds the minimum parking standard of 0.33 spaces/student plus 1 stand per 5 staff. The original stands were two tier, this type of cycle storage is not easily accessible to anyone with a non-standard bike, or with mobility problems. The national LTN 1/20 guidance says that as with car parking, a proportion of the cycle parking (typically 5%) should be provided for non-standard cycles to accommodate people with mobility impairments. This has now been achieved by replacing some of the two -tier stands with Sheffield stands. In addition, electric charging points are provided for e-bikes and scooters.

Student Management Plan:

The application submission includes a Student Management Plan which covers pick-up/drop-off arrangements and parking.

The applicant proposes that the tenancy agreement would include a clause prohibiting students from bringing a car within 1km of the site. This would be supported by:

- o information in Welcome Handbook, property induction and welcome meeting;
- o the on-site management team would undertake daily checks; and
- o enforcement action.

This strategy is consistent with other similar purpose-built student accommodation in the area.

Initially the applicant proposed that the disabled parking bay was temporarily re-purposed for student pick -up drop off for two weekends/year. Highways were concerned that this undermines the disabled parking provision, which should be available for disabled students/staff at all times. Servicing and drop-off arrangements have been revised to provide an additional drop off/pick up space to avoid compromising the disabled parking provision or transferring unmet demand to the highway.

Waste:

In compliance with B&NES 'Waste Planning Guidance', crews will not be required to manoeuvre bins more than 12m to the refuse vehicle from the waste collection points. An updated layout has been provided to show sufficient space for a Mini Recycling Centre (see Section 5 of the B&NES Waste and Recycling Planning Guidance). This includes: 1x 1100l (for refuse); 1 x 1100L bin and 6 x 360L bins (for dry recycling); and 2 x 140L bins (food waste recycling).

Travel Plan:

The Travel Plan submitted with the scheme has been revised over the course of the application and is now considered acceptable. In this situation a legal agreement will be used to secure the implementation of the proposed plan.

Construction Management Plan

Due to the scale of the development and site location, a Construction Management Plan (CMP) will be required to be submitted to and approved by the LPA prior to commencement of the development and this is secured by planning condition. The CMP must include details of deliveries (including storage arrangements and timings), contractor parking, traffic management protection of highway assets, working hours, site opening times, wheel wash facilities and site compound arrangements. The CMP will also need to set out how the developer will always maintain safe pedestrian access outside the development.

A highway condition survey will also be required and as stated above the footway outside the development will require resurfacing following construction.

Highways Summary:

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.

DRAINAGE AND FLOODING:

Policy CP5 has regard to Flood Risk Management; it says that 'All development will be expected to incorporate sustainable drainage systems to reduce surface water run-off and minimise its contribution to flood risks'. The site is located in Flood Zone 1 (low risk).

The Drainage and Flooding Team have been consulted on the application and have raised no objection.

It is noted that a surface water drainage strategy based on sustainable drainage principles is required and this will be secured by condition. Surface water is to be fully managed within the site for all events up to and including the critical 1in100+40% storm event and not allowed to discharge onto the adjacent highways. The proposal is considered to accord with policy CP5 and the NPPF.

CONTAMINATED LAND:

Policy PCS5 of the Placemaking Plan has regard to contamination. It states development will only be permitted where the proposal would not cause significant harm or risk of significant harm to health or the environment due to contamination amongst other things.

The Contaminated Land officer has been consulted on the scheme. It is noted that there is potentially contaminative historical uses of the site as a timber yard, along with railway land with further railway land to the south and the current use as a garage.

The existing building is being converted and extended as such a condition will be added for the reporting of any unexpected contamination.

The proposal accords with Policy PCS5 of the Placemaking Plan and the NPPF.

TREES:

Policy NE6 has regard to Trees and Woodland Conservation, it seeks to avoid adverse impact to trees.

The Council's Arboricultural Officer has been consulted on the scheme. It is noted that there are no on-site trees. The tree officer has commented that a closeby offsite hawthorn may require removal as a result of the scheme, subject to the agreement of the landowner, however no objection is raised as a result of this given the tree is not protected nor in a conservation area. No conditions have been recommended as none are considered necessary. The proposal is considered to accord with Policy NE6 and the NPPF in respect of arboricultural matters.

ECOLOGY:

Policy NE3 has regard to Site Species and Habitats, it says that development that would adversely affect, directly or indirectly, internationally or nationally protected species and/or their habitats will not be permitted. The council ecologist has been consulted on the scheme and there is no ecological objection in principle to this application.

Sites, Species and Habitats:

The site is not in close proximity to any sites designated for their nature conservation value, including being located over 100m to the south of the River Avon. The vegetated railway line 30m to the south is likely to be a habitat corridor, but can reasonably be protected from indirect impacts by a Construction Environmental Management Plan and sensitive external lighting strategy in accordance with ILP 2018 guidance

A biodiversity net gain calculator (small sites metric) has been submitted. This indicates that the site comprises 2m² of ruderal/tall herb habitat and the remainder of the site is hardstanding; a detailed habitat survey is therefore not required.

A walkover by a suitably qualified ecologist has been completed. Following a request for further information a letter report produced by All Ecology in October 2021 was submitted, the findings are welcomed, and it provides the results of a scoping survey for bats and birds. Although no internal inspection was carried out, the building was well-sealed and as such considered to offer negligible potential for roosting bats. In addition, no evidence of nesting birds was found. These results are accepted.

Biodiversity Net Gain:

All schemes should achieve measurable biodiversity net gain to meet the NPPF, Policy NE3 of the PMP, and emerging government policy.

A BNG Small Sites Metric has been submitted which demonstrates a net gain of 214%. As the development will have a residential function, arguably the standard Defra metric (V3.0) would apply. As the site appears to comprise only 2m² of any semi-natural habitat, any version of the metric is considered to conclude an overall net habitat gain. Native/beneficial species should be used in planters.

Ecology Conclusion:

The proposal is considered to comply with Policy NE3 of the Placemaking Plan along with the NPPF.

PARKS AND GREEN SPACE:

Policy LCR6 sets out that 'where new development generates a need for additional recreational open space and facilities which cannot be met on-site or by existing provision, the developer will be required to either provide for, or to contribute to the provision of accessible sport and recreational open space and/or facilities to meet the need arising from the new development in accordance with the standards set out in the Green Space Strategy, and Planning Obligations SPD or successor documents'.

Onsite public open greenspace is not proposed and is not practical, therefore the development is reliant on existing or new off-site provision for the recreational needs of the residents. The Parks & Green Spaces Service Team have been consulted and provided below an assessment of green space demand generated from the proposal.

The development site is in the vicinity the Brickfields project, the green space demands generated from the development can be met through a S106 payment towards these

projects. The capital cost of providing Parks & Recreation Grounds is £936 per person. The number of student units proposed has reduced to 66 and therefore the calculation of the S106 request is: 66 residents X £936 = £61,776

The Parks & Green Spaces Department has therefore raised no objection to this application subject to a S106 agreement securing a payment of £61,776 to greenspace enhancement projects in the local area in order to ensure compliance with policy LCR6 as well as the Planning Obligations SPD (amended August 2019). The applicant has agreed to the financial contribution and as such the proposal is considered to comply with policy LCR6 and LCR9 of the Placemaking Plan and the NPPF.

PLANNING OBLIGATIONS:

In addition to the CIL contribution that will be generated by the proposal as well as the aforementioned offsite public open space contribution of £61,776, a local targeted recruitment and training package (including a commuted sum payment of £6,380) will be required; this has been agreed by the applicant.

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) be submitted with relevant applications evidencing that the prescribed standards have been met.

The proposal falls within track three development, 'Medium scale or Larger works to Existing buildings'. For this type of development there is a requirement of a 10% reduction in CO2 emissions from renewables, or from energy efficiency if renewables are not suitable for the existing building. In this case the submitted SCC shows that a 10% CO2 emissions reduction has been achieved from energy efficiency and/or renewables. Therefore, the proposed development is compliant with Policy CP2 in this instance.

PLANNING BALANCE AND CONCLUSION:

To reiterate the proposal is considered to at least preserve the setting of the surrounding listed buildings, conservation area and non-designated heritage assets. The proposal is considered to result in very minor harm to one of the outstanding values of the WHS, in the words of the NPPF this can be described as being at the very lower end of less than substantial harm. It is noted that no other harms resulting from other policy considerations are identified.

The NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The public benefits of the scheme are considered to include the following:

- Contribution the proposed development would make to addressing the shortfall of PBSA in Bath whilst avoiding growth in the student letting market in accordance with policy B1
- Potential 'freeing-up' of HMO's
- CIL receipts and planning obligation contributions
- Temporary job creation from construction
- Biodiversity net gain
- Reduction in carbon emissions through sustainable construction

In this instance it is considered that the public benefits listed above, cumulatively, outweigh the very minor (less than substantial) harm identified to the World Heritage site.

It is therefore considered that the proposal complies with the NPPF and Policy HE1 of the Placemaking Plan, along with the other relevant planning policies as outlined above and as such the proposal is recommended for approval.

RECOMMENDATION

PERMIT

CONDITIONS

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

1. a financial contribution of £61,776 towards off-site greenspace enhancement projects; and
2. a local targeted recruitment and training package (including a commuted sum payment of £6,380)

B.) Subject to the prior completion of the above agreement, authorise the Head of Planning to PERMIT subject to the following conditions:

1 Standard Time Limit (Compliance)

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

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

2 Surface Water Drainage (Pre-commencement)

No development shall commence, except ground investigations and remediation, until a surface water drainage strategy based on sustainable drainage principles has been submitted to the Local Planning Authority and given written approval. The development shall commence in accordance with the detail so 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 Placemaking Plan.

3 Indoor acoustic insulation (Pre-Occupation)

On completion of the development but prior to any occupation of the approved development, the applicant shall submit to and have approved in writing by the local planning authority, an assessment from a competent person to demonstrate that the development has been constructed to provide sound attenuation against external noise. The following levels shall be achieved: Maximum internal noise levels of 35dBLAeq,16hr and 30dBLAeq,8hr for living rooms and bedrooms during the daytime and night time respectively. For bedrooms at night individual noise events (measured with F time-weighting) shall not (normally) exceed 45dBLAmax.

Reason: In order to protect the residential amenity of future occupants in accordance with policy D6 of the Bath and North East Somerset Placemaking Plan.

4 Construction Environmental Management Plan (Pre-commencement)

No development shall take place (including demolition, ground works, or vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include, as applicable, a plan showing exclusion zones and specification for fencing of exclusion zones; details and specifications of all necessary measures to avoid or reduce ecological impacts during site clearance and construction; findings of update surveys or pre-commencement checks of the site; and details of an ecological clerk of works. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: to avoid harm to foraging/commuting bats before and during construction
NB The above condition is required to be pre-commencement as it involves approval of measures to ensure protection of the railway line wildlife corridor that would be otherwise harmed during site preparation and construction phases.

5 Wildlife Enhancement Scheme (Pre-Commencement)

No development shall take place until full details of a Wildlife Enhancement Scheme have been submitted to and approved in writing by the local planning authority. These details shall include proposals for implementation of wildlife enhancement measures, including wildlife-friendly planting / landscape details; provision of integrated bat boxes and 10 swift bricks, with proposed specifications and proposed numbers and positions to be shown on plans as applicable.

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

Reason: To provide biodiversity gain in accordance with Policy NE3 of the Bath and North East Somerset Local Plan.

6 External Lighting (Bespoke Trigger)

No new external lighting shall be installed, until full details of the proposed lighting design have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

- o Lamp models and manufacturer's specifications, positions, numbers and heights; and
- o Measures to limit use of lights when not required, to prevent upward light spill and to prevent light spill onto nearby vegetation and adjacent land (particularly the railway line).

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

Reason: To avoid harm to bats using the vegetated railway line in accordance with Policy CP6 of the Bath and North East Somerset Core Strategy and Policies NE3 and D8 of the Bath and North East Somerset Placemaking Plan.

7 Ecological Follow-up Statement (Pre-occupation)

No occupation of the development hereby approved shall commence until an Ecological Follow-up Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall confirm and demonstrate, using photographs, the completion and implementation of all measures of the approved ecological enhancement scheme in accordance with approved details.

Reason: To demonstrate adherence to the approved ecological enhancement scheme, in accordance with NPPF and Policies NE3 & D5e of the Bath and North East Somerset Local Plan.

8 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 demolition, deliveries (including storage arrangements and timings), contractor parking, traffic management, working hours, site opening times, wheel wash facilities, a local highway condition survey and site compound arrangements. The scheme shall also specify the sound power levels of the equipment, their location, and proposed mitigation methods to protect residents from noise and dust. 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.

9 Bicycle Storage (Pre-occupation)

No occupation or use hereby permitted shall commence until bicycle storage for at least 34 bicycles have been provided in 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: In the interest of encouraging sustainable travel methods in accordance with Policy ST1 of the Bath and North East Somerset Placemaking Plan

10 Car Parking (Compliance)

The areas allocated for parking, as indicated on submitted Proposed Ground Floor Plan W0653-0200 Rev F 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 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.

