

# Bath & North East Somerset Council

MEETING: **Development Control Committee**

MEETING DATE: **1st August 2012**

AGENDA  
ITEM  
NUMBER

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RESPONSIBLE OFFICER: Lisa Bartlett, Development Manager, Planning & Transport Development (Telephone: 01225 477281)

TITLE: **APPLICATIONS FOR PLANNING PERMISSION**

WARDS: ALL

BACKGROUND PAPERS:

## **AN OPEN PUBLIC ITEM**

### **BACKGROUND PAPERS**

List of background papers relating to this report of the Development Manager, Planning and Transport Development 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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**REPORT OF THE DEVELOPMENT MANAGER OF PLANNING AND TRANSPORT  
DEVELOPMENT ON APPLICATIONS FOR DEVELOPMENT**

**Item No:** 01  
**Application No:** 12/01730/FUL  
**Site Location:** 14 - 16 Monmouth Place, City Centre, Bath, Bath And North East Somerset



**Ward:** Kingsmead      **Parish:** N/A      **LB Grade:** N/A  
**Ward Members:** Councillor Douglas Nicol      Councillor A J Furse  
**Application Type:** Full Application  
**Proposal:** Erection of 7no. three-storey plus basement, three bed houses following demolition of existing vacant shop units.  
**Constraints:** Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, Listed Building, World Heritage Site,

<b>Applicant:</b>	Ashford Homes Ltd
<b>Expiry Date:</b>	28th June 2012
<b>Case Officer:</b>	Sarah James

## **REPORT**

### **REASON FOR REPORTING APPLICATION TO COMMITTEE**

The application has been requested to be reported to Committee if approval is recommended on the request of Cllr Furse on the basis of the impact upon light on residents in Clarkson House, and the proximity of the Monmouth place dwellings in relation to Clarkson House and this overlooking; both having significant detriment to the existing residential amenity. The number of affected residents in the Knightstone property is significant and thus there is a need to ensure that the planning arguments are open and in the public domain.

### **DESCRIPTION OF SITE AND APPLICATION**

The application site is located on the A4 Upper Bristol Road between numbers 14 and 16a. The proposal is within the Bath World Heritage Site and Conservation Area. The existing building is not listed but does adjoin listed buildings on either side (14 & 16a are both Grade II). The site is currently vacant, but is occupied by a single storey building that incorporated a parking forecourt to the front, laundrette, retail units, hotel reception, bin stores to adjacent properties and a 1m wide service strip to the south.

This part of the street is characterised by post war residential development along the northern side of the road and predominantly listed terraces along the southern side of the road except where, as is the case with this application, the original buildings have been lost and modern infill has been constructed. To the north, across the Upper Bristol Road, are the houses that form Crescent Gardens. Beyond the service strip to the south, the site backs onto the garden area of the apartments to Great Stanhope Street. To the south of the site is a modern block of flats which includes rear stair projections which at the closest point are 2.6 metres off the site boundary. There are flats in the basement of the building.

### **THE PROPOSAL**

The proposals would result in the demolition of the existing structures on the site (which are the subject of an application for Conservation Area Consent) and the provision of a three storey, plus basement terrace building across the site. 7 dwellings would be provided with small rear courtyards and no off street parking.

The site is relatively narrow, with a maximum depth of 12 metres which reduces to 11.5 metres at the western end. The building would have a depth of 10 metres max including the projecting window features on the rear elevation. This would leave a narrow 1.5 metre strip of land to the rear. The height of the proposed building would be approximately 10.5 metres measured from the street level. The building has been designed to infill the unfortunate gap in the street scene with a form of development that seeks to accord with the design and detailing of the listed buildings on either side of the site. The elevation to Upper Bristol Road would have a varied form achieved by recessing sections and varying the style of the windows. The rear elevation has a quite different appearance and has been specifically designed to seek to address over looking and light issues. This has been

achieved by using full height slit windows at the rear. They would be obscure glazed and set at an angle to maintain privacy.

Materials would comprise of ashlar elevations to front with natural slate roofs. Windows would be softwood painted, double hung sash windows with glazing bars to match the adjoining windows and there would be softwood painted entrance doors. The rear elevation would be through coloured render and there would be a 1.8 metre rubble stone wall along the rear boundary of the site. The roof would look as if a Mansard to the front elevation but would drop considerably at the rear in an asymmetric form reducing light impact upon residents to the rear.

Applications for Conservation Area Consent and Listed Building Consent have also been submitted in relation to the proposals.

The application is accompanied by the following supporting documents : - Design and Access statement, Noise assessment.

#### HISTORY:

DC - 04/00389/FUL - WD - 14 April 2004 - Construction of 3-storey terrace to provide 17 no. apartments, new launderette and bin storage for No. 14 following demolition of existing buildings at land between 14 and 16 Monmouth Place.

DC - 04/00390/CA - WD - 14 April 2004 - Demolition of existing buildings and construction of 3-storey terrace to provide 17 no. apartments, new launderette and bin storage for No. 14 at land between 14 and 16 Monmouth Place

DC - 04/00514/LBA - WD - 14 April 2004 - Construction of 3-storey terrace to provide 17 no. apartments, new launderette and bin storage for No. 14 following demolition of existing buildings at land between 14 and 16 Monmouth Place.

DC - 04/01920/FUL - PERMIT - 29 September 2004 - Construction of 3 storey terrace to provide 14no. apartments, new launderette and bin storage for no.14 following demolition of existing buildings at Land between 14 and 16 Monmouth Place (re-submission)

DC - 04/01925/CA - CON - 28 July 2004 - Demolition of existing buildings and construction of 3-storey terrace to provide 14 no. apartments, new laundrette and bin storage for No. 14 (Re-submission)

DC - 04/01926/LBA - CON - 28 July 2004 - Construction of 3-storey terrace to provide 14 no. apartments, new laundrette and bin storage for No. 14 following demolition of existing buildings (Re-submission)

DC - 12/01730/FUL - PCO - - Erection of 7no. three-storey plus basement, three bed houses following demolition of existing vacant shop units.

DC - 12/01731/CA - PCO - - Demolition of existing vacant shop units.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

**PLANNING POLICY:** Comments made 4th July 2012 : The principle of redevelopment of the site is acceptable in that it is considered to be brownfield land in a highly sustainable location which is currently in a dilapidated state which detracts from the Conservation Area and World Heritage Site. The NPPF states that planning should encourage the effective use of land by reusing land that has been previously developed. It is considered however that the scheme could be improved by incorporating an element of ground floor commercial use. Whilst the site is not within any designated shopping centre or primary shopping frontage, Policy S9 of the Local Plan encourages the provision of small new shops in suitable cases. Whilst the retail units currently on site have evidently not been occupied for some time, and are in a poor condition, the applicant has not supplied any information to show that the current units, or indeed a redeveloped site, can no longer perform a retail role. This information is required.

**HIGHWAYS DRAINAGE OFFICER:** comments made 10th May 2012 - The applicant is advised to contact Wessex Water to agree connections and discharge rates.

**HIGHWAY OFFICER:** Comments made 28th May 2012 - There is no objection to the principle of residential development at this location which is sustainable in transport terms. Given the location of the site, it is not necessary to provide off-street parking. The location is however within the central residents parking zone which is in very high-demand but with a limited amount of kerbside parking capacity. In accordance with this authority's policy therefore I will be advising that the residents will not be eligible to apply for parking permits. Conditions to promote travel by alternative more-sustainable transport modes, are recommended and in addition, as with the previous consent granted, a contribution of £6,000 is required (to be secured under a section 106 agreement) for the improvement of local public transport infrastructure.

**CHILDRENS SERVICES** comments made 25th May 2012 The development will generate a need for contributions toward Primary age pupil places – 2.08 places at a cost of £27,029.43 and Youth Services provision places – 1.05 places at a cost of £1,400.70 Therefore a total contribution sought of £28,430.13

**URBAN DESIGN OFFICER:** Comments made 24th May 2012

The existing site form harms the character of the conservation and the setting of adjacent listed buildings. The principle of appropriate development has been established by previous applications and is considered to be acceptable and beneficial.

The two key design issues are

- (i) the impact on neighbouring residents, through disturbance and loss of light and the quality of amenity for potential new residents
- (ii) the quality of the scale and appearance of the proposed development, particularly along its Bristol Road frontage.

Impact on Amenity

Houses (as opposed to flats) have greater potential reduce the intensity of impact by noise. The rear façade and window arrangements minimise the direct impact on resident privacy. Within the context of creating an appropriately scaled frontage, the treatment of the rear roof also reduces the impact on loss of northerly light. The exposure of existing rear facades to Bristol Road reduces the security and privacy for existing residents. There is therefore some benefit in re-enclosing the rear yard areas. I have concern that attention

is given to the quality of the site to support the quality of the proposed residential environment. The rear (southern) aspect is very restricted and obscured. The principle aspect is to the north, directly onto a busy road. The scheme provides virtually no external amenity space (drying/external storage/ recreation). I am therefore concerned that this design and use may not deliver the quality of accommodation well suited to family living. I note that a commercial content is not in this proposal. Whilst very well connected to public transport and local facilities, the complete lack of parking may also reduce the viability of the proposal as family housing, without alternative personal transportation provision. There appears to be no dedicated cycle store.

#### Scale, Massing and Appearance

Scale (frontage) is drawn from the neighbouring Monmouth Terrace frontages and is therefore well founded. Massing, draws upon the rhythm of neighbouring properties and is also broadly acceptable. It is not harmful, but would benefit from review. The key issues are

- (i) Grouping. The western most single unit appears an anomaly. The eastern most pair appears unbalanced by the additional windows inserted to address the irregular boundary line. The design would be improved if the single unit were positioned to deal with the western boundary and pair groupings were symmetrical and regular. As a minimum, I am not convinced that the additional windows on the western unit improve the responsiveness of the design (being very close to the boundary)
- (ii) Building Line. I am not clear what rationale has driven the varied building line. This complexity is unnecessary.
- (iii) Detailing. This scheme needs to respond positively to listed neighbours. The traditional approach needs well specified stone work and window and door design. The application should be accompanied by detailed sections and materials.
- (iv) Boundary treatment. The rear boundary needs to be specified.
- (v) Public Realm. The frontage pavement needs rebuilding as part of the proposal. This should be to an adoptable standard and in materials suitable for the setting of the historic context. Tarmac is not considered suitable.

#### Conclusion

Repairing the fragmented townscape of Monmouth Place is a conservation enhancement. The appearance of the scheme is not harmful. The quality of the site to successfully support the proposed use is questioned.

ENVIRONMENTAL HEALTH: No comments made

LAND CONTAMINATION OFFICER: comments made 31st May 2012 confirm no objections subject to conditions.

WESSEX WATER : comments made 30th May 2012. New water supply and waste water connections will be required from Wessex Water to serve this proposed development.

ECOLOGY : comments made 13th June 2012 Protected wildlife such as bats or nesting birds is a consideration. Although the buildings are within 300m of the river, the buildings appear not to offer features that would typically be attractive to bats and the area is deeply urban. I think it is reasonably unlikely that bats would use the buildings and there would not be sufficient risk of bats to justify requiring a bat survey from the applicant. There is a



reasonable likelihood of the site being used by nesting birds. Demolition works should be undertaken outside of the nesting season.

**ARCHAEOLOGY** : Comments made 26th June 2012 The development lies on the Bath to Seamills (Abonae) Roman road, and in a known area areas of Iron Age and Roman occupation, including the Lower Common (MBN10181 and MBN5363) and Norfolk Crescent (MBN10178). Whilst the site may already have been disturbed by the existing buildings, pockets of significant archaeology could still survive on the site and this should be monitored. No objection subject to conditions.

**TREE OFFICER** : Comments made 2nd July 2012 The Dawn Redwood has been the subject of a separate tree notification, reference 12/01245/TCA, and the loss of the tree has been given due consideration before a decision was made not to make a Tree Preservation Order.

**HISTORIC BUILDINGS OFFICER** : Comments made 3rd July 2012.

As with the previously approved scheme the design approach adopted follows a traditional approach on that part of the development which faces onto the main road .In contrast a contemporary approach has then been taken on the rear elevation. This includes windows set at an angle to maintain privacy to the rear apartments in Great Stanhope Street.

In contrast to the approved scheme the proposals include such items as lower eaves and ridge heights. The front elevation includes for example differing bay widths, no graduation in window heights and a reduction in the number of chimney stacks. Although having reservations about the design amendments on the front elevation, on balance, I have no objection to present proposals in view of the significant enhancement the scheme would provide over the existing situation.

Conditions as attached to the previously approved planning application are recommended. In addition it may be appropriate to consider withdrawing permitted development rights to control future external alterations to the property.

#### **THIRD PARTY COMMENTS:**

Bath Heritage Watchdog comment that we have no objection to the infilling of the site and consider townhouses more appropriate than flats. We would have liked to have supported the application but we feel that there are some aspects which could be improved and some specific detailing which is missing.

Bath Preservation Trust comment that the Trust does not object to the demolition of the existing structure. In principle we support the development of housing on the site and infilling which will help to repair the street scene. However, we have concerns about the scale and appearance of the development as proposed.