11 Student Move-in/Move-out Strategy (Pre-Occupation)

No occupation of the proposed development shall take place until submission of a proposed Student Move-in/Move-out Strategy (referred to in the Transport Statement and Travel Plan) has been submitted to and approved by the local planning authority. The accommodation shall be managed and operated thereafter in accordance with the strategy so approved.

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.

12 Landscape Design Proposals (Bespoke Trigger)

No development beyond slab level shall take place until full details of both hard and soft landscape proposals and programme of implementation have been submitted to and approved by the local planning authority. These details shall include, as appropriate:

1. Proposed finished levels or contours
2. Means of enclosure
3. Car parking layouts
4. Other vehicle and pedestrian access and circulation areas
5. Hard surfacing materials
6. Minor artefacts and structures (eg outdoor furniture, play equipment, refuse or other storage units, signs, lighting)
7. Proposed and existing functional services above and below ground (eg drainage, power, communication cables, pipelines, etc, indicating lines, manholes, supports etc)
8. Retained historic landscape features and proposals for restoration, where relevant

Soft landscape details shall include:

1. Planting plans
2. Written specifications (including cultivation and other operations associated with plant and grass establishment)
3. Schedules of plants, noting species, planting sizes and proposed numbers / densities

Reason: To ensure the provision of amenity and a satisfactory quality of environment afforded by appropriate landscape design, in accordance with policies D1, D2, D4 and NE2 of the Bath and North East Somerset Placemaking Plan.

13 Implementation of Landscaping Scheme (Bespoke Trigger)

All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme of implementation agreed in writing with the local planning authority.

Any trees or plants indicated on the approved scheme which, within a period of 10 years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the current or first available planting season with other trees or plants of species, size and number as originally approved unless the local planning authority gives its written consent to any variation. All hard and soft landscape works shall be retained in accordance with the approved details for the lifetime of the development.

Reason: To ensure that the landscape works are implemented and maintained to ensure the continued provision of amenity and environmental quality in accordance with policies D1, D2 and NE2 of the Bath and North East Somerset Placemaking Plan

14 Roofing Materials (Bespoke Trigger)

No construction of the roof of the development shall commence until a schedule and samples of all external roofing materials has been submitted to and approved in writing by the local planning authority. The development shall thereafter be undertaken in accordance with the approved details.

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

15 Sample Panel - Walling (Bespoke Trigger)

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

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

16 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 for approval to the local planning authority together with the further documentation listed below:

1. Table 2.1 Energy Strategy (including detail of renewables)
2. Table 2.2 Proposals with more than one building type (if relevant)
3. Table 2.4 (Calculations);
4. Building Regulations Part L post-completion documents
5. Microgeneration Certification Scheme (MCS) Certificate/s (if renewables have been used)

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).

17 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.

18 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.

19 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:

07 Sep 2021	W0653-0100a	Existing Site And Roof Plan
07 Sep 2021	W0653-0111a	Existing Ground Floor Plan
07 Sep 2021	W0653-0112a	Existing First Floor Plan
07 Sep 2021	W0653-0113a	Existing Elevations Page 1
07 Sep 2021	W0653-0114a	Existing Elevations Page 2
07 Sep 2021	W0653-0201c	Proposed First Floor
07 Sep 2021	W0653-0204d	Proposed Fourth Floor
07 Sep 2021	W0653-0000a	Site Location Plan
25 Oct 2021	W0653-0150c	Proposed Site And Roof Plan
25 Oct 2021	W0653-0202d	Proposed Second Floor
25 Oct 2021	W0653-0203d	Proposed Third Floor
25 Oct 2021	W0653-0300d	Proposed North West Elevation
25 Oct 2021	W0653-0301d	Proposed East Elevation
25 Oct 2021	W0653-0302e	Proposed South East Elevation
25 Oct 2021	W0653-0303e	Proposed South West Elevation
25 Oct 2021	W0653-0400d	Proposed Sections
22 Nov 2021	W0653-0200f	Proposed Ground Floor

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 - General Note for all Development

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. CIL may apply to new developments granted by way of planning permission as well as by general consent (permitted development) and may apply to change of use permissions and certain extensions. **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 any development commences**.

Do not commence development until you have been notified in writing by the Council that you have complied with CIL; failure to comply with the regulations can result in surcharges, interest and additional payments being added and will result in the forfeiture of any instalment payment periods and other reliefs which may have been granted.

Community Infrastructure Levy - Exemptions and Reliefs Claims

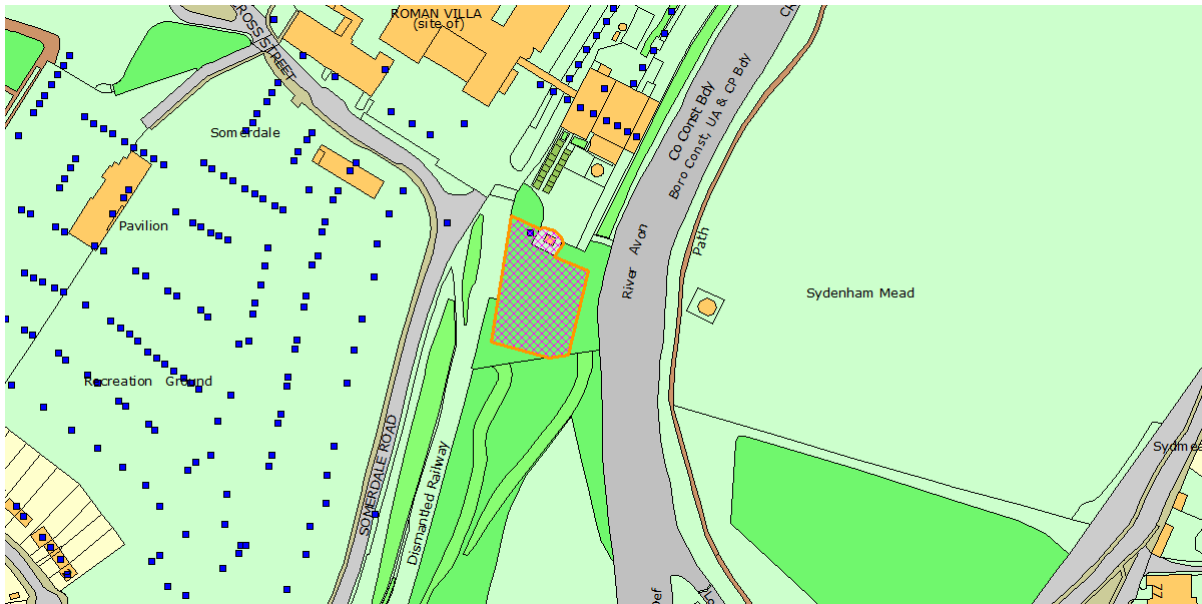
The CIL regulations are non-discretionary in respect of exemption claims. If you are intending to claim a relief or exemption from CIL (such as a "self-build relief") it is important that you understand and follow the correct procedure **before** commencing **any** development on site. You must apply for any relief and have it approved in writing by the Council then notify the Council of the intended start date **before** you start work on site. Once development has commenced you will be unable to claim any reliefs retrospectively and CIL will become payable in full along with any surcharges and mandatory interest charges. If you commence development after making an exemption or relief claim but before the claim is approved, the claim will be forfeited and cannot be reinstated.

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. If you have any queries about CIL please email cil@BATHNES.GOV.UK

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: 02
Application No: 21/04507/FUL
Site Location: Proposed Cafe 223 Trajectus Way Keynsham Bath And North East Somerset



Ward: Keynsham North **Parish:** Keynsham Town Council **LB Grade:** N/A

Ward Members: Councillor Brian Simmons Councillor Vic Clarke

Application Type: Full Application

Proposal: Erection of no. 4 dwellings (Use Class C3) and associated works

Constraints: Agricultural Land Classification, British Waterways Major and EIA, British Waterways Minor and Householders, Coal - Standing Advice Area, Contaminated Land, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Flood Zone 2, Flood Zone 3, Policy LCR5 Safeguarded existg sport & R, LLFA - Flood Risk Management, Policy NE1 Green Infrastructure Network, Policy NE2A Landscapes and the green set, Policy NE3 SNCI, Policy NE5 Ecological Networks, Neighbourhood Plan, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,

Applicant: Taylor Wimpy

Expiry Date: 18th February 2022

Case Officer: Isabel Daone

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

REPORT

This application was referred to the Chair and Vice Chair of the Planning Committee because the case officer's recommendation (permission subject to conditions) is contrary to the comments of Keynsham Town Council, who have objected to the scheme. Both the Chair and Vice Chair stated that the application should be debated and decided by the Planning Committee. Their comments are as follows:

CHAIR: Committee

"I have reviewed this application and note the objections from Keynsham Town Council and other 3rd parties. The officer has worked with the applicant to ensure policy compliance and this has resulted in a number of conditions being attached to the decision. However, because of the perceived need and expectation of residents that a "small local needs retail" would be placed on this site, I think it is worth having a debate on this matter at the planning committee which will allow residents to have a public voice."

VICE CHAIR: Committee

"I have read this application carefully including all comments from both third party & statutory consultees including KTC objections.

The applicant & Officers have worked together to address concerns raised & conditions are suggested to ensure relevant policy requirements, which it has been assessed against, are met.

The proposal is clearly controversial & although points raised have been considered in the assessment of the application, I recommend the application be determined by the planning committee so any outstanding issues can be debated in the public arena."

The application will therefore be decided by the Planning Committee.

Details of location and proposal and Relevant History:

The application refers to a plot of undeveloped land location on the Somerdale Allocation Site, within the Keynsham Housing Development Boundary. The plot of land forms part of a larger parcel, part of which has permission for residential development granted in 2014. The development is for the erection for 4no. dwellinghouses and associated works. One of the dwellings is proposed to be affordable.

Relevant Planning History:

13/01780/EOUT

APP - 19 February 2014

Hybrid planning application for the mixed use development of the former Cadburys Factory site, Somerdale, Keynsham (including part demolition of existing buildings) comprising:

a) Outline application for up to 433 dwellings, 60 bed care home (C2 use) primary school (D1 use) local

centre to include creche and medical facility (D1 use) and retail (A1, A3, A4, A5 uses) cafe/restaurant (A3

use) and associated roads, infrastructure (including flood protection measures), landscaping, new wildlife

areas, open space and cycle/footways. All matters except Access reserved.

b) Detailed application for the erection of 154 dwellings, change of use of Block A for up to 113 apartments, highway works at Somerdale Road/Station Road, social and sports pavilion (new Fry Club), new sports pitches, relocation of groundsmans hut, alterations to factory buildings B and C for employment use (B1) leisure (D2 uses) and retail (A3, A4 and A5 uses) including use of existing basements for car parking and associated surface level parking, access roads, landscaping and associated infrastructure, engineering works to Chandos Road and associated landscaping, extension to station overspill car park, surface water attenuation pond and outfall to the River Avon.

14/05811/EFUL

PERMIT - 2 April 2015

Full planning permission for the partial demolition, change of use and extension of Building B to a 135 unit care home use (C2, the partial demolition, extension and use of Block C for employment use (B1) alongside the erection of 30 dwellings (open market and affordable) at the site of a previously approved care home including the use of existing basements for car parking (Buildings B and C), associated surface level parking, access roads, landscaping and associated infrastructure. Works altering planning approval 13/01780/EOUT as approved on 19th February 2014.

15/01661/ERES

PERMIT - 30 December 2015

Approval of reserved matters in relation to application 13/01780/EOUT for the development of 208 dwellings, Somerdale Green, Fry Club Square, Avon View Green and Riverside Path.

16/00786/COND

RF - 20 September 2016 - Discharge of condition 23 of application 13/01780/EOUT (Hybrid planning application for the mixed use development of the former Cadburys Factory site, Somerdale, Keynsham (including part demolition of existing buildings) comprising:

a) Outline application for up to 433 dwellings, 60 bed care home (C2 use) primary school (D1 use) local centre to include creche and medical facility (D1 use) and retail (A1, A3, A4, A5 uses) cafe/restaurant (A3 use) and associated roads, infrastructure (including flood protection measures), landscaping, new wildlife areas, open space and cycle/footways. All matters except Access reserved.)