3 Objections have been received on the basis of loss of light, overlooking, noise, fire risk, proximity to adjacent buildings, size of the building, inadequate parking.

1 letter of support has been received on the basis of the visual improvement to the area.

#### **POLICIES/LEGISLATION**

The development plan for the area includes RPG10; the “saved” policies of the Joint Replacement Structure Plan; and the “saved” policies of the Bath and North East Somerset Local Plan.

#### ADOPTED LOCAL PLAN

"Bath & North East Somerset Local Plan (including Minerals and Waste policies) 2007" was adopted October 2007. Policies relevant to this site in the Bath and North East Somerset Local Plan, including Minerals and Waste Plan are:

- BH1 World Heritage site
- BH6 Conservation area
- D2 General Design and public realm considerations
- D4 Townscape considerations
- T24 General development control and access policy
- T25 Transport assessment and travel plans
- T26 On-site parking and servicing provision
- ES.5 Foul and surface water drainage
- ES.9 Pollution and nuisance
- ES10 Air Quality
- ES12 Noise and vibration
- ES.15 Contaminated Land
- NE10 Nationally important species
- NE11 Locally important species
- BH22 External lighting
- SC1 settlement policy

#### NATIONAL PLANNING POLICY FRAMEWORK

National Planning Policy Framework (March 2012) can be awarded significant weight however at present this proposes little change to the policies of the Local Plan that are relevant to this application.

Bath and North East Somerset Submission Core Strategy (May 2011) is out at inspection stage and therefore will only be given limited weight for development management purposes. The following policies should be considered

- CP2: Sustainable construction
- CP6 Environmental Quality
- CP10 Housing Mix
- DW1 District-wide spatial Strategy
- B1 Bath Spatial Strategy
- B2 Central Area Strategic Policy

Adopted Supplementary Planning Document - Planning Obligations

#### **OFFICER ASSESSMENT**

##### BACKGROUND:

This proposal is similar to one approved in 2004 (04/01920/FUL). The applicant advised that the former scheme was not implemented as there were light impacts on properties behind that required further mitigation. That previous approved application was not

implemented and is no longer extant however it is a material consideration. The key revisions between the former approval and the latest scheme are the redesigned roof which would create an asymmetric monopitch roof in place of the dual pitch roof. In respects of the uses this scheme does no longer include a launderette use and houses are now proposed rather than apartments. There are also some fenestration changes.

#### PRINCIPLE OF DEVELOPMENT.

The development of this brownfield site is in accordance with planning policies that apply to the site. The site is not within an identified retail centre and neither does it have a protected retail frontage. There is a local shop on the site however that has been redundant for a considerable number of years. The applicant has provided supporting information to address the loss of the shop. It has therefore been advised that “the single storey buildings have not been used for many years. The corner three units at the east end of the site were used as a launderette closing sometime before 2003 (it is to be noted that a launderette is not a retail use, it is sui generis). Retailing at the site has not taken place possibly since the mid 90s. Policy S9 relates to dispersed local shops. It recognises the purpose local shops can have in providing a social and community function. The aim of the policy is to protect shops in areas where there is very little local needs shopping. Such shops serve an important facility for everyday shopping within easy reach of the local community, and shops in this position can serve a social and community function. The policy makes clear that the form of development being encouraged is likely to be in a village or serving a large residential area on the edge of town. The retail uses on the site, where and when they did exist, were not serving the day to day key retail needs of people living around the site. The area is well served with local needs shopping, and the provisions of Policy S9 are not intended to restrict the development proposed.

The comments made by the applicant are largely agreed with. It is to be noted that the previous approval (now expired) included a laundrette use however that is not a retail use and that was not a requirement of that earlier permission. The proposed housing would be located close to the city centre in a sustainable location. Sustainable development is supported strongly within the NPPF. It is agreed with the applicant that the site is well served by shops due to its location and in this case the units are not providing key retail services to the local community as provided for by the policy and haven't fulfilled that function for many years. In this case the benefits of the development in term of the townscape improvements and the provision of housing in a sustainable location are considered overriding. The locality is primarily residential and residential uses on the site would be appropriate. and the development is considered acceptable in principle.

#### HIGHWAYS:

The development would be located in a sustainable location close to the city centre and able to access a full range of amenities and transport options. There would be no traffic issues associated with the proposal. No on site parking is proposed and in line with many central properties parking would be on road however that is limited. Parking permits are restricted for new residential properties and the buyers of these properties may not be eligible for permits which are in high demand however the acceptability of this would be a consideration for the buyers of the dwellings. In highway terms the proposals are acceptable subject to Section 106 contributions as identified by the Highway Officer. The applicant has confirmed acceptance of these contributions. Provision for cycle storage within the dwellings has been incorporated into the design following the submission of amended plans.

## DESIGN:

There are clear urban design benefits associated with the infilling of this gap in the street scene which would enhance the Conservation area and World Heritage site. The proposed development is in a similar style to that formerly approved with some design amendments that take account of the change in scheme from apartments to dwellings. The design is considered to be justified within the planning submission made and sympathetic to the context.

The walls at the front of the building are carried up above the roof with parapets (as per the adjoining properties) with traditional eaves at the rear. From the front the building would fit within the traditional street frontage. The development would be constructed to the back edge of the pavement at the front of the site, continuing the front elevation line of the adjacent buildings, and keeping the service strip at the back of the site to avoid encroachment towards the apartments to the south. The rear elevation is acceptable in respect of its design and although the asymmetric roof is untypical within the context it would not be widely visible and is not considered harmful.

Amended plans have made some further design revisions to respond to the comments and suggestions of the urban design officer and these have improved the scheme. Changes made include provision of cycle storage by the front door in the hallway. The rear boundary would be a solid construction 1.8 m rubble stone wall rendered on the development side. The windows in the front fenestration have been revised. Materials are now noted on the drawings. The applicant has also confirmed that they would (if required) replace the paving at the front of the site (which would need the agreement of the highway authority) through the provision of a continuation of the paving to either side of the site (which the applicant identifies as being a 600mm square standard concrete paviour).

In conclusion it is considered that the building is acceptably designed.

## IMPACT ON LISTED BUILDING

A Listed Building application has been submitted in connection with this proposal. The proposal has been assessed and it is confirmed that it would not be harmful to the listed building.

## ECOLOGY :

The site does not provide good habitat for species either protected or otherwise. The impact of the proposal upon local and European species has been considered and it would not be harmful. Precautionary conditions would be applied to any approval issued.

## NOISE:

The site would be located on a main road and the dwellings would be constructed so as to provide good levels of sound attenuation. It is accepted that there may be some road traffic noise however in this central city location this is not an untypical living environment as this is predominantly a residential area. Potential occupiers would be aware that this could be a noisy location when buying the dwellings and would weigh up the disadvantages against the benefits of living in a central location.

## RESIDENTIAL AMENITY OF NEARBY OCCUPIERS :

The impact of the proposed three storey residential block would have implications for the amenity of existing residents to the rear of the site. The south elevation of the proposed development would face onto the garden and rear apartments of Great Stanhope Street. The rear windows are set at an angle to maintain privacy to those apartments and the full

height slit windows would have obscure glazing. It is considered that there would not be direct overlooking impacting upon properties to the rear. The previous decision was for a similar development form in respect of bulk and massing and it was concluded that the relationship of the proposed building to existing buildings is acceptable. Those conclusions are material and there are no relevant changes in planning policy since that decision was made that would change that position. The proposed use which is for housing instead of apartments. would be less intensive and therefore any impact would be reduced in respect of overlooking, noise and disturbance.

The key design change which has driven the current application has been proposed to reduce the impact of the building to the rear to allow more light to properties at the rear. The existing flats are north facing and therefore receive no direct sunlight and that would not therefore be impacted upon. However the right to light in this case is the key issue. Rights to Light is a specific area of law outside of planning legislation and guidance however in this case there were concerns following the grant of planning permission and the developer determined that the development should be subject to full and detailed modelling before any scheme on the site was implemented. The current applicants have employed a Rights to Light specialist GVA Schatunowski Brooks. They have undertaken a full analysis which has guided the current scheme. It is to be noted that the development would impact upon light within adjoining properties but the retained light would be within acceptable parameters under the rights to light legislation. The asymmetric monopitch roof which reduces the bulk of the building at the rear does allow more light to enter the existing properties than the previous scheme allowed and the impact on light has been fully tested and that has been confirmed to be acceptable.

#### **AMENITY OF OCCUPANTS :**

The proposed dwellings would have very restricted external amenity space and no on site parking. However, the dwellings would be private market housing therefore it would be for the proposed occupants to be clear as to if this housing meets their needs. Similar housing in the area has been found to be in demand.

#### **TREES:**

There is a tree on the site adjoining. However an application to fell the tree has been made and the tree officer has determined that the tree should not be subject to a tree preservation order.

#### **OPEN SPACES**

An off site contribution toward open spaces has been sought. The applicant has agreed to the sum as advised.

#### **CONCLUSION**

The proposed development raises no new material planning issues since the previous application was found acceptable. It has been designed specifically to improve the relationship of the building with its adjoining neighbours. The development is considered acceptable.

#### **RECOMMENDATION**

A Authorise the Planning and Environmental Law Manager to enter a Section 106 Agreement to cover the following;-

- 1) £6,000 for the improvement of local public transport infrastructure.
- 2) £28,430.13 for education provision in accordance with the advice of the education officer
- 3) Works to upgrade the paving in front of the site to match the adjoining pavements to a specification agreed in writing with the local planning authority in consultation with the highway authority.
- 4) A contribution of £17,360.50.toward off site open space provision / improvement

B Subject to the prior completion of the above agreement, authorise the Divisional Director for Planning and Transport Development to PERMIT subject to the following conditions

## **CONDITIONS**

1 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 permissions.

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

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

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

Reason: To safeguard the character and appearance of the Listed Building and the Conservation Area and World Heritage Site.

4 On completion of the works but prior to any occupation of the approved development, the applicant shall submit to and have approved in writing by the Local Planning Authority, an assessment from a competent person to demonstrate that the development has been constructed to provide sound attenuation against external noise in accordance with BS8233:1999.

Reason: To protect occupants from external noise.

5 Areas of the external walls shown on the submitted drawings to be rendered shall be rendered a colour and texture which has been submitted to and approved in writing by the Local Planning Authority before any work commences.

Reason: In the interests of the appearance of the development and the surrounding area.

6 Prior to the commencement of development at the site details of a Construction Management Plan for all works of construction and demolition including management of construction traffic shall be submitted to and approved in writing by the Local Planning

Authority. The approved details shall be fully complied with during the construction of the development.

Reason: In the interests of the amenities of adjacent residential properties and highway safety.

7 An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced.

The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

A survey of the extent, scale and nature of contamination;

An assessment of the potential risks to:

human health,

Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,

Adjoining land,

Groundwater's and surface waters,

Ecological systems,

Archaeological sites and ancient monuments;

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

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

8 A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

9 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local

Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

10 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 7 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition no. 8 which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition no.9

Reason : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

11 A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 5 years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11.'

Reason : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

12 No removal of buildings or structures shall take place between 1st March and 31st August unless a Survey to assess the nesting bird activity on the site during this period and a Scheme to protect the nesting birds has been submitted to and approved in writing by the Local Planning Authority and no building or structure shall be removed between 1st March and 31st August other than in accordance with the approved bird nesting protection Scheme.



Reason : In the interests of protecting wildlife

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

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

14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no extension, external alteration or enlargement of the dwelling(s) or other buildings hereby approved shall be carried out unless a further planning permission has been granted by the Local Planning Authority.

Reason : Any further extensions require detailed consideration by the Local Planning Authority to safeguard the amenities of the surrounding area.

15 No dwelling shall be occupied until its associated screen walls/fences or other means of enclosure have been erected in accordance with the approved plans and thereafter retained. the boundary treatments as approved shall thereafter be retained and maintained in perpetuity.

Reason: In the interests of privacy and/or visual amenity.

16 The proposed windows in the rear elevation of the building identified to be obscure glazed on drawing 3526/010 shall be non-opening and glazed with obscure glass and permanently retained as such.

Reason : To safeguard the amenities of adjoining occupiers from overlooking and loss of privacy.

17 No works or deliveries required to implement this development shall take place outside the hours of 8.00 am - 6.00 pm Monday to Friday 8.00am to 1.00 pm Saturdays and at no time on Sundays or bank Holidays.

Reason: In the interest of the amenity of adjoining residents

18 Prior to the commencement of the works subject of this consent details of the following matters (in respect of which approval is expressly reserved) shall be submitted and approved in writing by the Local Planning Authority:

- 1) Sample of roofing materials to include ridge tile.
- 2) Sample panel of external walling to note natural limestone ashlar, coursing and jointing. Lime putty mix to be used.

- 3) Sample panel of render to include type and colour finish.
- 4) Details of door furniture for front, north elevation.
- 5) Colour scheme for external doors and windows, to include shopfront.
- 6) Location of gas/electricity meter inspection boxes.
- 7) Large scale details of natural stone cornice for parapets, plant bands and joinery detail.
- 8) Details of bonding/size of ashlar blocks to be noted on large scale elevation drawings of the development.
- 9) Height and bonding/size of ashlar blocks for chimney stacks.
- 10) Large scale window details at 1:20

Reason: To safeguard the character and appearance of the listed buildings.