16/01253/COND

DISCHG - 7 April 2016

Discharge of condition 35 of application 13/01780/EOUT (Hybrid planning application for the mixed use development of the former Cadburys Factory site, Somerdale, Keynsham (including part demolition of existing buildings)

16/01394/COND

DISCHG - 2 June 2017

Discharge of conditions 6, 10, 18, 19, 20, 21, 22, 26, 39, 40, 41, 43, and 46 of application 13/01780/EOUT (Hybrid planning application for the mixed use development of the former Cadburys Factory site, Somerdale, Keynsham (including part demolition of existing buildings)

16/03205/COND

SPLIT - 19 August 2016

Discharge of conditions 10, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 28, 39, 40, 41, 43, 44 and 45 of application 13/01780/EOUT (Hybrid planning application for the mixed use development of the former Cadbury Factory site, Somerdale, Keynsham (including part demolition of existing buildings)

16/03791/COND

DISCHG - 25 October 2016

Discharge of condition 11 of application 13/01780/EOUT (Hybrid planning application for the mixed use development of the former Cadburys Factory site, Somerdale, Keynsham (including part demolition of existing buildings)

16/05881/COND

DISCHG - 31 March 2017

Discharge of condition 13 of application 13/01780/EOUT (Hybrid planning application for the mixed use development of the former Cadburys Factory site, Somerdale, Keynsham (including part demolition of existing buildings)

17/00844/COND

DISCHG - 23 May 2017

Discharge of conditions 24 and 27 of application 14/05811/EFUL (Full planning permission for the partial demolition, change of use and extension of Building B to a 135 unit care home use (C2, the partial demolition, extension and use of Block C for employment use (B1) alongside the erection of 30 dwellings (open market and affordable) at the site of a previously approved care home including the use of existing basements for car parking (Buildings B and C), associated surface level parking, access roads, landscaping and associated infrastructure. Works altering planning approval 13/01780/EOUT as approved on 19th February 2014.)

17/02419/COND

DISCHG - 3 July 2017

Discharge of conditions 39,40,41,43 of application 13/01780/EOUT (Hybrid planning application for the mixed use development of the former Cadburys Factory site, Somerdale, Keynsham (including part demolition of existing buildings)

17/04526/D6A

DISCHG - 4 October 2017

Application to discharge Part 3, Paragraph 3.7 - Practical completion of the construction of the Primary School by the Owner in accordance with the approved Primary School Specification attached to planning permission 13/01780/EOUT

18/02991/COND

SPLIT - 2 October 2019

Discharge of conditions 6,10,18,19,20,21,22,26,39,40,41,42,43 and 46 of application 13/01780/EOUT (Hybrid planning application for the mixed use development of the former Cadburys Factory site, Somerdale, Keynsham (including part demolition of existing buildings)

18/04790/COND

DISCHG - 7 November 2018

Discharge of condition 13 of application 13/01780/EOUT (Hybrid planning application for the mixed use development of the former Cadburys Factory site, Somerdale, Keynsham (including part demolition of existing buildings)

19/02331/COND

SPLIT - 13 September 2019 - Discharge of condition 23 of application 13/01780/EOUT (Hybrid planning application for the mixed use development of the former Cadburys Factory site, Somerdale, Keynsham (including part demolition of existing buildings)

20/04104/COND

DISCHG - 3 May 2021

Discharge of condition 23 of application 13/01780/EOUT (Hybrid planning application for the mixed use development of the former Cadburys Factory site, Somerdale, Keynsham (including part demolition of existing buildings))

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Summary of consultation responses:

KEYNSHAM TOWN COUNCIL:

Object - Keynsham Town Council objects on the grounds that the proposed development constitutes an overdevelopment of the site and constitutes a reduction in amenity for residents living on the Somerdale estate. The application is contrary to the Bath and North East Somerset Council's Planning Policy D2 of the Placemaking Plan.

The proposal will cause environmental and ecological damage to the site with no benefit to the community. The application is contrary to policy D6.

DRAINAGE AND FLOODING:

No objection.

ENVIRONMENT AGENCY:

No objection subject to a floor levels condition being added to the decision.

HIGHWAYS:

Revisions to the scheme have been submitted to address highways concerns and their most recent comments are included below, received on 24th November 2021.

- Submitted plan reference 32557 PL-03 Revision C demonstrate the developer can provide the nine off-street, car parking spaces required to accord with the authority's adopted parking standards
- HDC officers note that the two spaces allocated to Plot 604 are proposed to be perpendicular to the highway, however it is acknowledged that the spaces alongside, and opposite, are also perpendicular to the highway. It is unlikely that an additional two spaces of this "type" will be prejudicial to highway safety
- Officers also acknowledge that one of the spaces allocated to Plot 601 is not off-street, however its location on a short section of private highway, and future use, is unlikely to prejudice highway safety
- No objection subject to conditions (parking compliance, bound vehicular access, pre-commencement drainage scheme and bicycle storage).

ARBORICULTURE:

Additional information has been submitted to address Arboricultural concerns and their most recent comments are included below, received on 10th January 2022.

- The supporting arboricultural information contained within the letter from JP Associates dated 29th November 2021 addresses the previous Arboricultural comments
- I would, however, expect a Tree Protection Plan to include tree numbering consistent with a submitted tree survey schedule. The uniform tree shapes appear more illustrative than truly representative of the canopy spreads which may also suggest that trees are not accurately positioned or based on a topographical survey
- For this reason, a condition securing a tree plan is recommended
- No objection is raised to the removal of the sycamore identified within the submitted plan.

HOUSING:

- The application proposed 4 dwellings, on plot (604) being a 3-bed shared ownership affordable dwelling.
- This is acceptable to housing services.

EDUCATION SERVICES:

- The proposed dwellings are calculated to generate 1.36 primary ages pupils
- As the new primary school on the former Somerdale Factory site is full, a contribution is sought from the developer to create additional primary school capacity in Keynsham
- Each primary school place created by expanding an existing school is costed at £18,356 per place x 1.36 pupils = £24,964.16

ECOLOGY:

Additional information has been submitted to address Ecological concerns and their most recent comments are included below, received on 10th January 2022.

- Following previous comments, several plans have been submitted (tree protection plan, dark zone plan, planning layout and planting plan)
- The TPP confirms that only one tree will be felled and this is accepted. The plan also demonstrates that surrounding vegetation (tree and hedgerow to the south) will be protected during construction by appropriate fencing which is fully supported
- The parameters set out in the Obtrusive Light Statement, along with the newly submitted Dark Zone Plan (drawing PL-07) produced by Barton Willmore in December 2021, indicate that light spill onto the River Avon SNCI will not exceed 0.5 Lux. Detailed design will need to demonstrate that this commitment is met by appropriate internal and external lighting design
- I have completed and appended a Habitats Risk Assessment (HRA) for the site. Based on the information provided the HRA concludes that there is no risk of significant negative impacts on the Bath and Bradford-on-Avon SAC, providing mitigation commitments are met.
- The planning layout demonstrates that the swift boxes have been moved to a more appropriate location which is supported, as well as the inclusion of hedgehog connectivity measures
- It is accepted that no additional planting can be incorporated along the sites north-eastern boundary due to space constraints

- It would be advisable not to include Vinca in the planting schedule as this can become invasive and grow rapidly
- No objection subject to conditions

NATURAL ENGLAND:

Most recent comments received 10th January 2022.

- No objection subject to appropriate mitigation being secured
- Concur with the HRA, provided that all mitigation measures are appropriately secured and a condition to secure the following is attached to any permission
 - A dark zone plan has been submitted; provided that the proposal meets the lux thresholds outlined in this plan we consider that the proposal will not result in a significant impact to the Bath and Bradford on Avon SAC
 - It is feasible for the development to meet these thresholds and a more stringent lighting condition is required
 - A condition must ensure that any and all measures necessary are included to meet the light spill thresholds in the dark zone plan
 - This could include measures to reduce external light spill, measures to reduced internal light spill and any additional screening necessary between the proposal and River Avon.
 - The condition must secure modelling of predicted light spill to be submitted to the LPA to demonstrate that the thresholds in the dark zone plan will be achieved.
 - Due to the sensitive location of the site it is essential that all future occupiers are restricted from installing additional external lighting without prior written consent of the LPA

Third party representations:

42 objection comments have been received from residents. All comments have been read in full by the case officer and assessed. Given the high number of comments, they have not been copied verbatim into this report and instead a summary of the main points is provided below. Full comments are available to view on the public website.

- KE2a is a mandatory requirement for the site, including point 8 (retail)
- St Monica's does not provide suitable retail for Somerdale given opening hours
- Inappropriate facilities in the Chocolate Quarter with restrictive opening
- Current retail facilities expensive
- Site was originally designated as "mixed use" with a vague building outline - failure of planning policy to insist on more detailed information for the land use and design
 - If retail had been insisted there would have been no issues with the developer knowing what should be done
 - Why is the land parcel called Proposed Cafe?
 - Should be social housing if permission granted
 - Local school is oversubscribed, additional pressure with new housing
 - Parking issues around the estate
 - Fencing around the site pre-empts the decision
 - Site Location and Site Plan from 15/01661/RES; houses shown on the site not currently built - this permission must have expired
 - Proposal is contrary to NE5 (ecological networks), NE1 (development and green infrastructure) and NE3 (sites species and habitats)

- Removes open green space for use by the community
- Somerdale biased towards the elderly; will harm community mix
- Mis selling of facilities by Taylor Wimpey (told there would be a fish and chip shop on the site)
- Community facilities would be a better use of the site
- A riverside café/restaurant would boost the local economy
- Increased noise level from a currently quiet part of the site
- The high street is too far to walk for those who are less able
- Residents promised a shop/café by Taylor Wimpey which is now not being delivered

POLICIES/LEGISLATION

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

- o Bath & North East Somerset Core Strategy (July 2014)
- o Bath & North East Somerset Placemaking Plan (July 2017)
- o West of England Joint Waste Core Strategy (2011)
- o Bath & North East Somerset saved Local Plan policies (2007) not replaced by the Core Strategy or the Placemaking Plan:
 - Policy GDS.1 Site allocations and development requirements (policy framework)
 - Policy GDS.1/K2: South West Keynsham (site)
 - Policy GDS.1/NR2: Radstock Railway Land (site)
 - Policy GDS.1/V3: Paulton Printing Factory (site)
 - Policy GDS.1/V8: Former Radford Retail System's Site, Chew Stoke (site)
- o Made Neighbourhood Plans

Core Strategy:

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

CP2: Sustainable Construction
 CP5: Flood Risk Management
 CP6: Environmental Quality
 CP9: Affordable Housing
 DW1: District Wide Spatial Strategy
 SD1: Presumption in favour of sustainable development

Placemaking Plan:

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

D1: General urban design principles

D2: Local character and distinctiveness
D3: Urban fabric
D5: Building design
D6: Amenity
NE3: Sites, species and habitats
NE5: Ecological networks
NE6: Trees and woodland conservation
ST7: Transport requirements for managing development
H7: Housing accessibility
SCR5: Water efficiency
LCR9: Increasing the provision of local food growing

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).

LOW CARBON AND SUSTAINABLE CREDENTIALS

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

OFFICER ASSESSMENT

The main issues to consider are:

- Principle of development
- Character and appearance
- Residential amenity
- Archaeology
- Highways
- Education
- Affordable housing
- Arboriculture
- Ecology

PRINCIPLE OF DEVELOPMENT:

Policy KE1 of the Bath and North East Somerset Placemaking Plan allows for residential development if it is within the housing development boundary of Keynsham or it forms an element of Policies K2, KE2, KE2a, KE2b, KE3a and KE4.

The site is within the boundary of Somerdale, an allocated site and it forms an element of policy KE2a. Policy KE2a seeks the following:

1. Around 700 dwellings;
2. At least 11,000sqm of B1 office use;

3. Submission of a Design Guide, to be approved by the Local Planning Authority;
4. Retention of Block A and alterations to Blocks B and C;
5. A new Primary School;
6. A new GP surgery (D1 use);
7. A new social and sports club and sports pitches;
8. A new small scale local needs retail (up to 500sqm of A1, A3, A4 and A5);
9. Flood protection measures, including provision of SUDS and an area of wetland habitat;
10. Provision of landscaping (including retention of avenue of trees along Somerdale Road), wildlife areas, open space and cycle/footways.
11. Provision of a multifunctional riverside path, incorporating green infrastructure.
12. Highway works at Somerdale Road/Station Road.
13. Remediation of land contamination.

Planning permission was granted on 19th February 2014 (13/01780/EOUT) for the mixed-use development of the former Cadbury factory site, Somerdale. Subsequent applications on the site have made various alterations to the total number and mix of dwellings proposed. Many of the requirements of policy KE2a have been fulfilled.

This development would result in 4 additional dwellings being provided at the site. The proposal is considered acceptable in principle under the provision of policies KE1 and KE2a, subject to the material considerations discussed below.

RETAIL/CAFE USE:

A number of residents have raised that this site was originally proposed to be a café or retail unit. The parcel of land has been named "Proposed Café" on B&NES records.

The original planning application for the Somerdale site, 13/01780/EOUT, shows this site on the Masterplan as "mixed-use". It is not uncommon for large sites to show different uses on a master plan to demonstrate how the site will be formed. However, there is nothing in the original application which prevents the evolution of this site and a planning application for the use of this site for C3 residential use is valid in this regard.

Officers note criterion 8 of policy KE2a:

8. A new small scale local needs retail (up to 500sqm of A1, A3, A4 and A5);

The re-development of Blocks A and B, and the extension which links these blocks, has delivered a mix of food, drink and leisure uses. Block C also includes space for a pharmacy (150sqm a uses required by criterion 8). There is also a volunteer run community shop, although it is noted from residents' comments that this has limited operating hours which do not necessarily suit the demographic of Somerdale.