19 Prior to first occupation of the dwellings hereby approved provision shall be made within the site for the suitable storage of bicycles and bins in accordance with details that have been submitted and approved in writing by the local planning authority.

Reason : In the interest of residential amenity and to promote sustainable travel.

**PLANS LIST:**

Site location Plan 3526/001 B , 3526/002 A, 3526/003 A, 3526/004 A, 3526/010 B, 3526/006

**Reasons for granting approval:**

The proposed development would enhance the Conservation area and World Heritage Site by sensitive infilling within the streetscene. The development by virtue of its design would not be harmful to the listed building. It would create no unacceptable highway impact as the site is in a sustainable City location. It has no impact on ecology including any European Sites as no ecology of significance is present. It would provide needed new residential housing. The development has been tested to ensure that adjoining residents have adequate levels of light and it is an appropriate use so as to not be harmful to the amenities of existing residential occupiers. The development would be constructed of high quality materials and in this central location would provide a good standard of accommodation for new occupiers.

**Informatives**

1. The requirements of the Council's Code of Practice to Control noise from construction sites shall be fully complied with during the construction and site clearance.
2. The developer shall comply with the BRE Code of Practice to control dust from construction and demolition activities (ISBN No. 1860816126). The requirements of the Code shall apply to all work on the site, access roads and adjacent roads.

**Item No:** 02  
**Application No:** 12/01731/CA  
**Site Location:** 14 - 16 Monmouth Place, City Centre, Bath, Bath And North East Somerset



**Ward:** Kingsmead      **Parish:** N/A      **LB Grade:** N/A  
**Ward Members:** Councillor Douglas Nicol    Councillor A J Furse  
**Application Type:** Conservation Area Consent  
**Proposal:** Demolition of existing vacant shop units.  
**Constraints:** Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, Listed Building, World Heritage Site,  
**Applicant:** Ashford Homes Ltd  
**Expiry Date:** 28th June 2012  
**Case Officer:** Varian Tye

## **REPORT**

Reasons for reporting the application to the committee:

A related application for planning permission has been called to the committee by a ward member.

The site and proposal:

The development site lies within the Conservation Area and the World Heritage Site. It falls between 14 and 16 A Monmouth Place which are Grade II listed buildings. Number 14 is described in the statutory list as an end terrace house late 18th century. Number 16 A, and 17, as a house and shop, early 19th century.

There is a pending related listed building application 12/01741/LBA and planning application 12/01730/FUL for development on the site to form seven, three storey (plus basements) town houses following demolition of the existing shop units. The applicant states it is their intention to complete a terraced form of development and a Design and Access Statement, which includes a brief historical analysis of the site, has been provided with the application.

The Conservation Area Consent application includes drawings/proposals for the new development on the site but this application, if approved, would only authorise the demolition of the existing structures on the site.

Relevant history:

DC - 04/01920/FUL - PERMIT - 29 September 2004 - Construction of 3 storey terrace to provide 14no. apartments, new laundrette and bin storage for no.14 following demolition of existing buildings at Land between 14 and 16 Monmouth Place (re-submission)

DC - 04/01925/CA - CON - 28 July 2004 - Demolition of existing buildings and construction of 3-storey terrace to provide 14 no. apartments, new laundrette and bin storage for No. 14 (Re-submission)

DC - 04/01926/LBA - CON - 28 July 2004 - Construction of 3-storey terrace to provide 14 no. apartments, new laundrette and bin storage for No. 14 following demolition of existing buildings (Re-submission)

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

The Archaeological Officer confirms that the above proposed redevelopment lies on the Bath to Seamills (Abonae) Roman road, and in a known area areas of Iron Age and Roman occupation, including the Lower Common (MBN10181 and MBN5363) and Norfolk Crescent (MBN10178). Whilst the site may already have been disturbed by the existing buildings, pockets of significant archaeology could still survive on the site. He would therefore recommend that the following watching brief condition is attached to any planning consent:

No development shall take place within the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to

and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a controlled watching brief during ground works on the site, with provision for excavation of any significant deposits or features encountered, and shall be carried out by a competent person(s) and completed in accordance with the approved written scheme of investigation.

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

The Council's Ecologist notes that buildings are proposed for demolition so the possibility of their use by protected wildlife such as bats or nesting birds is a consideration.

"Although the buildings are within 300m of the river, the buildings appear not to offer features that would typically be attractive to bats and the area is deeply urban. I think it is reasonably unlikely that bats would use the buildings and there would not be sufficient risk of bats to justify requiring a bat survey from the applicant.

There is a reasonable likelihood of the site being used by nesting birds. Demolition works should be undertaken outside of the nesting season and I would recommend this is secure by condition (ECL01).

No removal of buildings or structures shall take place between 1st March and 31st August unless a Survey to assess the nesting bird activity on the site during this period and a Scheme to protect the nesting birds has been submitted to and approved in writing by the Local Planning Authority and no building or structure shall be removed between 1st March and 31st August other than in accordance with the approved bird nesting protection Scheme."

Bath Preservation Trust has no objections to the present buildings being demolished and in principle support the development of the site for housing which will repair the street scene. However, they have concerns about the scale and appearance of the development proposed.

The front elevation appears unbalanced. The single unit is at odds with the massing of the terrace as a whole, and the paired houses to the western end unbalanced by the additional windows. The articulation of the building line to the rear, and the profile is at odds with the front elevation. The trust encourages greater coherence especially as regards to the roof profile. They recommend chimney stacks to each house to help provide articulation and context. The windows should have a uniform pattern and this is the opportunity to consider slim profile double glazing units to improve energy efficiency.

It appears that a substantial tree with a TPO is missing from the drawings at the rear of the site.

Bath Heritage Watchdog submit a general comment. They likewise are pleased to see the modern unsightly buildings demolished and they consider town houses more appropriate than flats.

A simple straight terrace would be more appropriate for this position rather than the grander appearing houses. The applicant's St Georges Place has a simpler terrace formation.

The window design should be a consistent pattern. The windows should all align vertically as well as horizontally. The odd number of windows across the terrace 15 does tend to create an imbalance.

No large scale details have been provided regarding glazing profiles, fake stuck on bars should not be used.

They would hope to see further chimney stacks on the end development.

They welcome the use of Bath Stone Ashlar fronts and natural slate roofs. They would prefer Welsh slate to Spanish.

They are not normally in favour of render rear elevations but in this case do not wish to object to proposals.

## **POLICIES/LEGISLATION**

From the point of view of the historic environment the primary consideration is the duty placed on the Council under S 16 of the Listed Buildings Act to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

There is also a duty under S 72 to pay special attention to the preservation or enhancement of the character of the surrounding Conservation Area.

National Planning Policy Framework sets out the Government's planning policies, and the Historic Environment Planning Practice Guide by English Heritage sets out further guidance on alterations to the historic environment.

Appendix 2 to the EH Guidance on conservation area appraisals suggests criteria to be used in assessing whether unlisted structures make a positive contribution to a Conservation Area's special interest.

The Bath and North East Somerset Local plan including minerals and waste policies adopted October 2007- Policy BH7 is relevant in cases where buildings are considered to make a positive contribution to the special character or appearance of a Conservation Area.

If the Council is minded to grant consent it is not a requirement to notify the Secretary of State before a decision is issued.

## **OFFICER ASSESSMENT**

The buildings to be demolished are a range of modern single storey shop units which are vacant and of little significance. They detract from the character of the Conservation Area. As single storey structures they also allow for views to the back of the modern development on Great Stanhope Street, known as Clarkson House.

As noted above Conservation Area Consent has been granted in the past for the demolition of the present buildings on the site under 04/01925/CA in association with development of the site. Although the decision then taken took into consideration advice given under PPG15, as opposed to NPPF, it is still felt that there are no grounds for objecting in principle to the demolition of the existing buildings on the site as they are not important attributes of the Conservation Area or WHS. In fact, they detract from the setting of listed buildings, and the character of the Conservation Area and the World Heritage Site.

The design approach for the new development follows a traditional approach facing the main road. In contrast a contemporary approach has then been taken on the rear elevation which faces onto the modern development at Clarkson House. The agent notes this includes windows set at an angle to maintain privacy to the rear apartments in Great Stanhope Street.

In contrast to the approved scheme the proposals includes lower eaves and ridge heights, in the case of the rear elevation the agent notes this results in a significant improvement in light levels for the residents of Great Stanhope Street over the previously approved scheme. Also a revised front elevation includes differing bay widths, but no graduation in the sizes of windows, and a reduction in the number of chimney stacks.

The standard window proportions lack sophistication but has to be balanced against a more classical arrangement of the bay widths of the individual townhouse. Also, the development would close the 'gap' in the built up frontage and this would bring significant enhancement over the existing situation. The views of interested parties also note no objections in principle to the demolition of the existing buildings on the site. On this basis I would not wish to object to the proposed demolition or the development proposals in view of the significant enhancement the scheme would provide over the existing situation.

## **RECOMMENDATION**

CONSENT with condition(s)

## **CONDITIONS**

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

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

2 No demolition shall take place until (a) a contract for the carrying out of redevelopment of the site has been made; and (b) planning permission has been granted for the redevelopment for which that contract provides.

Reason. To safeguard the character and appearance of the Conservation Area, World Heritage site and setting of listed buildings.

3 No demoltion/removal of buildings or structures shall take place between 1st March and 31st August unless a Survey to assess the nesting bird activity on the site during this period and a Scheme to protect the nesting birds has been submitted to and approved in

writing by the Local Planning Authority and no building or structure shall be removed between 1st March and 31st August other than in accordance with the approved bird nesting protection Scheme

Reason: To protect nesting birds.

4 Any works necessary to stabilise or make good the two adjacent listed buildings, numbers 14 and 16 A Monmouth Place, and their basements and cellars, shall be undertaken in natural materials to match existing and traditional lime mortar pointing, within two calendar months of adjacent demolition taking place unless otherwise agreed in writing with the local planning authority.

Reason: To safeguard the character and appearance of the listed buildings.

**PLANS LIST:**

Plans numbered 3526/001 REVB, 002REVA, 003 REVA, 004REVA, 005 , 006, 010 REVB, 020, 021, 022,030, 031, noise assessment, sustainable check list, Design and Access Statement incorporating a Statement of Historic Significance date stamped the 17th April,, 3rd May and 25th June

**FOOTNOTE:**

For the avoidance of doubt this consent refers only to the demoltion of the existing vacant units on the site as noted in the description of works attached to this application.

**REASONS FOR GRANTING CONSENT:**

The decision to grant consent subject to conditions has been made in accordance with relevant legislation, National Planning Policy Framework, the Historic Environment Planning Practice Guide by English Heritage, and appropriate policies from the Local Plan. The modern single storey buildings proposed to be demolished on the application site are of no merit and detract from the character of the Conservation Area, World Heritage Site and the setting of listed buildings. The proposals will therefore preserve or enhance the character and appearance of the Conservation Area, World Heritage Site, and the setting of listed buildings



**Item No:** 03  
**Application No:** 12/01741/LBA  
**Site Location:** 14 - 16 Monmouth Place, City Centre, Bath, Bath And North East Somerset



**Ward:** Kingsmead      **Parish:** N/A      **LB Grade:** N/A  
**Ward Members:** Councillor Douglas Nicol      Councillor A J Furse  
**Application Type:** Listed Building Consent (Alts/exts)  
**Proposal:** Erection of 7no. three-storey plus basement, three bed houses following demolition of existing vacant shop units.  
**Constraints:** Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, Listed Building, World Heritage Site,  
**Applicant:** Ashford Homes Ltd  
**Expiry Date:** 28th June 2012  
**Case Officer:** Varian Tye

## **REPORT**

Reasons for reporting the application to the committee:

A related application for planning permission has been called to the committee by a ward member.

The site and proposal:

The development site lies within the Conservation Area and the World Heritage Site. It falls between 14 and 16 A Monmouth Place which are Grade II listed buildings. Number 14 is described in the statutory list as an end terrace house late 18th century. Number 16 A, and 17, as a house and shop, early 19th century.

There is a pending related application for Conservation Area Consent 12/01731/CAC and planning application 12/01730/FUL for development on the site to form seven, three storey (plus basements) town houses following demolition of the existing shop units. The applicant states it is their intention to complete a terraced form of development and a Design and Access Statement, which includes a brief historical analysis of the site, has been provided with the application.

The Listed Building application includes drawings/proposals for the new development on the site but this application is in effect for works to the abutments of the new development with the adjacent protected buildings.

Relevant history:

DC - 04/01920/FUL - PERMIT - 29 September 2004 - Construction of 3 storey terrace to provide 14no. apartments, new laundrette and bin storage for no.14 following demolition of existing buildings at Land between 14 and 16 Monmouth Place (re-submission)

DC - 04/01925/CA - CON - 28 July 2004 - Demolition of existing buildings and construction of 3-storey terrace to provide 14 no. apartments, new laundrette and bin storage for No. 14 (Re-submission)

DC - 04/01926/LBA - CON - 28 July 2004 - Construction of 3-storey terrace to provide 14 no. apartments, new laundrette and bin storage for No. 14 following demolition of existing buildings (Re-submission)

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

The Archaeological Officer confirms that the above proposed redevelopment lies on the Bath to Seamills (Abonae) Roman road, and in a known area areas of Iron Age and Roman occupation, including the Lower Common (MBN10181 and MBN5363) and Norfolk Crescent (MBN10178). Whilst the site may already have been disturbed by the existing buildings, pockets of significant archaeology could still survive on the site. He would therefore recommend that the following watching brief condition is attached to any planning consent:

No development shall take place within the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological

work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a controlled watching brief during ground works on the site, with provision for excavation of any significant deposits or features encountered, and shall be carried out by a competent person(s) and completed in accordance with the approved written scheme of investigation.

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

The Council's Ecologist notes that buildings are proposed for demolition so the possibility of their use by protected wildlife such as bats or nesting birds is a consideration.

"Although the buildings are within 300m of the river, the buildings appear not to offer features that would typically be attractive to bats and the area is deeply urban. I think it is reasonably unlikely that bats would use the buildings and there would not be sufficient risk of bats to justify requiring a bat survey from the applicant.

There is a reasonable likelihood of the site being used by nesting birds. Demolition works should be undertaken outside of the nesting season and I would recommend this is secure by condition (ECL01).

No removal of buildings or structures shall take place between 1st March and 31st August unless a Survey to assess the nesting bird activity on the site during this period and a Scheme to protect the nesting birds has been submitted to and approved in writing by the Local Planning Authority and no building or structure shall be removed between 1st March and 31st August other than in accordance with the approved bird nesting protection Scheme."

Bath Preservation Trust has no objections to the present buildings being demolished and in principle support the development of the site for housing which will repair the street scene. However, they have concerns about the scale and appearance of the development proposed.

The front elevation appears unbalanced. The single unit is at odds with the massing of the terrace as a whole, and the paired houses to the western end unbalanced by the additional windows. The articulation of the building line to the rear, and the profile is at odds with the front elevation. The trust encourages greater coherence especially as regards to the roof profile. They recommend chimney stacks to each house to help provide articulation and context. The windows should have a uniform pattern and this is the opportunity to consider slim profile double glazing units to improve energy efficiency.

It appears that a substantial tree with a TPO is missing from the drawings at the rear of the site.

Bath Heritage Watchdog submit a general comment. They likewise are pleased to see the modern unsightly buildings demolished and they consider town houses more appropriate than flats.

A simple straight terrace would be more appropriate for this position rather than the grander appearing houses. The applicant's St Georges Place has a simpler terrace formation.

The window design should be a consistent pattern. The windows should all align vertically as well as horizontally. The odd number of windows across the terrace 15 does tend to create an imbalance.

No large scale details have been provided regarding glazing profiles, fake stuck on bars should not be used.

They would hope to see further chimney stacks on the end development.

They welcome the use of Bath Stone Ashlar fronts and natural slate roofs. They would prefer Welsh slate to Spanish.

They are not normally in favour of render rear elevations but in this case do not wish to object to proposals.

Two residents have objected /raise concerns regarding adequate parking facilities and adverse impact of the development on the amenities of Clarkson House.

## **POLICIES/LEGISLATION**

From the point of view of the historic environment the primary consideration is the duty placed on the Council under S 16 of the Listed Buildings Act to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

There is also a duty under S 72 to pay special attention to the preservation or enhancement of the character of the surrounding Conservation Area.

National Planning Policy Framework sets out the Government's planning policies, and the Historic Environment Planning Practice Guide by English Heritage sets out further guidance on alterations to the historic environment.

The Setting of Heritage Assets, English Heritage Guidance is also appropriate.

If the Council is minded to grant consent it is not a requirement to notify the Secretary of State before a decision is issued.

## **OFFICER ASSESSMENT**

As noted above Listed Building Consent was granted under 04/01926/LBA for the construction of 3-storey terrace to provide 14 apartments, new laundrette and bin storage for No. 14 following demolition of existing buildings with associated Conservation Area Consent and Planning Permission.

The previous approved application was based on use as apartments. The built form of this further proposal is in some respects similar to the previous proposals.

The agent notes that there are two areas of risk to the listed buildings on the site. These are both structural in nature. The first where the new ashlar walling abuts the two listed building, a 10mm movement joint is required to prevent new construction from exerting any pressure against the old. This is standard practice.

The second is the excavations required to form the new basements or lower ground floor level beside both buildings. The extent and condition of the gable walls below ground level will only be known when uncovered. However, it should be recognised that both buildings have basement levels themselves meaning that the new excavations will undermine adjacent foundations, thus reducing any element of risk.

As with the previously approved scheme the design approach adopted follows a traditional approach on that part of the development which faces onto the main road. In contrast a contemporary approach has then been taken on the rear elevation which faces onto the modern development at Clarkson House.

The concerns of interested parties are noted; however, those relating to such issues as parking and amenity issues regarding overlooking are not material consideration for a listed building application. Those concerns related to appearance and detail design are also noted but it is not felt a refusal of listed building consent could be justified on those terms.

Subject to appropriate conditions, the proposed abutments will preserve the character and setting of the adjacent listed buildings and the proposals are recommended for approval.

## **RECOMMENDATION**

CONSENT with condition(s)

## **CONDITIONS**

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

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

2 Prior to the commencement of the works subject of this application a sample of the natural slate and ridge tiles to be used shall be submitted to and agreed in writing by the local planning authority.

The works shall be undertaken in accordance with the approved sample panel.

Reason. To safeguard the character and appearance of the listed buildings and their setting, and the character of the Conservation Area and the World Heritage Site.

3 Prior to the erection of the external walls a sample panel of the natural ashlar stonework and the stone rubble wall to be erected at the rear of the site shall be erected on site and agreed in writing by the local planning authority.

The works shall be undertaken in accordance with the approved sample panel.

Reason: To safeguard the character and appearance of the listed buildings and their setting and the character of the Conservation Area and the World Heritage Site.

4 Existing openings to be blocked up in 14 and 16 A Monmouth Place shall have a traditional lime plastered internal finish.

Reason: To safeguard the character and appearance of the listed buildings.

5 Any works necessary to stabilise or make good the two listed buildings, numbers 14 and 16 A Monmouth Place, and their basements and cellars, shall be undertaken in natural materials to match existing and traditional lime mortar pointing, within two calendar months of adjacent demolition taking place unless otherwise agreed in writing with the local planning authority.

Reason: To safeguard the character and appearance of the listed buildings.

**PLANS LIST:**

Drawing(s) documents, 3526/001 REVB, 002REVA, 003 REVA, 004REVA, 005 , 006, 010 REVB, 020, 021, 022, 030, 031, noise assessment , sustainable check list, Design and Access statement incorporating a Statement of Historic Significance date stamped the 18th April,, 3rd May and 26th June 2012.

**FOOTNOTE:**

You are advised that this consent does not override any interests that third parties may have regarding civil matters such as ownership, covenants or private rights of way. Before any works are carried out which affect land outside your ownership you should ensure the necessary consents have been obtained from all persons having an interest in the land.

**REASONS FOR GRANTING CONSENT:**

The decision to grant consent subject to conditions has been made in accordance with relevant legislation, National Planning Policy Framework and the Historic Environment Planning Practice Guide by English Heritage. The works by virtue of their location, design, detailing and use of materials, will preserve the building, its setting and its features of special architectural or historic interest and will preserve or enhance the character and appearance of the Conservation Area and World Heritage Site.

**Item No:** 04  
**Application No:** 12/00637/FUL  
**Site Location:** Land At Rear Of 79 London Road West, Bailbrook Lane, Lower Swainswick, Bath



**Ward:** Lambridge                      **Parish:** N/A                      **LB Grade:** N/A  
**Ward Members:** Councillor B Chalker                      Councillor Dave Laming  
**Application Type:** Full Application  
**Proposal:** Erection of four detached dwellings.  
**Constraints:** Agric Land Class 3b,4,5, Article 4, Conservation Area, Hotspring Protection, Tree Preservation Order, World Heritage Site,  
**Applicant:** Charlcombe Homes Ltd  
**Expiry Date:** 9th April 2012  
**Case Officer:** Rebecca Roberts

## **REPORT**

### **REASON FOR REPORTING APPLICATION TO COMMITTEE:**

At the request of Cllr Dave Laming, and with the agreement of the Chairman as the Ward Member objects to the proposed contrary to the officers recommendation.

### **DESCRIPTION OF SITE AND APPLICATION:**

The site comprises a square parcel of land situated on the southern side of Bailbrook Lane, and is located directly to the west of a line of existing residential properties that run along both sides of Bailbrook Lane from the junction with London Road West. The topography of this locality due to the site being on a hillside is sloping, levels increase steeply from south to north. The area of the site is approximately 0.49 hectares. The site has an approximate frontage length along the lane of 105 metres, with its depth ranging from approximately 38 metres to 72 metres. This frontage is formed by a 1.4 metre tall rubble stone wall which acts as a retaining wall to the parcel of land behind; views into the site are further restricted by scrub and trees along the boundary which act as a secondary means of enclosure.

The site is within the Conservation Area and World Heritage Site and lies to the south of the Bath Bristol Green Belt and Cotswolds AONB, these designations are separated from the site by the Redcliffe Housing development to the north of Bailbrook Lane.

The proposed development would result in the erection of a series of individual bespoke contemporary dwellings built using traditional materials with significant landscaping between each unit preserving the landscape connections that are characteristic of this locality.

The application proposes the erection of 4 detached 5 bed dwellings which are proposed to be graded into the hillside to reflect the local topography, a new access, and hard/soft landscaping are proposed to provide access into the site and movement within the site between the dwellings and further planting to enhance this already green landscape. The proposed development will involve excavation of parts of the site to create a level platform on which to construct the dwellings, these dwellings will be constructed on split levels to follow the contours of the site and will sit level or below that of the neighbouring properties to the east and will be designed so as not to disrupt the sight line from the dwellings to the north and which will overlook the roofs of the proposed, further more landscape improvements are proposed to the southern boundary and the grading of the properties has been designed so that the sight lines from the proposed dwellings will be above the roofline and will restrict views into the neighbouring site of 79 London Road West.

It is proposed to use a mix of materials to reflect the relationship between the urban and rural landscape, it is proposed to use a smooth faced Bath Stone and coursed random rubble, a traditional local material as the predominant material on the facade of the development to provide a connection with its surroundings. The upper rear and part side elevations will be predominantly timber cladding in order to create a softer appearance to reflect the natural setting of the rural landscape and will be left untreated to oxidise to a silver-grey colour and the side elevations will be a bath stone coloured render. The roof will be finished in grey Cambrian interlocking slates (can be utilised on low pitched roofs).



The application has been supported by the submission of a design and access statement, landscape and visual impact appraisal, arboricultural assessment and an extended phase one habitats survey.

### **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

**LANDSCAPE ARCHITECT:** No objection subject to conditions. Agree with their findings in terms of the likely impact of the development on the landscape (specifically the conservation area, the AONB and the WHS). I agree that the overall visual impact is likely to be low to neutral. Should the proposal be permitted, then a fully detailed hard and soft landscape scheme will be required. For example, the note (on Drg 5) regarding the choice of species along the northern boundary is misleading.

Would be more appropriate to have more screen planting around the perimeter of the site and less within the site - specifically between units 1 and 2 / 2 and 3. I would also like to see the specimen trees located more generally across the site and not just focussed in one area. Indeed, there should be more than 6. Detailing of the boundaries is going to be of critical importance and this needs to be looked at very carefully to help minimise impact, especially on immediate neighbours. The cut and fill proposals appear to be highly engineered and these would also need to be softened and made more natural in appearance. The walling could also be made more fluid and curving in appearance.

**CONSERVATION OFFICER:** Awaiting Comments but are expected in time to report to members at the meeting of committee.

**URBAN DESIGNER:** Awaiting Comments but are expected in time to report to members at the meeting of committee.

**ECOLOGICAL OFFICER:** An ecological survey and assessment has been submitted, which is reasonably comprehensive, and its recommendations have so far largely been incorporated into the scheme. There is however a couple of issues that still need to be addressed.

**ARBORICULTURAL OFFICER:** No objection subject to conditions. The trees on the site are protected by virtue of the conservation area designation and a number of trees offsite to the south are protected by TPO 500/47. Agree with the general assessment of the trees on the site.

All the trees on site would be removed according to the Site Layout and Block Plan, however, the Tree Protection Plan indicates that T14 of the survey is to be retained. The application needs to be clear on whether this tree is to be retained or not. The Design and Access Statement states that space has been identified for 5 or 6 large specimen trees as mitigation. The position of the trees does not take into account future growth or potential nuisance issues. More trees and better informed locations are expected in the final landscaping scheme to mitigate for the loss of existing trees on the site.