Criterion 8 seeks provision for *up to 500 sqm* local needs retail. Given the policy wording and the facilities which have been provided on site, officers consider that the use of the site for C3 residential use would not conflict with the relevant planning policies. Whilst officers would have preferred to see the delivery of a local needs retail store, community space or café and can fully appreciate the objections from residents, given the wording of the policy and the facilities which have been provided, it is considered that a refusal on this basis would not be sustainable. The site is a walkable distance from Keynsham Town

Centre and Somerdale is serviced by bus links and is within walking distance of Keynsham Train Station.

Officers also note that some residents feel they have been misled by Taylor Wimpey who, within the sale of properties, have stated that the site will be a shop or café. Officers cannot corroborate this evidence and have no control over the way Taylor Wimpey market and sell their properties.

The failure to provide retail space on this site is not considered to conflict with the allocation policy KE2a.

CHARACTER AND APPEARANCE:

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

The proposal is for four dwellinghouses; 3, 3-bedroom dwellings and 1, 4-bedroom dwelling. There are three house types which are detail within the drawings; two properties will be detached and two will be semi-detached.

The proposed dwellinghouses follow a similar design to the approved Phase 2 development. The materials will match this phase of development and the dwellings will feature red brick and slate roofs. Render detailing will be used around the windows. Although stone is used on other properties within the site, the colour of the render will be mushroom which will not appear discordant with the surrounding dwellings. There are a number of rendered properties in the locality. The appearance and materials are considered to maintain visual coherence with the rest of the estate, particularly the units to the north and they are considered acceptable.

Keynsham Town Council have objected on the grounds that the proposal is an overdevelopment on the site. The dwellinghouses and their respective plots fit comfortably within the site. Each property has sufficient levels of parking and there is sufficient space for vehicles to move around the site. The site does not appear cramped or contrived and it is not considered that the proposal would result in an overdevelopment of the site. The layout of the development is consistent with the overall appearance and grain of the estate.

A condition to ensure compliance with the materials layout is recommended.

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

RESIDENTIAL AMENITY:

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

Keynsham Town Council have raised that the proposal will cause environmental and ecological damage, with no community benefit, contrary to policy D6. Policy D6 does not pertain to matters involving ecology and, in this regard, the proposal is not contrary to D6.

The layout of the four plots is considered to provide sufficient internal living space for the occupants. The external layout will result in all dwellings being afforded private outdoor amenity space which is welcomed and supported. There will be some visibility into adjacent gardens from the property's windows, but the regard has been given to window placement to minimise this as far as possible. Some visibility into neighbouring gardens is to be expected in a built-up residential area and the level of visibility is not considered to cause significant infringements on privacy. As such, the proposal is acceptable in this regard.

The proposed site plan shows properties to the west of the development site which are not yet built. These are part of the Phase 2 development approved in the original Somerdale scheme in 2014. The plans include an apartment block of 12 flats which will be located directly to the west of plots 603 and 604. It is considered that there will be opportunities for direct overlooking from the apartment block to the windows of the proposed development and vice versa. Officers have carefully considered this impact. The distance between the apartment block windows and the windows of the proposed developments is just over 20m at the shortest point. The 1.8m high close-boarded fence which will form the rear boundary of the development site will form some screening for the occupiers of the ground floor flats. As above, some overlooking in a built-up residential development is to be expected. Given the separation distance between the block of flats and the rear windows and the inclusion of a 1.8m high boundary treatment it is considered that the loss of privacy of the residents will not be significant so as to warrant a refusal reason on this basis.

It has been commented that the loss of the open space is detrimental to the residential amenity of the current residents of the Somerdale Estate. The current space already has residential development approved for part of it, through phase 2, which would reduce the usable space significantly. The estate has other open areas and there are footpaths along the river. It is considered that even with the loss of this open parcel, the estate itself has sufficient public outdoor amenity space.

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.

ARCHAEOLOGY:

The application site lies very close to a known Roman settlement (the Roman Town of Traiectus) and archaeological evaluation around the site has revealed features associated with the town. There is therefore the potential for archaeology relating to this occupation to be encountered during the groundworks for this proposal. A condition is recommended for an Archaeological Watching Brief, to be attached to any decision.

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 application seeks permission for 3no. three-bedroom dwellings and 1no. four-bedroom dwelling. Policy ST7 sets out the parking requirements for each dwelling. 2 spaces measuring 2.4m by 4.8m per three-bedroom dwelling and 3 spaces per four-bedroom dwelling is required. Revised plans were submitted on 19th November 2021 which demonstrate that 9 spaces will be provided on site, within the breakdown above.

Officers note that two of the spaces allocated to Plot 604 are perpendicular to the highway. It is acknowledged that the spaces alongside and opposite, which were approved through previous schemes at the site, are also perpendicular to the highway. It is unlikely that two additional parking spaces of the same arrangement will be prejudicial to highway safety.

Officers acknowledge that one of the spaces allocated to Plot 601 and is not technically off-street. However, it is located on a short section of private highway and its future use is not likely to prejudice highway safety. In this case, this arrangement is considered acceptable.

Conditions which ensure parking is provided as per the plans and that the access is constructed from a bound/constructed surface are recommended. In addition, a drainage strategy is also required by condition to ensure that surface water is not drained onto the highway.

Each dwelling requires 2no. covered, secure cycle parking spaces and a condition securing details of these facilities and their installation pre-occupation has been recommended in accordance with policy ST1.

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.

EDUCATION:

The application site is part of the wider Somerdale site allocation. As part of the original Somerdale application, a primary school was secured through Section 106. This school has now been built and by 2023 it is considered to be at full capacity.

The development is considered to result in 1.36 primary school places being required. There is projected to be capacity at other primary schools in the Keynsham area and the development is not considered to cause issues in this regard. However, this capacity is due to invested capital to create more places. The Council has provided these places and as the development will benefitting, a financial contribution towards education and the funding of these places is required. The developer has agreed to a financial contribution of £24, 964.16 and this will be secured by a Unilateral Undertaking.

AFFORDABLE HOUSING:

Although the proposed development is a minor development and does not meet the 10+ dwelling threshold to trigger the requirement for affordable housing, it is part of the wider Somerdale site allocation. It is therefore considered appropriate that some affordable housing is secured on-site. 1 out of the 4 dwellings (Plot 604) will be a three-bedroom, shared ownership dwelling, and this is considered acceptable by our Housing Team. This dwelling will be secured as affordable through the Unilateral Undertaking.

ARBORICULTURE:

The application site features no significant trees, except one small sycamore which is shown on the tree protection plan. This is proposed to be removed and there is no objection to this.

The tree protection plan includes a barrier around the end tree of the horse chestnut, which was included within the Phase 2 approval. The barrier has been extended as a Heras Fence panel and this will protect the horse chestnut.

The tree protection plan does not include tree numbering consistent with the submitted tree survey schedule. The uniform tree shapes appear more illustrative than representative of the canopy spreads which also might suggest that trees are not accurately positioned or based on a topographical survey. For this reason, although there is no arboricultural objection, a condition securing an annotated tree plan pre-commencement is required and has been recommended.

ECOLOGY:

The application site falls within 24m of the River Avon Site of Nature Conservation Importance (SNCI). The River Avon is considered by Natural England to provide supporting habitat to the nearby Bath and Bradford-on-Avon Bats Special Area of Conservation (SAC), given that horseshoe bats are known to make use of it. This is further evidenced by the data collected by CSA Environmental (September, 2021) which recorded greater horseshoe bats on the site. Any habitats potentially used by horseshoe bats need to be protected from light spill, in accordance with Conservation of Habitats and Species Regulations 2017 (as amended). Therefore, a Habitats Regulations Assessment (HRA) will need to be completed for the scheme.

A Tree Protection Plan, Dark Zone Plan, Planning Layout and Planting Layout Plans have been submitted. The information has informed the HRA which has been undertaken by the Council's Ecologist. The HRA concludes that there is no risk of significant negative

impacts on the SAC, providing mitigation commitments are met. This has been agreed with Natural England.

Natural England have raised that a more detailed lighting condition is required to ensure that light spill (both external and internal). The proposed lighting conditions reflect this. The condition will ensure that any and all measures necessary to meet the light spill thresholds in the Dark Zone plan are used in the final lighting design. This could include measures to reduce external light spill, measures to reduce internal light spill and any additional screening between the site and River Avon which may be required.

Due to the sensitive location of the site, a condition has been recommended which restricts any future occupiers installing external lighting without prior written consent of the Local Planning Authority.

The Planning Layout Plan demonstrates that swift boxes will be provided, and their location is supported.

The proposed mitigation measures are considered acceptable, and the proposal will not result in Ecological Harm. It accords with policies NE3 and D5e.

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 submitted plans shown that 2 properties will be part M compliant and this accords with Policy H7.

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 19% 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.).

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.

OTHER MATTERS:

It has been raised that the plans show the developments on the adjacent sites which have not yet been built. Third parties have commented that these are misleading and should be corrected. It has been queried whether these buildings still have permission. The buildings shown on the plans for the adjacent sites are part of the Phase 2 works at Somerdale. The permission for these dwellings is extant and works are now commencing on site. Officers consider it acceptable for these to be shown on the plans as they show the potential context of the dwellings. It is also considered that if these dwellings were not constructed the application would be acceptable as detailed in the report above.

CONCLUSION:

Full consideration of third-party and consultee comments has been given and officers understand and acknowledge the concerns raised. However, it is considered that the proposal complies with the relevant planning policies and there are no policy grounds upon which to refuse the application. The application is therefore recommended for approval.

RECOMMENDATION

PERMIT

CONDITIONS

1 Standard Time Limit (Compliance)

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

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

2 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 and approved in writing by the Local Planning Authority. The proposal shall be carried out in accordance with the approved details, 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 Placemaking Plan

3 Finished Floor Levels (Compliance)

The development shall be carried out in accordance with the submitted flood risk assessment (ref. 70089090, dated September 2021, prepared by WSP) and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 150mm above average surrounding ground level.

Reason: To reduce the risk of flooding to the proposed development and future occupants, in accordance with policy CP5.

4 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 surface (not loose stone or gravel).

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

5 Bicycle Storage (Pre-occupation)

No occupation of the development shall commence until bicycle storage for at least eight 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 Policies ST1 and St7 of the Bath and North East Somerset Placemaking Plan.

6 Parking (Compliance)

The areas allocated for parking and turning, as indicated on submitted plan reference 32557 PL-03 Revision C, shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

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

7 Materials (Compliance)

The proposal shall be carried out in complete accordance with the materials shown on the Materials Layout plan (PL04 B). No other materials shall be used without details first being submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure that the development integrates with the visual appearance of the existing estate, in accordance with policies D2 and D4 of the Bath and North East Somerset Placemaking Plan.

8 Tree Protection Plan (Pre-commencement)

No development shall take place until an annotated tree protection plan produced following the recommendations contained within 5.5 of BS5837:2012 identifying measures (fencing and/or ground protection measures) to protect trees and other vegetation to be retained has been submitted to and approved in writing by the Local Planning Authority. The plan shall include the accurate positioning of the associated trees and vegetation; tree identification numbering and associated tree schedule.

Reason: To ensure that the trees are protected from potentially damaging activities in accordance with policy NE6 of the Bath and North East Somerset Placemaking Plan. This condition is a precedent because the works comprising the development have the potential to harm retained tree and therefore these details need to be agreed before work commences.

9 Arboricultural compliance (Compliance)

No development or other operations shall take place except in complete accordance with the details contained within the letter from JP Associates dated 29th November 2021 and annotated tree protection plan.

Reason: To ensure that the approved method statement and tree protection plan is complied with for the duration of the development to protect the trees to be retained in accordance with policy NE6 of the Bath and North East Somerset Placemaking Plan.

10 Construction Environmental Management Plan (Pre-commencement)

No development shall take place (including demolition, grounds works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include, as applicable, a plan showing exclusion zones and specification for fencing of exclusion zones; details and specifications of all necessary measures to avoid or reduced ecological impacts during site clearance and construction; findings of update surveys or pre-commencement checks of the site for the avoidance of harm to otter, bats, nesting birds and other wildlife; and details of an ecological clerk of works. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: to avoid harm to wildlife before and during construction. The above condition is required to be pre-commencement as it involves approval of measures to ensure protection of wildlife that would be otherwise harmed during site preparation and construction phases.

11 Internal and External Lighting (Bespoke Trigger)

No internal or external lighting shall be installed until full details of the proposed lighting design have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

1. Lamp models and manufacturer's specifications, positions, numbers and heights, to be shown on a plan;

2. Predicted lux levels (including Lux contour plans) and light spill onto dark corridors, in accordance with the Dark Zone Plan Drawing PL-07;
3. Measures to limit use of lights when not required, to prevent upward light spill and to prevent light spill onto nearby vegetation and adjacent land;
4. Measures to reduce internal light spill (eg. design details on buildings, reduction in extent of glazing, use low transmittance glazing);
5. Measures to reduce external light spill (eg. directional baffles or reduction in number of luminaires); and
6. Any additional screening necessary (between the proposal and River Avon), to ensure the light spill thresholds in the approved Dark Zone Plan Drawing PL-07 are not exceeded.