There is no mention within the arboricultural report of the onsite culvert which may require diversion or the proposed soakaways. I note that Wessex Water has requested conditions be imposed which relate to a foul and surface water drainage strategy. I am particularly concerned that these activities could impact on trees beyond the site boundary. The strategy and locations of any structures or trenching must be informed by the presence of

retained trees on and off site and be addressed within the Detailed Arboricultural Method Statement.

HIGHWAY DEVELOPMENT OFFICER: No objection subject to conditions. The Highway Authority has previously consistently opposed further development off Bailbrook Lane, due to the restricted width of Bailbrook Lane to the west, and the use of the lane as a rat-run between London Road West and Gloucester Road. Furthermore, highway objections have been raised regarding the sustainability of the site, where the restricted width of the lane and the lack of pedestrian facilities along the length of Bailbrook Lane would not be conducive to walking and cycling, and where local facilities would therefore not be easily accessible by sustainable modes of travel. The application site is, however, located at the eastern end of Bailbrook Lane, where the lane is wider and more pedestrian friendly, and is also close enough to London Road West to provide access to public transport and segregated pedestrian facilities. The proposed access junction with Bailbrook Lane has therefore been designed to discourage access to and from the west, through the provision of a very tight radius to the western side. The closeness of the site access to the wider sections of Bailbrook Lane to the east, and also to London Road West, is also likely to result in traffic using the eastern end of Bailbrook Lane in preference to the western end.

With regard to strategic highway and transport contributions, in accordance with the SPD on Planning Obligations, a contribution of £10,849.72 has been agreed, which has been based on a rate of £387.49/trip for the 28 trips that would be generated by the 4 dwellings. This rate excludes the schemes in the SPD for the Greater Bristol Bus Network, which is now fully funded, and Rossiter Road, as census data for the area show new residents would have minimal impact on this route.

HIGHWAYS DRAINAGE TEAM: The applicant intends to discharge surface water arising from the proposed development through soakaways. Ground investigations and soakaway testing in accordance with the requirements of the BRE365 Digest should be undertaken to determine if soakaways are a feasible drainage method. If soakaways prove to be unfeasible an alternative surface water drainage option should be proposed and submitted to this office for approval

ENVIRONMENTAL HEALTH OFFICER: Awaiting Comments but are expected in time to report to members at the meeting of committee.

EDUCATION SERVICES: Should this development of 4 no. 5 bed houses at Land at Rear of 79 London Road go ahead, we estimate that the children generated by the development will create the following need and we would be seeking a Developer Contribution for Children's Services as follows:

Total for Early Years provision £0 (Sufficient provision in the area)

Primary age pupil places - 2.576 places at a cost of £33,468.47. Batheaston Primary school serves this area and is currently full and expected to remain so for the foreseeable future.

Secondary age pupil places - 1.822 places at a cost of £0 (sufficient provision in the area projected)

Post 16 places - 0.316 places at a cost of £0 (sufficient provision in the area projected)

Total for school places £33,468.47

Youth Services provision places - 0.6 places at a cost of £800.40

Therefore a total contribution sought of £34,268.87 towards education provisions in the area to be secured through a section 106 legal agreement.

**WESSEX WATER:** The developer must provide separate systems of drainage which will be adopted by agreement with Wessex. Any new connection to the public sewerage system under Section 106 of the Water Industry Act 1991, cannot then be made until the applicant has entered into a signed Section 104 Adoption Agreement with the Water Company. No foul drainage has been agreed. The applicant has indicated drainage via SUDs; ground conditions may not be suitable and the applicant may need to explore other options. There must be no surface water connections to the public foul network. There is adequate capacity within the water supply network to serve the proposed development; point of connection may be agreed at design stage.

#### **OTHER REPRESENTATIONS/THIRD PARTIES**

Ward Member Cllr Laming - New development overlooking existing - loss of amenity. No account being taken of the ecological and natural environmental damage that may well be caused. Access issues onto side road (Bailbrook) and Main old A4. Junction of Bailbrook and London Road still used as a turning circle by cars trying to go back through the village, and Bailbrook used extensively as a "Rat Run" to avoid the London Road rush hour. Cllr Laming claims that a former Councillor failed the residents by failing to sort out this issue some 5 years ago. Damage to retaining wall and another dangerous access onto Bailbrook Lane from the proposed development site.

Neighbours - 21x objections and 3x general comments have been received and are summarised as

- cars using it illegally as a rat run, development will only increase this problem
- Bailbrook Lane is an 'access only' highway and is a single carriageway for most of its length.
- Additional vehicles will add further unacceptable congestion and safety concerns
- a quiet and relatively unspoilt country lane would in effect transform this end of Bailbrook into a suburban estate, with all its associated traffic
- object to the loss of the wall, which is a great feature of the lane.
- proposed would interfere with the flow of the stream that supplies the water to the pond in our garden
- The character of the area cannot support work of this nature: there will be significant and irreparable environmental damage i.e. wildlife will suffer; trees and hedges will be destroyed
- the existing wall is historic and deserves to be repaired not demolished
- new houses are out of keeping with the ambience of Bailbrook
- limited visibility at point of access
- the practice of traffic turning in an easterly direction sounds fine on paper this is not what will happen in practice
- Increase in crime and urbanisation
- does not meet low cost housing needs
- too many houses

#### **POLICIES/LEGISLATION**

**BATH & NORTH EAST SOMERSET LOCAL PLAN INCLUDING MINERALS AND WASTE POLICIES ADOPTED FOR OCTOBER 2007**

D.2 General Design and Public Realm Consideration  
D.4 Townscape Consideration  
BH.1 World Heritage Site  
BH.6 Development within or affecting Conservation Areas  
HG.4 Residential Development in Urban Areas and R.1 Settlements  
HG.7 Minimum Residential Densities  
NE.10 Nationally Important Species and Habitats  
NE.11 Locally Important Species and Habitats  
T.24 General Development Control and Access Policy

SUBMISSION CORE STRATEGY, MAY 2011 (The submission core strategy is a key material consideration but at this stage it has limited weight)

B1 Bath Spatial Strategy

B4 World Heritage Site

Policies D.2, D.4, HG.7, BH.6, T.24, NE.10 and NE.11 of the adopted Local Plan are saved policies.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

The NPPF has been considered in light of this application but does not raise any issues that conflict with the aforementioned local policies which remain extant.

## **OFFICER ASSESSMENT**

### **PRINCIPLE OF DEVELOPMENT:**

The site is located within the urban envelope of Bath where in principle new residential development is broadly acceptable in accordance with policy HG.4 providing it complies with the relevant policies of the Bath and North East Somerset Local Plan (including Minerals and Waste) adopted October 2007.

An EIA Scoping Opinion has been carried out in respect of this application. The proposal does not fall within Schedule 1 and is below the 0.5ha threshold for Schedule 2 for an Urban Development Project and is therefore not classified as EIA development. The site is located on the eastern fringe of the World Heritage Site and within proximity of the Area of Outstanding Natural Beauty (both of which are "sensitive areas") on a prominent hillside, however the application is supported by a detailed landscape visual impact assessment and the Council is satisfied that the proposed development will not significantly harm the setting of these wider designated areas.

### **RESIDENTIAL DENSITY:**

Whilst the previous PPS.3 prescribed housing densities for sites, this was amended in 2010 and subsequently replaced by the NPPF in March 2012. The NPPF encourages the efficient use of land and promotes good design and sustainable development however does not prescribe set densities for land therefore it is up to the LPA to consider what is appropriate on a site by site basis giving consideration to factors such as prevailing character, design and layout to ensure appropriate levels of housing are achieved. Notwithstanding the current national policy position, the extant policy as set out at HG.7 of the Bath & North East Somerset Local Plan still states that residential developments will only be permitted where the maximum densities are compatible with the site, its location and its surroundings, stating that densities in excess of 30dph will be expected. This policy was derived from and was in line with the superseded PPS.3 however it has not been updated and remains a saved policy in the Draft Core Strategy. It is accepted that this

prescription of density goes against the new national guidance, and indeed against the draft policy B1 of the Core Strategy, however, as this policy is part of the current Development Plan and is saved, density consideration is still of material consideration.

This application relates to a site measuring 0.49ha, based on the advice set out in HG.7 there would be an expectation to see c.15 houses on a site of this size in order to accord with the policy. In this respect it is considered that the proposed represents under-development and is thus contrary to the local policy; this analysis does help dispel the comments received suggesting that this scheme is over-development of the site. Notwithstanding, consideration has to be made to other factors affecting the site. The site is in a semi-rural location close to the main conurbation of Bath and could be argued to be comparatively remote from services, and whilst there is a bus service accessible to the site at the bottom of Bailbrook Lane on London Road West, there are no shops in easy walking distance; (approximately 20 minutes walking), to introduce significant level of houses would allow for more cars and create a greater demand for car borne journeys thus increasing traffic flow on this quiet road. Looking at the context of the site and the character of the surrounding area, to insist on meeting the density requirements would create a form of development at odds with the context of the area.

As set out in the introduction, the character of this area is one of loose knit development set back from the roadside; the plots along the southern side of Bailbrook Lane are large, accommodating predominantly single detached dwellings. Furthermore, the site slopes dramatically from north to south and has far reaching views and is visible from many key vantage points as shown in the Landscape and Visual Impact Appraisal by Nicholas Pearson Associates submitted as part of this application. To intensify the amount of housing in order to conform to the local plan policy would be to allow a level of development that would harm the visual character of the area and be inappropriate in relation to the setting and context of the surrounding properties. In respect of the long range views into the site, and being mindful of the adjoining developments and not overdeveloping this prominent hillside, it is again felt that to add further dwellings to the site would in fact harm the visual character and detract from the setting of the area.

On balance it is felt that whilst the application does not propose sufficient dwellings to comply with the local policy, as stated every application must be judged on its own merits. In respect of the NPPF and emerging policy advice, it is considered that the factors as set out above justify that to achieve the higher density may conflict with other policies (landscape and setting) and would result in a form of development that is deemed inappropriate for this area. It is therefore considered that this scheme is acceptable in terms of the density of development proposed in this location, responding positively to the local context and demonstrating an effective and efficient use of this site.

#### CHARACTER AND APPEARANCE:

The proposal on this hillside location is visible from many viewpoints, ranging from the Bathampton Plateau to low hillside views from the Bathford to Bradford on Avon road and from the Warminster road and hill top views from public rights of way on Bathampton Down and is highly visible from Bailbrook Lane, when moving towards the site from either end of the road.

The proposal is for the erection of 4 detached dwellings, on the opposite side of Bailbrook Lane a development by Redcliffe Homes was approved for 5 detached dwellings on

appeal and the inspector concluded that 5 dwellings would generally reflect the established loose-knit pattern of development in the immediate area and would be located so as not to intrude into close or distant view, thereby not restricting the character of this part of the Conservation Area. This is also considered to apply to the application site, furthermore this site is lower down the slope closer to the built environment along London Road West and has greater screening along the boundaries by mature trees a number of which are protected by Tree Preservation Orders.

This application shows 4 dwellings designed to reflect the local topography - graduated down the slope. The contemporary buildings are of similar heights to the adjacent properties to the east (by setting into the slope), and reflect a contemporary design approach. In light of the character, landscaping and topography of the site, coupled with the mixed dwelling styles along Bailbrook Lane and London Road West the proposed contemporary approach (which adopts a traditional palette of materials) would not adversely harm the setting of adjacent properties or appear disproportionate to the detriment of the wider area.

The development has been designed to respond to the local topography resulting in a split level design. The front elevation follows a more traditional element of single and two storey, the single storey drops at the rear to a two storey element which uses a mix of timber and glazing, the glass will allow not only for full advantage of the wide ranging vista from the site but creates a simple clean line on the rear elevation so as not to create a visually hard aspect (obtained with stone) which would dominant the skyline distracting from the natural landscape which is important to the character and appearance of this part of the Conservation Area. The timber once oxidised will help soften the appearance of the building but also provides a strong rural link between the built and natural environment. The proposed provides a subtle contrast between the materials which reflects the contemporary nature of the dwelling whilst respecting the local context of the street.

The 4 dwellings are contemporary, described as being an "Italianate style regency villa" design built with a mix of natural stone and render under low profiled slate roofs, this will positively add to the wide range of architectural styles noted along Bailbrook Lane and the northern side of London Road West, and is considered to be an asset to the visual character of the area. All the properties have been designed with fenestration and materials used to attain maximum light and heat gain from natural sources, but with large roof overhangs to reduce the impact of light spill. Overall it is felt that the architectural composition of this proposal works well and the style, design and appearance do not detract from the wider area or the landscape sensitivity within this locality.

The application proposes to create a new opening and re-modelling of part of the existing boundary wall towards the eastern side of the frontage. A stretch of the wall will be removed and set back from the road and re-built using the existing stones and made-good to allow for increased visibility when exiting the site, approx. 7.5 metres of the wall will be removed to create the access into the site, the material will be used in the construction of the front boundary to plot one which is a continuation of the boundary wall.

The wall which runs along the roadside is characteristic of the lane and is an important feature which needs to be retained. The proposed development proposes alterations to the wall and will result in the loss of part of the wall, however the continuation of the wall into the site and the narrow nature of the road would not result in the opening being the

dominant focus along this frontage, the scale of the boundary wall and design of the access will preserve the dominance of this feature within this locality and the alterations to it are not considered to be of detriment to the character and appearance of this locality and Conservation Area.

On balance it is considered that this scheme is not in conflict with the setting of the World Heritage Site, it responds to the local context, drawing on common features and materials with a contemporary twist. The new dwellings add a distinctly attractive feel to the local area and the wider public realm is maintained, it is therefore felt that the scheme is in accordance with Policies D.2, D.4 and BH.1 of the Bath & North East Somerset Local Plan.

Notwithstanding the above, given the design of these properties and the size of the individual plots, it is considered appropriate to remove permitted development rights for the erection of extensions and free standing buildings to as to retain control over how the site may evolve in the future and how any proposed works may impact on both the local and wider area.

#### RESIDENTIAL AMENITY:

Concern has been raised by neighbouring properties as to the issue of overlooking and loss of privacy. The closest dwelling which has the potential to be affected is that of 79 London Road West, this property is set above the main road and sits close to the line of dwellings along Bailbrook Lane.

No.79 is a contemporary dwelling perched on a ledge on the steep hillside and is predominantly single storey with a two storey element home to the master bedroom/bathroom; this property has an extensive amount of glass to the side elevation which takes advantage of the views and natural light. The rear of no.79 is approximately 6 metres from the boundary with the development site and is set down resulting in the ground level of the development site sitting just above the single storey flat roof of no. 79. It is this close proximity to the lower level of the development site and the sloping topography which opens this site to potential impacts of overlooking and increased sense of enclosure. Rear windows re positioned on the single storey part of the dwelling which runs with the boundary between plots 1 and 2, the proposed development at this point is predominantly garden space along the boundaries of the two plots, however the deck area of plot one faces towards no.79, and is set at first floor level, however due to the drop in levels and separation (approx 28 metres), people using the deck area will not be able to look down into the rear of the site of no.79 but will look directly over the roof. Plot 2 is directly to the rear of the two storey structure of no. 79 and is approximately 23 metres away, the ground floor windows of plot 2 will be level with the flat roof of the two storey structure of no.79. There are no windows within the rear elevation of the two storey structure of no.79, there is however a long strip of glazed units along the south western (side elevation) overlooking the garden, however the location of the dwelling in plot two and the balcony would not result in overlooking of any windows, some overlooking or the sense of being overlooked may arise within the garden of no.79 however the potential level of such is not considered significant enough to warrant a reason for refusal. The plot which raises most concern is that of plot 3, due to the large expanse of glazing and the deck area positioned at first floor level which could look directly towards the side windows of no.79. The side elevation of no. 79 is of an oblique angle to the rear elevation of plot 3, therefore the potential for overlooking from within the proposed dwelling of plot 3 is not

considered significant, however the deck area is set at an angle to the development and has the potential for overlooking and loss of privacy, the proposed is approximately 26 metres from the side elevation of no 79 and has a direct sight line towards the side elevation above the garden room. However this sight line is interrupted by a mature tree within the garden of no.79 close to the boundary, this coupled with the proposed landscaping along the boundary and new specimen trees to be planted would create sufficient screening within this space and the level of overlooking is not considered significant enough to warrant a reason for refusal.

The application site has been established as scrub land for some time, although comments have been made to suggest that the land was once used as an orchard and that would be supported by the existing trees on site which are predominantly fruit trees, aerial photos suggest that the area was more populated with trees a decade ago but in recent times has been cleared, creating a more open site and the development of this has the potential to result in an overbearing presence or increased sense of being enclosed to neighbouring occupiers in particular no. 79 London Road West.

The other neighbouring sites are set above the site or are separated by mature trees that create a natural screen, however the dwelling to the south west of the site is more open and set down, therefore the proposed development will sit above no.79 and will be visible from the property and garden. However as stated above the density level is appropriate and forms a loose knit layout which preserves an element of spaciousness within and between the plots which allows for improved landscaping to restore some of the natural landscape that was lost when the site was cleared.

The dwellings have been set away from the boundary to provide sufficient space between the plots and the neighbouring dwellings, creating a buffer zone of approx. 20 metres around the site and within this area will be improved boundary hedges, new trees and retention of some existing specimens which will create a green cocoon around each plot separating the site into smaller environments via natural screen in the landscape to soften the proposed development which is considered to improve the relationship of dwellings within this built environment and is not considered to cause an overbearing presence, this will have the potential to cause an increase sense of enclosure due to the built development and the proposed landscape, however this is not considered significant enough to warrant a reason for refusal.

The dwelling to the east is well screened by mature trees which are protected under a Tree Preservation order and play an important role in the landscaping setting of the area, these will screen the development, plot one will be in close proximity to the eastern boundary, however given the distance between the dwellings, existing boundary treatments and the graded profile of the proposed dwellings no undue harm will be caused to the amenity of no. 142 Bailbrook Lane.

The Redcliffe development to the north, due to the steep rise in the topography will overlook the roofs of the proposed development avoiding the potential for overlooking, loss of privacy or loss of light and will preserve the visual amenity currently enjoyed.

**ECOLOGY:**



The application was supported by an ecological survey and arboricultural survey to establish the ecological importance of the site and to identify any protected species that may be present within the site or potentially affected by the proposed development.

The ecological officer stated that there were a few issues that needed to be addressed. Additional information has been received and these will be considered and revised comments provided.

There is a watercourse that runs under the Redcliffe development to the north drops over the hedge and into a culvert which runs under the application site to the north east of the site and into the neighbouring garden of No. 79 London Road West and meanders its way across to 142 Bailbrook Lane where it continuously provides water to ponds and flows back into no.79 where it filters through another set of ponds before entering a culvert which runs beneath London Road West towards the River Avon. These ponds act as mini wildlife havens and there is concern that the development will damage this natural flow or indeed contaminate it. The applicant is aware of this natural feature and acknowledges that this may need to be diverted to facilitate the development and ensure its flow is not interfered; the point at which it crosses along the southern boundary will not be altered. A condition will be attached to ensure the pipe is diverted prior to the commencement of development and it is considered any impact on ecology will remain neutral. However it must also be acknowledged that this watercourse runs through other sites above which are not in the applicant's control, therefore contamination could still occur as a result of changes to the water flow upstream of the site.

The information provided within these assessments provides sufficient information on the ecological value of the site and the likely impacts of development and is considered to comply with policies NE.11 and NE.12

The extensive hedging and trees along the boundary of the site will be maintained where possible and incorporated into a landscape scheme; details of the trees to be retained or removed are addressed in the arboricultural report.

#### **HIGHWAYS:**

The means of access to serve the development has been agreed with visibility splays of 2.4m by 25m, to accord with the speed of traffic using the lane, and this would be achieved with the realignment of the existing boundary wall. A pull-in area is proposed to the eastern side of the proposed access, which will aid visibility and provide both a passing area and pull-in for servicing. The layout includes turning facilities within the site, in order to ensure emergency vehicles could access the site, if required. Furthermore, each dwelling will have a separate driveway and turning area, together with the provision of adequate parking within garages and on the driveway.

#### **RECOMMENDATION:**

A. Authorise the Planning and Environmental Law Manager to prepare an Agreement under Section 106 of the Town and Country Planning Act 1990 to secure ; - a contribution of £10,849.72 for Highways and £34,268.87 towards education provisions.

B. Upon completion of the Agreement authorise the Development Manager to PERMIT subject to satisfactory comments being received from the Councils Ecologist and Urban Designer and the following conditions:-

## **CONDITIONS**

1 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 permissions.

2 No development shall commence until a sample panel of all external walling and roofing 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.

Reason: In the interests of the appearance of the development and the character and appearance of this part of the Conservation Area.

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

Reason: To ensure the provision of an appropriate landscape setting to the development.

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

Reason: To ensure that the landscape scheme is implemented and maintained.

5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no fences, gates, walls or other means of enclosure shall be erected or placed within the curtilage of any dwelling house forward of any wall of that dwelling house which fronts onto a highway without a further planning permission being granted.

Reason: In the interests of the visual amenity and character of the area.

6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no garages or other free standing buildings shall be erected within the curtilage of the dwelling(s) hereby approved, other than those expressly authorised by this permission, unless a further planning permission has been granted by the Local Planning Authority.

Reason: The introduction of further curtilage buildings requires detailed consideration by the Local Planning Authority to safeguard the appearance of the development and the amenities of the surrounding area.

7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no extension, external alteration or enlargement of the dwelling(s) or other buildings hereby approved shall be carried out unless a further planning permission has been granted by the Local Planning Authority.

Reason: Any further extensions require detailed consideration by the Local Planning Authority to safeguard the amenities of the surrounding area.

8 No works or deliveries required to implement this development shall take place outside the hours of 0800 - 1800

Reason: To safeguard the amenity of nearby occupiers.

9 The areas allocated for parking and turning on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of amenity and highway safety.

10 The means of access up to the individual private drives and the pull-in area adjoining Bailbrook Lane shall be properly bound and compacted (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. The driveways hereby permitted shall not be occupied until their respective drive and common access have been bound and compacted in accordance with the approved details.

Reason: In the interests of highway safety

11 Before the dwellings hereby permitted are first occupied or brought into use the area between the nearside carriageway edge and lines drawn between a point 2.4m back from the carriageway edge along the centre line of the access and points on the carriageway edge 25m from and on both sides of the centre line of the access shall be cleared of obstruction to visibility at and above a height of 600mm above the nearside carriageway level and thereafter maintained free of obstruction at all times.

Reason: In the interests of highway safety

12 The development hereby permitted shall not be occupied or the use hereby permitted commence until details of surface water drainage provision for the access drive (so as to mitigate adequately runoff of surface water on to the highway) have been submitted to and approved in writing by the Local Planning Authority and the approved drainage details fully implemented.

Reason: In the interests of highway safety.

13 No development shall commence until details of the diversion of the watercourse culvert/pipe have been first submitted to and approved in writing by the Local Planning Authority and the approved diversion fully implemented.

Reason: to safeguard the natural watercourse and natural environment

14 No development shall take place until a Detailed Arboricultural Method Statement with revised Tree Protection Plan which can be scaled from has been submitted to and approved in writing by the Local Planning Authority and details within that implemented as appropriate. The final method statement shall incorporate supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and certificates of completion where any work will impinge on the root protection areas of any retained trees on or off site. The statement should also include the control of potentially harmful operations such as regarding, the storage, handling and mixing of materials on site, burning, location of site office, service run locations including soakaway locations and movement of people and machinery.

Reason: To ensure that trees to be retained on site and any off site trees are not adversely affected by the development proposals

15 No development activity shall commence until the protective measures as stated in the approved Detailed Arboricultural Method Statement are implemented. The local planning authority is to be advised two weeks prior to development commencing of the fact that the tree protection measures as required are in place and available for inspection.

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

16 No development or other operations shall take place except in complete accordance with the approved Arboricultural Method Statement unless agreed in writing by the local planning authority.

Reason: To ensure that the approved method statement is complied with for the duration of the development.

17 The development shall not be commenced until a foul and surface water drainage strategy is submitted and approved in writing by the local Planning Authority. The drainage scheme shall be completed in accordance with the approved details prior to the occupation of the permitted dwellings

Reason: To ensure that proper provision is made for sewerage of the site and that the development does not increase the risk of sewer flooding to downstream property.

18 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 drawing no's 2, 4, 6,8, 9, Design and Access Statement, Planning Statement, Landscape and Visual Impact appraisal, Extended Phase I Habitat Survey and Transport Statement date stamped 10th February 2012, the Arboricultural Implications Assessment date stamped 18th April 2012 and drawing no's 5A, 7A, the Site Location Plan and Additional Ecology Information date stamped 17th May 2012, the Habitat Management Plan date stamped 18th May 2012, the Reptile Survey date stamped 7th June 2012 and the Nicholas Pearson Associates letter date stamped 2nd July 2012.

### **REASONS FOR GRANTING APPROVAL**

1. The proposed development is considered acceptable in terms of design, size, scale, siting and use of materials. The proposed would preserve the existing built environment without detriment to the character and appearance of the streetscene and this part of the Conservation Area and will preserve the rural character of the site and the surrounding hillside landscape.

The works would not harm the local distinctiveness of this locality and is not considered detrimental to the setting of the World Heritage site.

The proposed development is not considered to cause significant harm in terms of an overbearing presence, increased sense of enclosure, loss of privacy or overlooking to the detriment of neighbouring occupiers.

2. The decision to grant approval has taken account of the Development Plan, relevant emerging Local Plans and approved Supplementary Planning Guidance. This is in accordance with the Policies set out below at A.

A.

D.2 General Design and Public Realm Consideration

D.4 Townscape Consideration

BH.1 World Heritage Site

BH.6 Development within or affecting Conservation Areas

HG.4 Residential Development in Urban Areas and R.1 Settlements

HG.7 Minimum Residential Densities

NE.10 Nationally Important Species and Habitats

NE.11 Locally Important Species and Habitats

T.24 General Development Control and Access Policy

Submission Core Strategy (2011(The submission core strategy is a key material consideration but at this stage it has limited weight) B1 Bath Spatial Strategy, B4 World Heritage Site

Policies D.2, D.4, HG.7, BH.6, T.24, NE.10 and NE.11 of the adopted Local Plan are saved policies.