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

Reason: To avoid harm to bats and wildlife in accordance with policy CP6 of the Bath and North East Somerset Core Strategy and policies NE3 and D8 of the Bath and North East Somerset Placemaking Plan.

12 External Lighting (Bespoke Trigger)

No new external lighting, beyond that approved through the discharge of Condition 12 of this application, shall be installed until full details of the proposed lighting design have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

1. Lamp models and manufacturer's specifications, positions, numbers and heights;
2. Predicted lux levels and light spill;
3. Measures to limit use of lights when not required, to prevent upward light spill and to prevent light spill onto nearby vegetation and adjacent land.

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

Reason: To avoid harm to bats and wildlife in accordance with policy CP6 of the Bath and North East Somerset Core Strategy and policies NE3 and D5e of the Bath and North East Somerset Placemaking Plan.

13 Wildlife Mitigation Scheme (Compliance)

The development hereby approved shall be carried out only in accordance with the ecological enhancement measures described in Section 4 of the approved Ecological Briefing Note (CSA Environmental, September 2021) and shown on the Planning Layout drawing PL-03 Rev C (Barton Willmore, November 2021). All such measures shall be retained and maintained thereafter for the purposes of wildlife conservation.

Reason: to provide biodiversity gain in accordance with policy NE3 of the Bath and North East Somerset Placemaking Plan.

14 Ecological Follow-up Report (Pre-occupation)

No occupation of the development hereby approved shall commence until an Ecological Follow-up Report has been submitted to and approved in writing by the Local Planning Authority. The report shall be produced by a suitably experienced professional ecologist

and shall confirm and demonstrate, based of a post construction ecologist's site inspection and using photographs, the completion and implantation of all measures of the approved ecological mitigation and compensation schemes in accordance with approved details.

Reason: To demonstrate adherence to approved ecological mitigation and compensation schemes and to prevent ecological harm, in accordance with the NPPF and policies NE3 and D5e of the Bath and North East Somerset Placemaking Plan.

15 Sustainable Construction (Pre-occupation)

The development hereby approved shall be completed in accordance with all measures within the Sustainable Construction Checklist approved with the application, or with measures agreed in writing by the Local Planning Authority. At all times the development shall achieve at least a 19% reduction in regulated emissions compared to that required by the Building Regulations.

No occupation of the development shall commence until a Sustainable Construction Checklist (as set out in the Council's Sustainable Construction Supplementary Planning Document, Adopted November 2018) for the completed development has been submitted and approved in writing by the Local Planning Authority. This shall include:

1. The completion of all relevant tables (see indicated tracks/thresholds in the checklist);
2. All relevant supporting documents/evidence (see indicated tracks/thresholds in the checklist).

Reason: To ensure that the approved development complies with Policy CP2 of the Bath and North East Somerset Core Strategy (sustainable construction).

16 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.

17 Water Efficiency (Compliance)

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

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

18 Housing Accessibility (Compliance)

The following dwellings hereby approved shall meet the optional technical standards 4(2) in the Building Regulations Approved Document M: PT41 and Type N as shown on plan PL-03 Revision C (received 21st January 2022).

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

19 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:

PL-01 Site Location Plan. Received 19th November 2021
PL-02 Site Context Plan. Received 19th November 2021
PL-04 Revision B Materials Layout. Received 19th November 2021
PL-04.1 Revision B Boundary Treatments Layout. Received 19th November 2021
PL-05 Revision A Storey Height Layout. Received 19th November 2021
PL-06 Revision A Refuse Strategy Plan. Received 19th November 2021
SE-01 Revision A Site Sections. Received 19th November 2021
SS-01 Revision A Street Scene Received 19th November 2021
BR-L-PL200 Planting Plan Revision B. Received 7th December 2021
PL-07 Dark Zone Plan. Received 7th December 2021
PL-03 Revision C Planning Layout. Received 21st January 2022

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 - General Note for all Development

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. CIL may apply to new developments granted by way of planning permission as well as by general consent (permitted development) and may apply to change of use permissions and certain extensions. **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 any development commences**.

Do not commence development until you been notified in writing by the Council that you have complied with CIL; failure to comply with the regulations can result in surcharges, interest and additional payments being added and will result in the forfeiture of any instalment payment periods and other reliefs which may have been granted.

Community Infrastructure Levy - Exemptions and Reliefs Claims

The CIL regulations are non-discretionary in respect of exemption claims. If you are intending to claim a relief or exemption from CIL (such as a "self-build relief") it is important that you understand and follow the correct procedure **before** commencing **any** development on site. You must apply for any relief and have it approved in writing by the Council then notify the Council of the intended start date **before** you start work on site. Once development has commenced you will be unable to claim any reliefs retrospectively and CIL will become payable in full along with any surcharges and mandatory interest charges. If you commence development after making an exemption or relief claim but before the claim is approved, the claim will be forfeited and cannot be reinstated.

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. If you have any queries about CIL please email cil@BATHNES.GOV.UK

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: 21/04626/FUL
Site Location: Ashfield Stockwood Vale Keynsham Bristol Bath And North East Somerset



Ward: Keynsham North **Parish:** Keynsham Town Council **LB Grade:** N/A
Ward Members: Councillor Brian Simmons Councillor Vic Clarke
Application Type: Full Application
Proposal: Proposed ridge height increase and dormer extension to provide further accommodation in roof. Installation of side balcony to master bedroom.
Constraints: Bristol Airport Safeguarding, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,
Applicant: Mr Mike Bullock
Expiry Date: 11th February 2022
Case Officer: Christine Moorfield
To view the case click on the link [here](#).

REPORT

This application is for a proposed ridge height increase and dormer extension to provide further accommodation in roof and the installation of a side balcony to the master bedroom.

This application is presented to committee as the Parish Council support this application stating there are no planning reasons to object to the application as the proposal is in accordance with Bath and North East Somerset Council Policies D1 - D6 of the Placemaking Plan.

The Chair has commented as follows:

I have reviewed this application and note the comments from Keynsham Town Council rightly pointing out that the proposal is compliant with policies D1 to D6. However, this property is in the green belt so the reason for refusal is on the grounds of policy CP8, GB1 and GB3 as the cumulative percent increase of volume is considered harmful to the openness of the green belt. There is no increase in footprint and there is some debate as to what exactly the volume of the original buildings were so I am recommending that this goes before the committee so that they can consider the degree of harm in a public debate.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

HIGHWAYS

No objection to this proposal has been raised although a condition in respect of parking provision/retention is considered necessary.

DRAINAGE- No comment

No third-party comments have been received in relation to this proposal.

KEYNSHAM TOWN COUNCIL - Support

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:

CP5: Flood Risk Management

CP6: Environmental Quality

CP8: Green Belt

DW1: District Wide Spatial Strategy

SD1: Presumption in favour of sustainable development

Placemaking Plan:

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

D1: General urban design principles
D2: Local character and distinctiveness
D3: Urban fabric
D5: Building design
D6: Amenity
GB1: Visual amenities of the Green Belt
GB3: Extensions and alterations to buildings in the Green Belt.
NE2A: Landscape setting of settlements
NE5: Ecological networks
ST7: Transport requirements for managing development

National Policy:

The National Planning Policy Framework (NPPF) was published in July 2021 and is a material consideration. Due consideration has been given to the provisions of the National Planning Practice Guidance (NPPG).

SPD's:

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

LOW CARBON AND SUSTAINABLE CREDENTIALS

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

OFFICER ASSESSMENT

This detached property is located within the Green Belt.

The main issues in respect of this proposal are as follows:

Principle of development in the Green Belt
Character and appearance
Residential amenity
Highways

Principle of development in the Green Belt

With regard to previous buildings/structures on the site the agent has confirmed that the boiler room as indicated by the store on the South West end of the dwelling was originally larger, being the whole width of the original building and the same depth as the new footprint, equating to a reduction of 26m³. This was housing a coal fired boiler and incorporating a coal house and store either side.

A concrete framed garage positioned within 5mtrs (the concrete base is still present) exists and is approximately 7m x 4.2m x 3m high having a volume of 88m³ and this will be removed.

The Existing original property volume = 689m³

Previous additions volume total = 300m³

Additional volume proposed under this application has a volume = 50m³

This proposed extension equates to a cumulative volume increase of 50.8%.

The applicant has stated that historically there was a commercial greenhouse 12mtrs x 4mtrs on the site and just beyond that was an irrigation tank which is still present and that was used for supplying water to it. (It is confirmed that the concrete footings and base was removed 17 years ago). The cabin at the back was also a commercial greenhouse and the base the building was sited on is still present and has a footprint of 12 mtr x 4mtrs. At the rear right hand side of the garden was another hard standing where the garage is now and it is believed there was a small barn but no further details are available or have been provided.

Whilst plans indicate that these buildings did historically exist they are not in close proximity to the house being set at the end of the garden adjacent to the NW boundary. Given their distance from the house these buildings would not be considered as part of the house. The greenhouses no longer exist and therefore their previous existence which appears to be post 1948 would not be considered a justification to allow substantial and disproportionate extensions to this dwelling.

The proposed extension represents a cumulative volume increase of 350m³ equivalent to an increase of 50.8% over and above the original building volume of 689 m³. The proposed development, therefore, represents inappropriate development in the green belt and as such it would be harmful to the openness of the green belt.

When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. In the absence of any very special circumstances being presented the proposal is not considered to accord with policy CP8 of the adopted Core Strategy and policy GB1 and GB3 of the Placemaking Plan for Bath and North East Somerset (2017) and part 13 of the NPPF.

Character and Appearance

The materials to be used are shown to be Painted render, brickwork, standing seam to dormers and timber cladding.

The roof - double roman tiles to match existing and single ply membrane.

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

Residential Amenity

No third party comments have been received in relation to this proposal.

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

No objection to this proposal has been raised although a condition in respect of parking provision/retention is considered necessary.

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.

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.

RECOMMENDATION-REFUSE

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed development will result in a cumulative volume enlargement of the dwelling which is disproportionate to the size and scale of the original dwelling. The proposal will therefore, result in inappropriate development in the Green Belt and it would be harmful to openness or the purposes of including land within the Green Belt. No very special circumstances have been presented to outweigh the identified harm. The proposal is therefore contrary to policy CP8 of the adopted Core Strategy and policy GB1 and GB3

of the Placemaking Plan for Bath and North East Somerset (2017) and part 13 of the NPPF.

PLANS LIST:

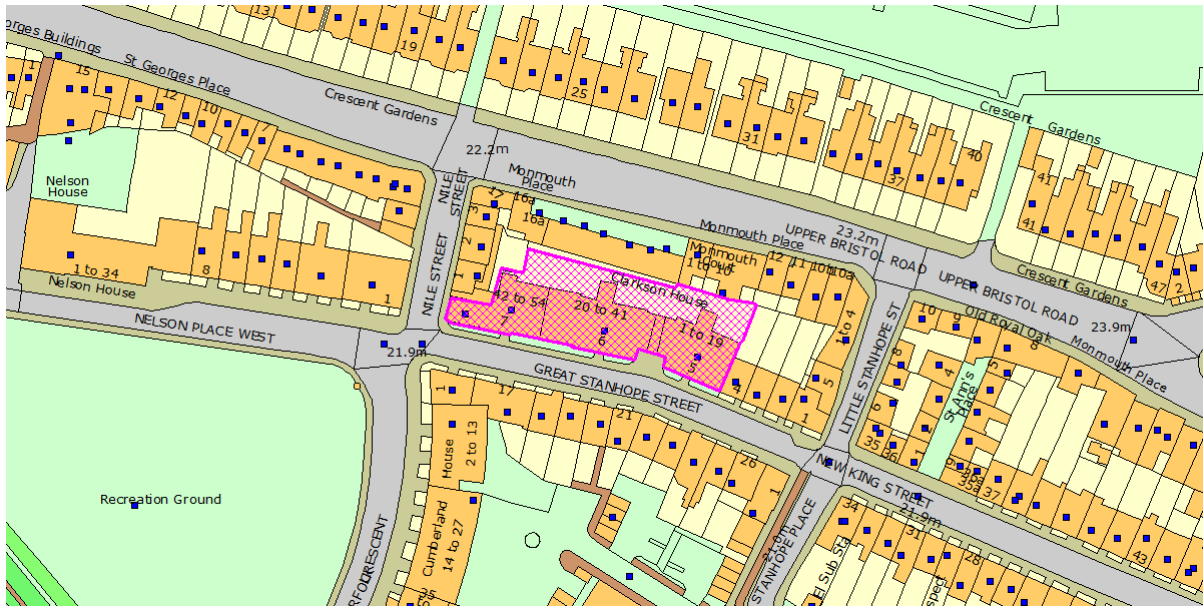
1 0475 Block A, 001 and 101A all dated 15/10/2021

2 Community Infrastructure Levy

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. 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

3 In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework. The Local Planning Authority acknowledges the approach outlined in paragraphs 39-43 in favour of front loading and operates a pre-application advice service. Notwithstanding active encouragement for pre-application dialogue the applicant did not seek to enter into correspondence with the Local Planning Authority. The proposal was considered unacceptable for the reasons given and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application, and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.

Item No: 04
Application No: 21/05004/FUL
Site Location: Clarkson House 5 Great Stanhope Street Kingsmead Bath Bath And North East Somerset



Ward: Kingsmead **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Sue Craig Councillor Andrew Furse
Application Type: Full Application
Proposal: Replacement of front windows from timber to uPVC.
Constraints: Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Policy B2 Central Area Strategic Policy, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, British Waterways Major and EIA, Conservation Area, Policy CP9 Affordable Housing Zones, HMO Stage 1 Test Area (Stage 2 Test Req), MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones,
Applicant: LiveWest
Expiry Date: 21st January 2022
Case Officer: Anna Jotcham
To view the case click on the link [here](#).

REPORT

REASON FOR APPLICATION BEING REFERRED TO COMMITTEE:

The application has been called to committee at the request of Cllr Andrew Furse. His support is based on the improvements to insulation/energy conservation and reduction in heating bills for residents (many, if not all, are on low incomes).

As per the councils scheme of delegation the application was referred to the Chair of the Committee. The Chair stated in her recommendation:

"I have reviewed this application carefully, noting the arguments for and against the proposal.

The application has been refused because the proposal is not considered to preserve or enhance the conservation area and would be harmful to the other heritage assets nearby. The officer's report also notes that uPVC is a less sustainable solution and has a bigger carbon footprint than wood.

The applicant's case is that uPVC double-glazed units designed to appear the same and open the same as the wooden equivalent would not cause harm to the conservation area, are a more sustainable solution, and that the public benefit to counterbalance any perceived harm in the use of uPVC is that it would provide a better insulated option for the residents of Clarkson House, many of whom are on low incomes.

Given that the Council has declared a climate emergency, and, with the cost of heating, that many households are now at high risk of fuel poverty, I believe that it would be useful to debate these issues in the public arena.

It will also provide the committee with a useful background when they come to consider similar proposals in the future."

THE SITE

Clarkson House is a large residential three storey block, with basement and attic levels, built in the early 1980s to replace an earlier Georgian terrace. The property falls within the Bath Conservation Area and World Heritage Site designation.

The building is not listed but closely reflects the predominant Georgian architectural characteristics of the surrounding houses in this part of the Conservation Area. The building occupies an important corner site at a crossroads, where Great Stanhope Street meets Nelson Place, Nelson Crescent and Nile Street.

THE PROPOSAL

The application seeks permission to replace the existing timber sash windows on the front elevation with uPVC double glazed windows.

PLANNING HISTORY

16/02740/FUL - PERMIT - 26 August 2016 - Window replacement works.

19/01836/FUL - PERMIT - 15 July 2019 - Replacement of windows at rear of Clarkson House, from single glazed timber to double glazed PVCu.

19/04196/FUL - PERMIT - 20 November 2019 - Window replacement works.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

CLLR ANDREW FURSE - Support. The proposal will replace windows which are currently in a poor state of repair. This will improve insulation/energy conservation and reduce heating bills for residents (many, if not all, are on low incomes).

CONSERVATION OFFICER - Objection based on harm that will be caused to the significance of the historic environment in this part of the city centre.

BATH PRESERVATION TRUST - Objection. The installation of uPVC windows on the front elevation of the building will be detrimental to the aesthetic and material character of the Bath Conservation Area. The replacement of the existing timber sash windows with uPVC in this volume across a façade of significant scale and massing would have a substantially negative impact on the streetscape and establish an unwelcome precedent for this type of materiality within the conservation area. There is an extant permission for timber-framed slimlite glazing which would be a more appropriate retrofit option within this location. This should be a material planning consideration, demonstrating more sympathetic options with the same level of public benefit are available.

OTHER REPRESENTATIONS / THIRD PARTY COMMENTS - Four letters of support received highlighting the energy/environmental benefits of the proposal.

POLICIES/LEGISLATION

The Development Plan for Bath and North East Somerset comprises:

- Bath & North East Somerset Core Strategy (July 2014)
- Bath & North East Somerset Placemaking Plan (July 2017)
- West of England Joint Waste Core Strategy (2011)
- Bath & North East Somerset saved Local Plan policies (2007) not replaced by the Core Strategy or the Placemaking Plan:
 - Policy GDS.1 Site allocations and development requirements (policy framework)
 - Policy GDS.1/K2: South West Keynsham (site)
 - Policy GDS.1/NR2: Radstock Railway Land (site)
 - Policy GDS.1/V3: Paulton Printing Factory (site)
 - Policy GDS.1/V8: Former Radford Retail System's Site, Chew Stoke (site)
 - Neighbourhood Plans

RELEVANT CORE STRATEGY POLICIES

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

Policy B1: Bath Spatial Strategy
Policy B4: The World Heritage Site and its setting
Policy CP6: Environmental quality

RELEVANT PLACEMAKING PLAN POLICIES

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

Policy D1: General urban design principles
Policy D2: Local character and distinctiveness
Policy D3: Urban fabric
Policy D5: Building design
Policy D6: Amenity
Policy HE1: Historic environment

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

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

LOW CARBON AND SUSTAINABLE CREDENTIALS

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

OFFICER ASSESSMENT

The front elevations of Clarkson House are wholly in the public realm and dominate this part of the street. As such, the property has significant townscape presence in this part of the Conservation Area and contributes towards the setting of numerous listed buildings in this part of the city, including the grade II* listed Norfolk Crescent.

IMPACT ON HERITAGE ASSETS

This proposal is to replace the timber sash windows on the front elevation of the building with uPVC double glazed windows that are designed to look like sash windows.

A review of the planning history for the site indicates:

- 16/02740/FUL: An application for wholesale replacement of timber sash windows with double glazed timber windows on the entire building, approved in 2016 but not implemented.

- 19/01836/FUL: An application to replace timber sash windows on the rear only with double glazed uPVC, approved in 2019, implemented and completed in October 2021. The installation of uPVC on the rear of the building was deemed acceptable on the basis that the rear of the building has highly restricted visibility/access and is not seen from the Conservation Area/public views. It should be noted that the initial application also included replacement uPVC windows on

the front mansard, but these were removed from the plans because they were considered harmful to the Conservation Area (for reasons which are being discussed now).

- 19/04196/FUL: An application for replacement of timber sash windows with double glazed timber windows on the front was approved in 2019. This was effectively a renewal of the lapsed 2016 application (see above) but related to the front of the building only.

The installation of uPVC windows on the rear of the building does not justify their use across the principal elevation. The use of uPVC on the front would result in a far more significant degree of visual harm.

Although uPVC replacement windows are popular, their visual character and operational differences make them unsuitable for buildings within an historic environment such as this site. Because the components used to manufacture uPVC windows are weaker than their timber counterparts, they tend to be much thicker. This, along with different detailing and opening arrangements, can have a significant impact on the appearance and character of buildings, where they are installed.

The replacement with like-for-like timber double glazed windows on the front of the building would be supported. However, the use of uPVC windows in this context is wholly unacceptable as their use would not only harm the setting of the adjacent listed buildings but also impact detrimentally on the character and appearance of the conservation area and on the Outstanding Universal Value of the World Heritage Site.

Whilst well-considered improvements can enhance the climate resilience of buildings and places, this needs to be balanced against the context in which such a building is located and other factors such as the day-to-day management of the building. A 'repair not replace' approach is an efficient and sustainable way to manage building stock. It contributes to sustainability in its widest sense and has been the preferred solution historically. Proper maintenance and repair will ensure buildings continue to function effectively. This is in the interest of owners, society more generally, the environment and future generations.

Before deciding upon energy efficiency retrofit measures (such as replacement windows), building owners should:

- Consider the whole-life carbon cost of any intervention (not just potential saving in operational energy and carbon).
- Maintain and repair sympathetically with appropriate materials and techniques.
- Consider improvements in the context of a 'whole building approach' to energy efficiency.

The service life of uPVC windows is relatively short (<25 years) compared to well-maintained traditional windows (many of which survive for over 100 years). uPVC windows are not maintenance-free, as is commonly believed, and can be difficult to repair. This means they are usually replaced at the end of their service life. Although it is possible to recycle uPVC this is still not done widely. Therefore, the carbon cost of a uPVC replacement window will be higher than an appropriately upgraded traditional window.

PLANNING BALANCE

The harm to the designated assets (the nearby listed buildings, Conservation Area and World Heritage Site) is considered to be 'less than substantial' and where this is the case, the NPPF explains that the harm should be weighed against the public benefits of the proposal. In this case, the benefits would include a reduction in energy bills and lowering of carbon footprint for residents. Whilst these benefits are recognised, this does not outweigh the harm caused to the historic environment in this part of the city, especially as those same benefits could be achieved through less harmful alternatives.

Overall, the proposed development is considered to have a detrimental visual impact upon the character and setting of nearby listed buildings and the character and appearance of the Conservation Area and the wider World Heritage Site. The application is therefore recommended for refusal.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The application would not preserve or enhance the appearance or character of the conservation area and would be harmful to the setting of multiple heritage assets in this part of the city centre. Public benefits would not outweigh the harm caused. The proposal is contrary to policy B4 and CP6 of the Core Strategy, HE1, D1 and D5 of the Placemaking Plan, the Planning (Listed Buildings and Conservation Areas) Act 1990, the National Planning Policy Framework and relevant advice from Historic England.

PLANS LIST:

1 This decision relates to the following plans received 8 November 2021:

20111_P1 - EXISTING ELEVATIONS AND PLANS

20111_P2 - PROPOSED ELEVATIONS, DETAILS AND PLANS

2 In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework. Notwithstanding informal advice offered by the Local Planning Authority the submitted application was unacceptable for the stated reasons and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision. In considering whether to prepare a further application the applicant's attention is drawn to the original discussion/negotiation.

3 Community Infrastructure Levy

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

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Bath & North East Somerset Council

MEETING: Planning Committee

MEETING DATE: 9 February 2022

TITLE: Quarterly Performance Report covering period 1 Oct – 31 Dec 2021

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 Planning.

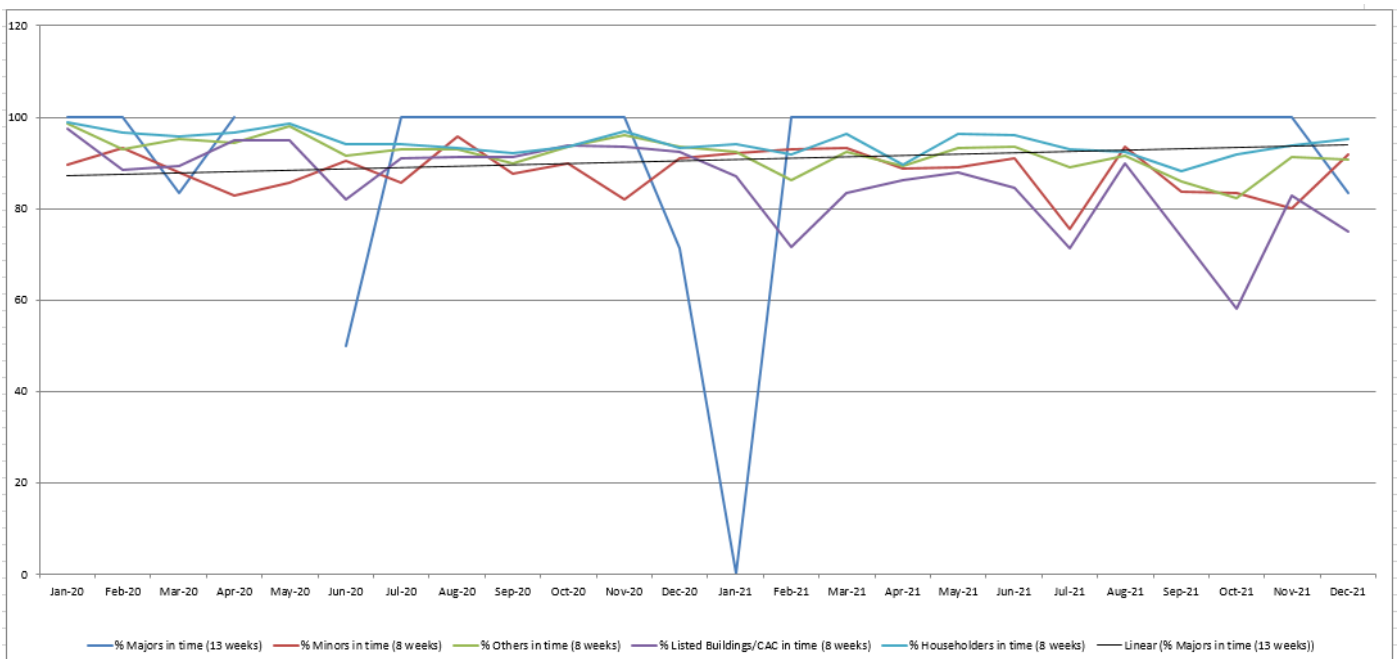
2 RECOMMENDATION

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	2019-2020				2020-2021			
	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3
% Majors in time	(18/20) 90%	(3/5) 60%	(9/9) 100%	(9/11) 82%	(4/5) 80%	(10/10) 100%	(8/8) 100%	(8/9) 89%
% Minors in time	(108/120) 90%	(81/94) 86%	(80/90) 89%	(89/101) 88%	(129/139) 93%	(96/107) 90%	(94/113) 83%	(83/97) 86%
% Others in time	(333/347) 96%	(325/344) 94%	(336/365) 92%	(370/393) 94%	(401/443) 91%	(487/529) 92%	(411/463) 89%	(353/400) 88%