The NPPF has been considered in light of this application but does not raise any issues that conflict with the aforementioned local policies which remain extant.

**ADVICE NOTE:**

No materials arising from the demolition of any existing structure(s), the construction of new buildings nor any material from incidental and landscaping works shall be burnt on the site.

The developer shall comply with the BRE Code of Practice to control dust from construction and demolition activities (ISBN No. 1860816126). The requirements of the Code shall apply to all work on the site, access roads and adjacent roads.

The requirements of the Council's Code of Practice to Control noise from construction sites shall be fully complied with during demolition and construction of the new extension.

Where a request is made to a Local Planning Authority for written confirmation of compliance with a condition or conditions attached to a planning permission or where a request to discharge conditions is submitted a fee shall be paid to that authority. Details of the fee can be found on the "what happens after permission" pages of the Council's Website. Please send your requests to the Registration Team, Planning Services, PO Box 5006, Bath, BA1 1JG. Requests can be made using the 1APP standard form which is available from the Planning Portal at [www.planningportal.gov.uk](http://www.planningportal.gov.uk).

**Item No:** 05  
**Application No:** 11/05081/RES  
**Site Location:** Clutton Hill Industrial Estate, King Lane, Clutton, Bristol



**Ward:** Clutton                      **Parish:** Clutton                      **LB Grade:** N/A  
**Ward Members:** Councillor Jeremy Sparks  
**Application Type:** PI Permission (Approval Reserved Matters)  
**Proposal:** Approval of reserved matters with regard to outline application 08/01079/OUT (Infill development of part of existing site with 6no. small industrial buildings and revised access)  
**Constraints:** Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenbelt,  
**Applicant:** Clutton Hill Agricultural Services Limited  
**Expiry Date:** 8th March 2012  
**Case Officer:** Gwilym Jones

## **REPORT**

Reason for Application being reported to Committee:

Clutton Parish Council have objected to the application and under the Council's Scheme of Delegation the Chair of the Development Control Committee has requested that the application is reported to committee for determination.

This application is for the approval of Reserved Matters in respect of i) appearance, ii) landscaping, iii) layout and scale following grant of outline planning permission for the development of industrial buildings and revised access at Clutton Hill Industrial Estate. The application site is located to the north-east of the village of Clutton, opposite residential properties located on the south side of King Lane. The red-line boundary for the application site extends from the site entrance on King Lane to the site of the proposed buildings i.e. it relates to only part of the existing Clutton Industrial Estate. The application site comprises a number of derelict sheds and hard standing.

The industrial estate comprises a mix of buildings ranging in height from 3-14m that have been developed over a number of years and are in a variety of B1, B2 and B8 uses. Vehicular access is currently located towards the centre and western side of the site. The outline planning permission granted approval for the relocation of the site access to the east, closer to the junction with Cuckoo Lane. The site is located in the Green Belt and designated as a Major Existing Developed Site in the Local Plan.

The application has been amended and supplementary information provided to a) revert to the previously approved site access layout, b) clarify operational access arrangements, and c) reduce the height of the proposed buildings.

### **Planning History**

08/01079/OUT - 20 May 2009 - Outline Planning Permission granted for 'Infill development of part of existing site with 6 no. small industrial buildings and revised access'.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Highways - objected/recommended refusal to originally submitted proposals on the grounds that the submitted plan did not show the form of access approved at outline application stage and did not deliver the level of visibility and necessary improvements to accommodate the increased use associated with the new development. Amended plans revert to the previously approved layout and are considered acceptable.

Highways Drainage - The site is located outside of the flood zones however the site area is 2ha and therefore the application should be supported by a flood risk assessment. The applicant has stated that surface water from the development will be disposed of to an existing culvert within the public highway which then drains into a highway drain that runs down Clutton Hill. The flood risk assessment should quantify the capacity of the existing drainage system and pay particular attention to the downstream effects of the surface water discharge from the site as we have concerns about the Clutton Hill area. Require confirmation about the historical legal status of the connection into the highway drain and whether the culvert is in good condition. If the applicant is found to not have a legal connection into the highway drain, an alternative surface water drainage scheme should be submitted. The Environment Agency should be consulted on the application.



Environmental Protection - no objection.

Archaeologist - There are no significant records within the immediate vicinity that are likely to be affected by the above proposed development therefore do not recommend the need for any further archaeological assessment or planning conditions.

Ecologist - recommend a suitably qualified ecologist is appointed to undertake an initial survey of the site for protected species, to include survey for bats, badger, nesting birds. No clearance works or dismantling of structures should take place before this, to avoid risk of harm or disturbance to protected species or their resting places.

#### Third Party Representations

Councillor Sparks - following meeting with objectors, the Parish Council and applicant previous objection comments withdrawn.

Clutton Parish Council - object on grounds that i) the drawings show buildings much higher than approved at outline stage; ii) the application proposes a new 24-hour access through an inappropriate route. They note that a separate new road to the site (which would have removed the need for large lorries to negotiate the very narrow roadway and junction at the top of Clutton Hill) was part of the original application but appears to have been removed and replaced by an enlarged entrance at the current location. By enabling access to the site by large vehicles using roads they cannot currently (and should not) use this will make the problems caused by this site for the residents and road users of this parish worse not better. In 2008, although the Parish Council recognised that Clutton Hill is an industrial estate, it objected to the outline planning permission for 6 new units primarily based on the poor state and control of the site. At the time the Parish Council asked that the site be rationalised and brought up to current standards and approvals before any further development was allowed to take place. Despite this request permission was granted and since that time the site has added numerous large cider vats all without permission, and there are businesses that continue to work without permission, and others that work outside the hours which they are allowed to. There are also continuing problems with the drainage and effluent coming out further down the Hill.

7 letters of objection from local residents on the grounds of:

- i) increase in the size of the access allowing for larger lorries and greater lorry parking with access to the site via Cuckoo Lane and Clutton Hill which are already too narrow for the amount of traffic using them.
- ii) increase in traffic and lorries using the site and arriving in the night and early morning if there is a waiting area by the entrance to the estate.
- iii) the Stormwater and Drainage Report states that storm water sewers will be allowed to discharge into the highways drains as it has done for 40 years, and flow on down Clutton Hill however this is no longer a small farm site as it was then and has a much larger number of people working there and any increase in usage on the site will increase waste from the site.
- iv) the units appear to be greater in height than shown in the outline application making them more visible to local residents.
- v) loss of existing trees/hedge and replacement planting with a single row to a height of 1.5m to conceal the new entrance will be ineffectual at best;

- vi) the application does not properly address some of the reserved matters that it seeks to discharge (Condition 7 - surface water drainage; Condition 8 - visibility splays; Condition 16 - working hours).
- vii) lack of planning control/enforcement over existing operations.

## **POLICIES/LEGISLATION**

Bath and North East Somerset Local Plan (including minerals and waste policies) 2007 - GB.1 (Control of development in the Green Belt); GB.3 (Major Existing Developed Sites); D.2 (General design and public realm considerations); D.4 (Townscape considerations); NE.10 (Nationally important species and habitats); NE.11 (Locally important species and habitats); T.24 (General development control and access policy)

Bath & North East Somerset Draft Core Strategy (December 2010) - consideration has been given to policies in the Bath & North East Somerset Draft Core Strategy however only limited weight can be attached to this document until it is formally adopted. Of relevance to the current application are policies CP 6 (Environmental Quality); CP8 (Green Belt); para 5.42 (Major Existing Developed Sites).

National Planning Policy Framework (March 2012) - The NPPF was published on 27 March 2012 and has been considered in relation to this application. The NPPF guidance in respect of the issues which this particular application raises is in accordance with the Local Plan policies set out above.

## **OFFICER ASSESSMENT**

Outline planning permission was granted in May 2009 for the demolition of existing derelict sheds within the site and the construction of 6 industrial units on the Clutton Hill Industrial Estate. The outline permission established the principle of the use, the floorspace and site access. The current application seeks approval for reserved matters relating to siting, design and external appearance of the new buildings, and to landscaping. Should approval be granted for these reserved matters then a number of conditions relating to details of the development including details of landscaping and the foul and surface water drainage will still need to be discharged before development can commence. It is relevant to note that existing operations elsewhere on the site are outside the scope of this reserved matters application.

### **Layout and Scale**

The submitted drawings show a block of industrial units comprising two rows of buildings (back to back) located towards the northern edge of the site. The overall building footprint and siting is similar to that shown on illustrative drawings submitted at outline application stage although located slightly further north with parking proposed to the north and south of the buildings (rather than only to the north as previously shown) and the building entrances are located on the north and south elevations of the buildings. The buildings are located within the existing built area of the site, away from residential buildings on King Lane, and their siting and orientation is considered acceptable.

The drawings submitted with the reserved matters application initially showed buildings 4.5m to eaves and 7m to the ridge compared to buildings 2.9m to eaves level and 4.7m to the ridge shown on the illustrative drawings submitted with the outline application. The building heights have been amended to 4m to eaves and 5.9m to the ridge. The applicant

has stated that this increased height is needed to provide flexibility in the type of businesses that could occupy them and improve the prospects of the space being let.

The acceptability of the principle of the development was assessed at the outline application stage and it was determined that the development met the tests set out in Policy GB.3 relating to Major Existing Development Sites in the Green Belt. However, given the increase in the height of the buildings from those illustrated in the outline application it is relevant to consider whether the scale of building now proposed will have a materially different impact. In particular Policy GB.3 requires that infill development must not exceed the height of the existing buildings (as well as having no greater impact than the existing development on the purposes of including land in the Green Belt and not leading to a major increase in the developed proportion of the site). The buildings to be replaced are approximately 3.0m to the ridge. Elsewhere on the industrial estate the buildings range in height (to the ridge) from 3.7m to 14.6m. Those immediately adjoining the proposed building are 3.7m (to the west) and 4.2m-5.3m (to the east). To the south are buildings generally over 5m to ridge with one over 14m.

The industrial estate is bounded on three sides by open countryside with the land rising to the north and two storey residential buildings on the south side of King Lane. To the north east the land rises from King Lane and is crossed by a public footpath. Given the local topography and landscape character the site is clearly visible from the surrounding area and the applicant has submitted a visual impact assessment that includes photos from a number of viewpoints with the proposed buildings superimposed. Whilst the taller buildings on the site generally obscure views of the proposed buildings from the south, given the open character of the surrounding countryside and the heights of immediately adjacent buildings the new buildings will be visible from the east and west. For example, from a viewpoint to the east of the site the proposed buildings will be visible however they will not break the skyline and will be seen in the context of other (taller) buildings to the south. From the west there are partial views from King Lane (a hedge along its northern edge limits direct views) however at entrances and on driveways to private properties a more open view is possible. When viewed from the west the proposed buildings will be seen above those existing at the western edge of the industrial estate, however the new buildings will not break the skyline and will be seen against the backdrop of the fields to the east.

Whilst the existing buildings to be replaced are around half the height of those proposed, and the details submitted at reserved matters stage show buildings taller than those illustrated at outline stage, it is considered that the proposed buildings will not have a significantly greater impact on the purposes of including land in the Green Belt and the proposals are acceptable under Policy GB.3.

#### Appearance

In terms of design and external appearance the proposed buildings are generic industrial sheds with rendered block-work walls and single roller shutter loading bay/door, and a pitched profiled metal roof. The design is typical of the other buildings on the site and whilst functional they are not inappropriate given the nature of the use and are considered acceptable. It is relevant to note that Condition 13 of the outline planning permission requires the submission and approval of materials samples prior to commencement of development.

## Landscaping

The proposed landscaping within the site is generally hard surfaces with a permeable tarmac access road from the site entrance to the new buildings and permeable surface parking areas. In terms of soft landscaping the application proposes the removal of a row of conifers along part of the northern boundary of the site (although those that provide a screen between an existing residential building to the north and the industrial estate are to be retained) and re-planting with a native species hedge and row of trees. An existing mound of rubble immediately to the north of the new buildings is to be removed the land restored. Limited tree planting is proposed along the eastern and northern boundaries the industrial estate. At the site entrance an existing hedge is to be removed and a new lower hedge planted to provide adequate visibility at the site entrance. The general landscape strategy is considered appropriate and it is relevant to note that Condition 11 requires the submission and approval of a detailed landscaping scheme prior to commencement of development which will enable the Council to control planting details.

Part of the application site comprises derelict buildings and part is currently used to store waste rubble and soil that may be a suitable habitat for wildlife and the Council's Ecologist requested that a survey be carried out prior to commencement of any works on site. This survey has been undertaken and this found that the existing buildings (to be demolished) are not used by bats as a roost site although bats do pass across or close to the site. No other protected species were found on the site. Given that the principle of development has been established by the outline planning permission the applicant has been advised of their responsibilities in respect of protected species however it is considered appropriate that the recommendations of the ecological survey are implemented before development commences so that appropriate mitigation measures can be incorporated into the works.