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.	2019-2020				2020-2021			
	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3
Received	604	491	599	695	768	774	621	643
Withdrawn	49	58	67	41	58	60	45	47
Delegated no. and %	474 (97%)	436 (98%)	436 (94%)	486 (96%)	570 (97%)	633 (97%)	556 (95%)	481 (95%)
Refused no. and %	39 (8%)	39 (9%)	34 (7%)	50 (10%)	30 (5%)	39 (6%)	34 (6%)	39 (8%)

3 – Dwelling Numbers

Dwelling numbers	2019-2020				2020-2021			
	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3
Major residential (10 or more dwellings) decisions	7	3	8	0	1	4	2	4
Major residential decisions granted	6	1	5	0	1	3	2	3
Number of dwellings applied for on Major schemes	50	0	300	100	423	0	10	502
Number of dwelling units permitted on schemes (net)	265	176	64	280	393	143	88	273

4 - Planning Appeals

	Jan – Mar 2021	Apr – Jun 2021	Jul – Sep 2021	Oct – Dec 2021
Appeals lodged	29	20	17	14
Appeals decided	23	25	14	21
Appeals allowed	3 (13%)	5 (20%)	3 (23%)	8 (42%)
Appeals dismissed	20 (87%)	20 (80%)	10 (77%)	11 (58%)

5 - Enforcement Investigations

	Jan – Mar 2021	Apr – Jun 2021	Jul – Sep 2021	Oct – Dec 2021
Investigations launched	137	132	119	61
Investigations in hand	300	289	264	263
Investigations closed	97	141	137	70
- No breach of planning (inc. PD, Lawful or immune)	49	48	53	17
- Not Expedient	9	28	29	20
- Compliance negotiated	20	24	21	13
- Retrospective PP Granted	19	23	16	16
- Other (i.e. Insufficient Information, Complaint Withdrawn, Application Pending)	0	18	18	4
Enforcement Notices issued	0	1	2	2
Planning Contravention Notices served	4	7	2	3
Breach of Condition Notices served	2	0	0	0
Stop Notices	0	0	0	0
Temporary Stop Notices	0	0	0	0
Injunctions	0	0	0	0
Section 16 Notices	2	0	0	3
Section 215 Notices	0	0	0	0

Explanation

- ‘Cases closed’ means either: on investigation it was found there was no breach of planning control; or it was deemed not expedient to take the matter further (usually related to trivial or technical breaches); voluntary compliance was negotiated (i.e. resulting in a cessation of use of removal of structure); or on application, retrospective permission was granted to regularise the breach.
- Other cases not included in the ‘closed’ breakdown are closed either due to insufficient information; or the breach was identified as permitted development; or the breach was identified as lawful through passage of time; or where the complaint was withdrawn.

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

	Jan – Mar 2021	Apr – Jun 2021	Jul – Sep 2021	Oct – Dec 2021
Other types of work	445	438	346	323

7 – Works to Trees

	Jan – Mar 2021	Apr – Jun 2021	Jul – Sep 2021	Oct – Dec 2021
Number of applications for works to trees subject to a Tree Preservation Order (TPO)	21	28	29	27
Percentage of applications for works to trees subject to a TPO determined within 8 weeks	100%	100%	97%	89%
Number of notifications for works to trees within a Conservation Area (CA)	187	224	184	250
Percentage of notifications for works to trees within a Conservation Area (CA) determined within 6 weeks	99%	100%	93%	97%

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	Jan – Mar 21	Apr – Jun 21	Jul – Sep 21	Oct – Dec 21
Complaints upheld	0	1	0	0
Complaints Not upheld	0	0	0	1

10 – 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. CIL annual reports, Infrastructure Funding Statement and Infrastructure Delivery Plan 2020 are 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 (2021/22)	£1,614,173.91
CIL sums overview - Potential (April 2015 to date)	£12,663,976.09
CIL sums overview - Collected (April 2015 to date)	£20,357,372.15

11 – 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 in Appendix 1 below.*

	Jan – Mar 2021	Apr – Jun 2021	Jul – Sep 2021	Oct – Dec 2021
Chair referral delegated	23	21	21	24
Chair referral to Planning Committee	8	8	8	11

12 – 5 Year Housing Land Supply

5 year housing land supply

	Standard methodology			
A	Calculation based on standard method			
B	5 year supply requirement (676x5)		3,380	
C	Deliverable supply		3,728	
D	5 year requirement		3,380	Supply as a % of a requirement
E	5 year requirement + 5% buffer		3,549	Supply in years 105%

The figures within the housing trajectory have been collected as of March 2021 when the councils Core Strategy is more than 5 years old.

The housing requirement within the Core Strategy does not include the student population. However, the standard method makes no such alteration and includes student population growth. Therefore student accommodation is factored into the five year supply. The ratio of 2.5 bed spaces to one dwelling from the Housing Delivery Test Measurement Rule Book applies

The Old Bakery – 63 beds, ratio delivery of 25 dwellings
 Bath Cricket Club – 136 beds, ratio delivery of 54 dwellings
 Pickfords – 204 beds, ratio delivery of 82 dwellings
 Plumb centre - 72 bed, ratio delivery of 29 dwellings
 Hartwells garage - 186 beds, ratio delivery of 74 dwellings

Total – 264

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>

Appendix 1 - Analysis of Chair referral cases

Application no	ADDRESS	PROPOSAL	Decision Level	Decision Date	Status	Notes
21/04276/REG13	23 Grosvenor PlaceLambridgeBathAnd North East SomersetBA1 6BA	Internal and external alterations for the installation of secondary glazing to windows to flats, installation of PV panels on hidden roof slope, installation of security camera on south elevation, additions and alterations to staircase balustrades, altera	COMMDC	16-Dec-21	CON	Application is called to Committee as the Applicant is the Council
21/02540/LBA	Tylehurst 7 Sion HillLansdownBathAnd North East SomersetBA1 2UH	External works for a proposed swimming pool changing room and rear garden landscaping scheme	CHAIR	01-Oct-21	CON	Chair referral delegated decision
21/02539/FUL	Tylehurst 7 Sion HillLansdownBathAnd North East SomersetBA1 2UH	Proposed swimming pool changing room and rear garden landscaping scheme	CHAIR	01-Oct-21	PERMIT	Chair referral delegated decision
21/03766/FUL	Wellington GalleryTunbridge RoadChew MagnaBristolBath And North East Somerset	Change of use of ground floor from hairdressers (Use Class E) to a mixed use gin distillery, gin school, drinking establishment and retail use (Retrospective)	CHAIR	06-Oct-21	PERMIT	Chair referral delegated decision
21/03087/VAR	The Abbey RectoryRedwood HouseTrossachs DriveBathwickBathAnd North East SomersetBA2 6RP	Variation of conditions 3 and 6 of application B.1661 (Conversion of stable block to dwellinghouse)	CHAIR	08-Oct-21	PERMIT	Chair referral delegated decision
21/02521/FUL	Ashton HouseAshton HillCorstonBathAnd North East SomersetBA2 9EX	Provision of replacement fencing following demolition of a single storey garage and demolition of boundary wall	CHAIR	12-Oct-21	PERMIT	Chair referral delegated decision
20/03586/FUL	Land Parcel 7200Bath RoadKeynshambath And North East Somerset	Erection of 53no. dwellings with associated works (replan of 40no. dwellings from permission 20/01404/VAR with increase by 13no. dwellings)	CHAIR	13-Oct-21	PERMIT	Chair referral delegated decision
21/04114/FUL	31 Wedmore ParkSouthdownBathAnd North East SomersetBA2 1JZ	Change of use from (C3) dwellinghouse to (C4) small house in multiple occupation incorporating a single-storey rear extension.	CHAIR	15-Oct-21	PERMIT	Chair referral delegated decision
21/03789/AR	Churrascaria Tio Joao55 High StreetMidsomer NortonRadstockBath And North East SomersetBA3 2DQ	Display of 1no. externally illuminated fascia sign, 1no. externally illuminated projecting sign and 1no. internally illuminated A1 poster unit	CHAIR	18-Oct-21	CON	Chair referral delegated decision
21/03898/FUL	1 Orchard CottagesWick LaneCamertonBathAnd North East SomersetBA2 0PQ	Change of use from residential annex to dual use for residential annexe and as a self-contained holiday let.	CHAIR	26-Oct-21	PERMIT	Chair referral delegated decision

21/03113/FUL	33 Cynthia RoadTwertonBathAnd North East SomersetBA2 3DQ	Conversion of the existing three storey three bedroom house into two separate dwellings, one of which is to be a one bed flat and the other a one bed maisonette. Removal of side conservatory and erection of single storey rear/side extension.(Resubmission)	CHAIR	01-Nov-21	PERMIT	Chair referral delegated decision
21/03111/FUL	44 Warminster RoadBathamptonBathAnd North East SomersetBA2 6JU	Single storey extension and 2 storey extension (dormer extension) and new terrace to rear elevation. Car port to front driveway.	CHAIR	02-Nov-21	PERMIT	Chair referral delegated decision
21/04290/FUL	Long CloseHigh StreetEast HarptreeBristolBath And North East SomersetBS40 6AX	The proposal is for the conversion of an existing adjoining garage. The erection of a car port to adjoin the existing property and extend out from the East elevation of the existing garage. The re-roofing of the existing house and garage, from clay pantil	CHAIR	15-Nov-21	PERMIT	Chair referral delegated decision
21/04591/FUL	33 Haycombe DriveSouthdownBathAnd North East SomersetBA2 1PG	Change of use from a single three bed dwelling (Use Class C3) to a house in multiple occupation (HMO) (Use Class C4).	CHAIR	17-Nov-21	PERMIT	Chair referral delegated decision
21/03730/FUL	Police HouseThe StreetCompton MartinBristolBath And North East SomersetBS40 6JW	Proposed two storey side extension to existing house. Ground floor reconfigured and proposed extension to provide open plan kitchen/family room. Upper floor reconfigured and proposed extension allows for an additional bedroom enabling the Police House to	CHAIR	22-Nov-21	PERMIT	Chair referral delegated decision
21/04145/VAR	Parcel 3875Warminster RoadBathamptonBathAnd North East Somerset	Variation of condition 14 (Plans) of application 21/01163/FUL (Change of use from agricultural land to dog walking paddock with associated boundary fencing, gates, parking, storage shed and shelter, as well as improvements to the existing agricultural tra	CHAIR	22-Nov-21	PERMIT	Chair referral delegated decision
21/04407/FUL	Warleigh Fields FarmWarleigh LaneBathfordBathAnd North East SomersetBA1 8EE	Alterations to existing outbuilding	CHAIR	30-Nov-21	PERMIT	Chair referral delegated decision
21/04485/FUL	Barn 1 Holiday LetPaglinch FarmAccess Road To Paglinch FarmShoscombeBathAnd North East Somerset	Erection of single storey side extension.	CHAIR	01-Dec-21	PERMIT	Chair referral delegated decision
21/02824/AR	Homewood Park HotelHomewoodHinton CharterhouseBathAnd North East SomersetBA2 7TB	Display of 4 no. post-mounted non-illuminated direction signs, 2 no. post mounted non-illuminated entrance signs, 2 no. wall-mounted non-illuminated direction signs.	CHAIR	01-Dec-21	CON	Chair referral delegated decision
21/04415/FUL	5 Richmond PlaceEast HarptreeBristolBath And North East SomersetBS40 6DS	Addition of two garage doors to existing carport structure	CHAIR	02-Dec-21	PERMIT	Chair referral delegated decision
21/04472/FUL	BarkstonBath Old RoadRadstockBath And North East SomersetBA3 3HF	Change of use from detached garage to holiday let.	CHAIR	08-Dec-21	PERMIT	Chair referral delegated decision
21/03824/FUL	Building To North Of Laughing SnakesMifflord LaneFresfordBathAnd North East Somerset	Conversion of redundant existing gatehouse building into a one bedroom holiday let	CHAIR	08-Dec-21	PERMIT	Chair referral delegated decision
21/03031/FUL	Red LionThe StreetBishop SuttonBristolBath And North East SomersetBS39 5UT	Erection of 2No. semi-detached dwellings (Use C3) on the land to the east of the public house (Sul Generis), including altered access from Sutton Hill Road, reconfigured public house car park and beer garden, and associated hard and soft landscaping.	CHAIR	16-Dec-21	PERMIT	Chair referral delegated decision

21/04928/FUL	113 Wellsway Keynsham Bristol Bath And North East Somerset BS31 1HZ	Installation of drop kerb at front of property onto B3116.	CHAIR	20-Dec-21	PERMIT	Chair referral delegated decision
21/04811/FUL	25 Oakfield Road Keynsham Bristol Bath And North East Somerset BS31 1JH	Erection of single storey rear extension to replace existing rear extension. Erection of rear dormer. Widening of existing driveway. Addition of side elevation windows. Removal of existing chimney. Removal of existing side elevation window. Addition of Ve	CHAIR	21-Dec-21	PERMIT	Chair referral delegated decision
21/01588/FUL	Field Between City Farm And Catswold View The Hollow Southdown Bath Bath And North East Somerset	Erection of 9 dwellings with associated access, parking, drainage, landscaping and ecological mitigation.	COMMDC	14-Dec-21	PERMIT	Chair referral to committee. Although the reason for the appeal having been dismissed by the Inspector has now been addressed and improvements have been made to the traffic management proposal, in the interests of consistency, I believe that the latest iteration of this proposal for development should be brought before the committee for consideration.
21/02929/FUL	2 Molly Close Temple Cloud Bristol Bath And North East Somerset BS39 5AE	Erection of rear extension with flat roof dormer built into the roof space (retrospective)	COMMDC	18-Nov-21	PERMIT	Chair referral to committee. I have considered this retrospective application carefully and note the comments from the parish council and 3 rd parties. The parking is policy compliant however, the scale of the development and the materials used are potentially controversial and therefore worth debating at committee.
21/02980/LBA	Friends Meeting House York Street City Centre Bath Bath And North East Somerset BA1 1NG	External alterations for the installation of 4no. hand painted timber signs fixed onto side and front elevations (Resubmission).	COMMDC	06-Oct-21	CON	Chair referral to committee. I have read this application carefully and note the one objection to the proposals from Bath Heritage Watchdog. The officer has worked with the applicant during the application process resulting in one of the previous reasons for refusal being addressed in it's entirety. The applicant has responded to the second by reducing size and therefore impact of the signage on the outside of the building. In the interests of consistency, given that the previous refused application was put before the committee, this second amended application should also be allowed public debate.
21/02981/AR	Friends Meeting House York Street City Centre Bath Bath And North East Somerset BA1 1NG	External alterations for the installation of 4no. hand painted timber signs fixed onto side and front elevations (Resubmission).	COMMDC	08-Oct-21	CON	Chair referral to committee. I have read this application carefully and note the one objection to the proposals from Bath Heritage Watchdog. The officer has worked with the applicant during the application process resulting in one of the previous reasons for refusal being addressed in it's entirety. The applicant has responded to the second by reducing size and therefore impact of the signage on the outside of the building. In the interests of consistency, given that the previous refused application was put before the committee, this second amended application should also be allowed public debate.

21/02883/FUL	Hunters Questford Close Saltford Bristol Bath And North East Somerset BS31 3BD	Demolition of existing bungalow and erection of 2no semi detached houses/garages and 1no flat with associated parking, landscaping and widened access.	COMMDC	06-Oct-21	PERMIT	Chair referral to committee. I have reviewed this application and note that it is supported by both the ward councillor and Saltford Parish Council (subject to conditions). The balance to strike is between the impact of this design on the local context and the potential for an addition to the local housing mix (the reason for the ward councillors support). I believe that it would be useful to have this debated in the public forum of the committee.
20/02479/OUT	Parcel 1991 Bath Road Keynsham Bath And North East Somerset	Outline application for up to 5,700 sqm (GEA) of flexible use commercial development falling within Use Classes B1(b), B1(c), B2, and B8 with primary access onto Bath Road. All matters reserved except access	COMMDC	16-Dec-21	RF	Chair referral to committee. I have reviewed this application and note the comments from Keynsham Town Council, the ward councillor and other third parties. The proposed development is in line with the uses allowed for within Policy KE3a and will have a positive impact on the economy of Keynsham, however, the proposed access arrangements, whilst not precluded in KE3a, are not as laid out in the policy so I think it would be beneficial to debate this aspect of the application at committee.
21/03666/FUL	16 Oakhill Road Combe Down Bath Bath And North East Somerset BA2 5PH	Erection of new one-bedroomed flat for renting to students or as a holiday-let, ancillary to the existing house and extension of porch and installation of 11 solar panels to the front roof slope of the existing house.	COMMDC	21-Oct-21	RF	Chair referral to committee. I have reviewed this application and note the comments from ward councillors. Although no objections have been raised locally to this application, the design is, nonetheless, controversial because it doesn't fit in with the local context in terms of siting, spacing, layout and design. For this reason, I recommend that the application is debated in the public forum of the planning committee.
21/01609/FUL	Parkfield Coach House Park Gardens Lower Weston Bath Bath And North East Somerset BA1 2XP	Erection of orangery following removal of rear conservatory. Alterations to windows and installation of rooflights.	COMMDC	21-Oct-21	PERMIT	Chair referral to committee. I have reviewed this application and note the comments from ward members and third parties. Much work has been done between the applicant's agent and the planning officer during the course of assessing the application which has led to adjustments to the submitted plans. Objections remain regarding the potential impact of the roof lights which I believe would benefit from an open debate at the planning committee.

21/00282/FUL	Oldfield SchoolKelston RoadNewbridgeBathAnd North East SomersetBA1 9AB	Re-level existing school playing field to include excavation and filling works.	CDMMDC	21-Oct-21	PERMIT	Chair referral to committee. I have reviewed this application and note the comments received. The officer and applicant have worked together during the application process to mitigate most of the issues raised but the balance between public benefit and harm to the green belt is still finely balanced so I believe this application would benefit from debate in the public forum of the planning committee.
21/02654/FUL	10 Grange RoadSaltfordBristolBath And North East SomersetBS31 3AH	Erection of a 2 bed detached 1.5 storey dwelling with a home office and store outbuilding at the rear.	CDMMDC	17-Dec-21	RF	Chair referral to committee. I have reviewed this application and note the objections from Saltford Parish Council and other third parties. As the officer has stated that the plot size is borderline, I believe it would be appropriate to debate this proposal at committee.
21/02654/FUL	10 Grange RoadSaltfordBristolBath And North East SomersetBS31 3AH	Erection of a 2 bed detached 1.5 storey dwelling with a home office and store outbuilding at the rear.	CDMMDC	16-Dec-21	RF	Chair referral to committee. I have reviewed this application and note the objections from Saltford Parish Council and other third parties. As the officer has stated that the plot size is borderline, I believe it would be appropriate to debate this proposal at committee.
18/02500/LBA	32-33 Victoria BuildingsWestmorelandBathAnd North East Somerset	Provision of new skittle alley, a new community room, provision of new accessible toilets, refurbishment of the public house and the provision of 9no apartments at the Belvoir Castle Bath.	CDMMDC	16-Dec-21	RF	On 26 September 2018 the Development Management Committee resolved to delegate to permit applications 18/02499/FUL and 18/02500/LBA contrary to officer recommendation. As detailed in the related planning report, the permissions were subsequently quashed by the Planning Court. The current application and linked application 18/02499/FUL are therefore referred back to the Committee for re-determination. Members are referred to the planning report which sets out in detail the history of these applications and the judgment of the Court.

18/02499/FUL	32-33 Victoria BuildingsWestmorelandBathAnd North East Somerset	Provision of new skittle alley, a new community room, provision of new accessible toilets, refurbishment of the public house and the provision of 9 apartments at the Belvoir Castle Bath.	CDMMDC	16-Dec-21	RF	On 26 September 2018 the Development Management Committee resolved to delegate to permit applications 18/02499/FUL and 18/02500/LBA contrary to officer recommendation. As detailed in the related planning report, the permissions were subsequently quashed by the Planning Court. The current application and linked application 18/02499/FUL are therefore referred back to the Committee for re-determination. Members are referred to the planning report which sets out in detail the history of these applications and the judgment of the Court.
21/02734/LBA	Mendip ViewThe StreetUbleyBristolBath And North East SomersetBS40 6PD	External works for the erection of a rear extension and internal alterations to the ground floor only to remove an existing pantry and bathroom and accommodate a new wet room within the former WC (now used as a store) (re-submission)	CDMMDC	26-Oct-21	CON	Under the Planning Scheme of Delegation (as amended April 2020) this application is referred to Committee for a decision as the Parish Council has recommended the applications for approval and the Case Officer recommends refusal.
21/02733/FUL	Mendip ViewThe StreetUbleyBristolBath And North East SomersetBS40 6PD	Erection of a rear extension and internal alterations (re-submission)	CDMMDC	26-Oct-21	PERMIT	Under the Planning Scheme of Delegation (as amended April 2020) this application is referred to Committee for a decision as the Parish Council has recommended the applications for approval and the Case Officer recommends refusal.

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	

Bath & North East Somerset Council	
MEETING:	Planning Committee
MEETING DATE:	9th February 2022
RESPONSIBLE OFFICER:	Simon de Beer – Head of Planning
TITLE:	NEW PLANNING APPEALS, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES
WARD:	ALL
BACKGROUND PAPERS:	None
AN OPEN PUBLIC ITEM	

APPEALS LODGED

App. Ref: 21/02321/OUT
Location: Oaklea Sleep Lane Whitchurch Bristol Bath And North East Somerset
Proposal: Outline Application for the demolition of existing buildings and redevelopment of the land adjacent to Oaklea to provide 3no single storey dwellings with associated soft/hard landscaping, access improvements, parking and drainage with all matters except for access reserved.
Decision: REFUSE
Decision Date: 15 July 2021
Decision Level: Delegated
Appeal Lodged: 5 January 2022

App. Ref: 20/04067/FUL
Location: Waterworks Cottage Charlcombe Way Fairfield Park Bath Bath And North East Somerset
Proposal: Extension and alteration to existing Cottage and creation of two detached dwellings.
Decision: REFUSE
Decision Date: 30 July 2021
Decision Level: Planning Committee
Appeal Lodged: 6 January 2022

App. Ref: 20/04546/OUT
Location: St Martin's Hospital Clara Cross Lane Odd Down Bath Bath And North East Somerset
Proposal: Residential development of 8 no. apartments
Decision: REFUSE
Decision Date: 3 August 2021
Decision Level: Delegated
Appeal Lodged: 6 January 2022

App. Ref: 21/01412/FUL
Location: Unregistered Unit 1-4 Old Station Yard Avon Mill Lane Keynsham Bath And North East Somerset
Proposal: Erection of 3no. acoustic barriers; permission to allow the filling of concrete mixing vehicles between 6:30am and 5:30pm (Monday-Friday) 8:00am-1:00pm Saturday and 7:30am-5:30pm (Bank Holidays); permission to allow other specified operations at the site between 7:30am and 6:30pm (Monday-Friday) and 8:00am and 1:00pm (Saturday) and 7:30am-5:30pm (Bank Holidays); and permission to store materials in external yard area (re-submission of planning application 20/02008/FUL).
Decision: REFUSE
Decision Date: 4 August 2021
Decision Level: Planning Committee
Appeal Lodged: 6 January 2022

App. Ref: 21/03944/TEL
Location: Street Record Wellsway Bath Bath And North East Somerset
Proposal: Proposed 18.0m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works.
Decision: REFUSE
Decision Date: 14 October 2021
Decision Level: Delegated
Appeal Lodged: 10 January 2022

App. Ref: 21/01303/LBA
Location: Keynsham Conservative Club 22 High Street Keynsham Bristol Bath And North East Somerset
Proposal: External alterations to paint the front elevation blue, reverting back to the colour that was in existence when the building was listed in 1975 (Retrospective).
Decision: REFUSE
Decision Date: 2 June 2021
Decision Level: Planning Committee
Appeal Lodged: 18 January 2022

Case Ref: 17/00563/WASTE

Location: Resourceful Earth Ltd Charlton Field Lane Queen Charlton
Bristol BS31 2TN

Breach: Without planning permission, the erection of two detached buildings, five silos and one tank.

Notice Issued Date: 24th November 2020

Appeal Lodged: 24 January 2022

APPEALS DECIDED

App. Ref: 21/00449/FUL
Location: Victoria House Bath Road Tunley Bath Bath And North East Somerset
Proposal: Erection of 1no. dwelling following removal of existing garage.
Decision: REFUSE
Decision Date: 1 April 2021
Decision Level: Delegated
Appeal Lodged: 15 June 2021
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 4 January 2022

Case Ref: 21/00091/UNDEV
Location: Parcel 0096 Ramscombe Lane Batheaston Bath Bath And North East Somerset
Breach: Without planning permission, the erection of a building.
Notice Date: 20 September 2021
Appeal Lodged: 03 November 2021
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 17 January 2022

App. Ref: 21/01356/FUL
Location: 71 North Road Combe Down Bath Bath And North East Somerset
Proposal: Proposed new dwelling to side plot of 71 North Road with existing flat reconfigurations.
Decision: REFUSE
Decision Date: 14 July 2021
Decision Level: Delegated
Appeal Lodged: 2 November 2021
Appeal Decision: Appeal Allowed
Appeal Decided Date: 20 January 2022