## Other Considerations

A number of objections have been raised to operations on the industrial estate as a whole and their impact on the local area. These include access to the site by large lorries, working hours and drainage however the outline permission (and this reserved matters application) relates to only part of the industrial estate and control of uses elsewhere on the site is beyond the scope of this application.

Whilst the new buildings are likely to lead to an increase in traffic accessing the site, the scale of development and associated highway impacts were assessed at outline stage and were considered to be acceptable. The site access shown on the reserved matters application drawings has been amended to revert to the layout approved at outline stage and the applicant has submitted an Operational Statement that clarifies the use of the three points of access to the site. This states that the principal vehicular access will from the eastern entrance, the central access (currently used as the main site entrance) will be for emergency purposes only and the western access retained as existing serving buildings on the western part of the site. This proposal is considered acceptable.

There are conditions on the outline planning permission that control aspects of the development and which the applicant will need to comply with either prior to commencement of development or first occupation of the approved buildings as specified in the conditions. This includes conditions relating to site access, with no occupation of the new buildings to take place until the approved visibility splays have been provided (Condition 8) and no construction of the industrial units to commence until revisions to the

site accesses have been implemented (Condition 9). In addition there are conditions controlling vehicle delivery hours (Condition 16 - 08.00-18.00 Mondays to Fridays and 09.00-13.00 on Saturdays and no deliveries on Sundays or Bank Holidays) and requiring the submission and approval of details relating to foul and surface water drainage prior to first occupation of the new buildings (Conditions 7 and 14). The area of the application site is less than 1ha and therefore a Flood Risk Assessment is not required and the Environment Agency do not need to be consulted on the application - the reference by Highways Drainage to an area of 2ha relates to the entire industrial estate. Surface water drainage from the industrial estate as a whole is currently being assessed by the Council's Highways Drainage team and approval of this reserved matters application would not prejudice this separate investigation nor remove the requirement to submit further details to discharge other conditions. In the circumstances it is considered that the combination of the Council's powers as Highways Authority and separate approvals required under planning conditions provide appropriate mechanisms to ensure an acceptable drainage scheme for the site.

## **RECOMMENDATION**

**APPROVE** subject to the following conditions:

## **CONDITIONS**

1 Prior to first occupation of the development the measures set out in the Operational Statement (received 22 February 2012) shall be implemented in full and permanently maintained thereafter.

Reason - In the interests of highway safety.

2 The development shall be undertaken in accordance with the recommendations of the Protected Species Surveys (June 2012).

Reason: To avoid risk of harm or disturbance to protected species.

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

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

## **PLANS LIST:**

This decision relates to the following drawings and documents: Location Plan (received 22 February 2012); Block Plan Revision B (received 22 February 2012); 51415/01/001 Rev.C; CHAS.LS.01.B; Hard Landscaping Plan (received 28 November 2011); Protected Species Surveys (June 2012).

## **Advice Note:**

The applicant's attention is drawn to the need to comply with all relevant conditions imposed on the grant of outline planning permission (08/01079/OUT) prior to commencement/first occupation the approved development as specified.

**Item No:** 06  
**Application No:** 12/02165/OUT  
**Site Location:** Fairash Poultry Farm, Compton Martin Road, West Harptree, Bristol



**Ward:** Mendip                      **Parish:** West Harptree                      **LB Grade:** N/A  
**Ward Members:** Councillor T Warren  
**Application Type:** Outline Application  
**Proposal:** Erection of 3no. dwellings following demolition of existing poultry farm (revised resubmission).  
**Constraints:** Airport Safeguarding Zones, Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Water Source Areas,  
**Applicant:** Mr Peter Wood  
**Expiry Date:** 18th July 2012  
**Case Officer:** Alice Barnes

## **REPORT**

### **REASON FOR REPORTING THE APPLICATION TO COMMITTEE**

The application has been referred to the Development Control Committee as West Harptree Parish Council has supported the application contrary to the case officer recommendation to refuse.

The application has been referred to the Chairman of the Development Control Committee who has agreed that the application should be considered by the Development Control Committee as the site has been to the Committee before and the Committee has already been on a site visit.

### **DESCRIPTION OF SITE AND APPLICATION**

The application site is located on the main A368 between the villages of West Harptree and Compton Martin. It is an agricultural site surrounded by some housing but is largely located within the open countryside. The site is located within the Mendip Area of Outstanding Natural Beauty.

The existing site is currently occupied by agricultural buildings which are of a high density within the site. The site is surrounded by a low fence and is adjacent to an existing cross roads. It is clearly visible from the streetscene and within long range views within the surrounding area. The site is bordered by the A368 to the south and is at the corner of an existing crossroads.

This is an application for the erection of 3 dwellings at Fairash Poultry Farm. This is an outline application. The applicant has applied for access, landscaping and layout with appearance and scale reserved. The proposed housing would be accessed from the A368.

### **RELEVANT HISTORY**

11/03843/OUT - Erection of 7no. dwellings following demolition of existing poultry farm, refused 20/01/2012

09/01216/FUL - Change of use of poultry buildings to business (Use Class B1, B2 and B8), withdrawn 13/05/2009

4105/F - Erection of an extension to an existing battery chicken house, permission 5/06/1981

4105/G - Erection of an extension for a new battery chicken house for egg production, permission 18/08/1981

4105/J - Erection of an extension for a new battery chicken house for egg production, permission 23/11/1981

4105/K - Extensions and alterations, permission 09/05/1991

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Building Control: No comment

Highways: The site layout plan does indicate improvements to visibility in both directions from the site access point, through the removal of the fencing to the east and its replacement of a new hedge further back on the frontage, together with the removal of the hedge boundary treatment to Fairash Bungalow to the west and its replacement with a new hedge set back to improve visibility.

Whilst these alterations would provide some improvement to the current level of visibility for emerging drivers from the site access, the visibility would still not meet standard requirements for the speed of traffic on the A368.

The applicant's agent had provided some details of the movements associated with the former poultry farm use, but there were no comparisons with the proposed residential use. However, I have already concluded that the traffic generation would be less for the proposed use.

Therefore, having regard to the likely traffic generation, and the improvements proposed to visibility, I have not sought to raise any highway objection to the use of the access for the proposed residential development.

With regard to the sustainability of the site, the applicant's Agent has provided details of bus services which pass the site, and can be accessed from the bus stop to the east of the site access. Whilst this bus stop does provide some level of public transport services, it does not offer sufficient choice of destinations to major centres to be considered appropriate to encourage more sustainable travel choices. Furthermore, there are no pedestrian facilities and safe cycle routes to encourage non-motorised journeys.

Therefore, I do not consider the site to be in a sustainable location.

Highways drainage: No objection is raised provided that provision is made for surface water drainage.

Environmental protection: No objection is raised providing that a condition is attached to any permission requiring the submission of a further noise assessment on completion of the works.

Landscape architect: The site lies within the Mendip Hills AONB and is outside the development boundaries of neighbouring Compton Martin and West Harptree. There is a strong presumption against residential development in both cases.

Whilst it is accepted that the existing poultry houses are unsightly and may not be economically viable, replacing them with a residential development which may be less detractive does not makes this application acceptable.

The introduction of a residential development in this area is inappropriate and should not be supported.



West Harptree parish council: Support. The revision is better aligned to the existing buildings in the area and is a sensible use of a redundant site. Better visibility for drivers since the hedge has been moved back.

Compton Martin parish council (neighbouring parish): Whilst the site is part of West Harptree parish it is close to Compton Martin parish. There is no need for an isolated settlement where access is along a busy A road which does not have a verge to walk along. This will result in increased traffic movements at a busy and dangerous crossroads. The application is outside of local plan policy. A scheme to realign the road was considered some years ago and any development should include a section 106 to implement the scheme.

Although this application is not in the Green Belt, the rural area has the same characteristics as green belt. It is in the Mendip Hills AONB and outside the West Harptree Development Boundary. The Parish Council continues to be concerned regarding the formation of an isolated settlement. Access from the site is from a dangerous crossroads, with no provision of a footpath to either Compton Martin or West Harptree. The application is outside of local plan policy.

#### Representations:

Two representations have been received objecting to the application for the following reasons:

The fact that the chicken houses are outdated is not a relevant argument.

The proposed development could set an unwanted precedent.

The proposed development will cause harm to the Area of Outstanding Natural Beauty.

The site could be further developed at a later stage.

There has been no advertising signage outside the site.

The proposed development is remote from services and outside the housing development boundary.

The development would cause harm to highway safety.

The buildings could still be used for a business use.

One representation has been received in support of the application for the following reasons;

The proposed development is over ½ mile from West Harptree.

The owner cannot afford to update the existing buildings.

The farm would cause higher vehicle movements than housing.

The proposed development will enhance the appearance of the Area of Outstanding Natural Beauty.

Two representations have been received which are anonymous and can be afforded little weight.

#### **POLICIES/LEGISLATION**

BATH & NORTH EAST SOMERSET LOCAL PLAN INCLUDING MINERALS AND WASTE POLICES - ADOPTED OCTOBER 2007: Policies D.2 and D.4 relate to the impact of the development on the character of the area. Policies T.24 and T.26 set out highway safety and parking requirements. Policy HG.4 relates to housing within defined housing development boundaries. Policy HG.10 relates to housing outside settlements. Policy Ne.2 relates to developments which relates to the impact of development on the area of outstanding natural beauty. Policy Ne.1 relates to the impact on landscape character.

Policy ET.7 relates to the use of agricultural land. Policy HG.9 relates to affordable housing on rural exception sites.

#### SUBMISSION CORE STRATEGY, MAY 2011

Bath and North East Somerset Submission Core Strategy (May 2011) is out at inspection stage and therefore will only be given limited weight for development management purposes. The following policies should be considered:

CP6 - Environmental Quality

#### NATIONAL POLICY:

The National Planning Policy Framework, adopted March 2012

### **OFFICER ASSESSMENT**

#### PLANNING HISTORY

An application for a development of seven houses in the same location was submitted in September 2011 and refused permission in January 2012. It was refused with four reasons for refusal including; its location outside a housing development boundary, its harm to the Area of Outstanding Natural Beauty, the impact on highway safety and the isolation of the development from surrounding settlements. The key consideration in this application is therefore whether the previous reasons for refusal have been overcome.

#### PRINCIPLE OF PROPOSED DEVELOPMENT

The application site is located between the villages of Compton Martin and West Harptree. The application site is therefore located outside the housing development boundaries of the two villages. The site is not closely connected to the two villages and is located within the open countryside. Policies HG.4 seeks to restrict new housing developments to within settlements with adequate facilities to sustain further growth without increasing unsustainable transport movements. Therefore the principle of development is not accepted.

Policy HG.10 of the local plan relates to housing outside settlements. The policy states that housing developments will not be permitted unless they are essential for agricultural or forestry workers. In this case the proposed dwellings are market housing and would not be used for this purpose. Therefore the proposed development does not comply with this policy.

The applicant has provided a marketing report from June 2010 to show that the site is no longer viable as an agricultural site. The report states that the existing buildings can no longer be used as they do not satisfy modern agricultural standards. The site was marketed as a range of use options including office use and holiday lets. There was a limited response to the advertising. Such a report does not outweigh the fact that the application does not comply with the housing policies within the local plan or the emerging core strategy.

Policy HG.9 relates to rural exception sites whereby exceptions to housing policy can be made if 100% affordable housing is being proposed. This has not been proposed in this

application therefore the proposal does not comply with policy HG.9. Policy HG.9 also seeks to limit such developments to be within or adjacent to housing development boundaries.

The national planning policy framework states housing within rural areas should be located where it will enhance or maintain the vitality of rural communities and that new isolated homes in the countryside should be avoided unless there are special circumstances. The application site is located within the countryside and outside any of the Council's housing development boundaries, which define the limits for residential development. Therefore the proposed development will not comply with the aims of the National Planning Policy Framework.

## HIGHWAYS

The site layout plan does indicate improvements to visibility in both directions from the site access point, through the removal of the fencing to the east and its replacement of a new hedge further back on the frontage, together with the removal of the hedge boundary treatment to Fairash Bungalow to the west and its replacement with a new hedge set back to improve visibility.

Whilst these alterations would provide some improvement to the current level of visibility for emerging drivers from the site access, the visibility would still not meet standard requirements for the speed of traffic on the A368. However this does not warrant refusal of the application because levels of traffic would be below former levels.

With regard to the sustainability of the site, the applicant's Agent has provided details of bus services which pass the site, and can be accessed from the bus stop to the east of the site access. Whilst this bus stop does provide some level of public transport services, it does not offer sufficient choice of destinations to major centres to be considered appropriate to encourage more sustainable travel choices. Furthermore, there are no pedestrian facilities and safe cycle routes to encourage non-motorised journeys.

## AREA OF OUTSTANDING NATURAL BEAUTY AND LANDSCAPE

The proposed development being located within the open countryside is likely to be visually prominent within the landscape. Whilst it is common to view agricultural buildings within the open landscape a housing development would appear at odds with the open rural character of the area.

When the site is approached from the north it is seen set against the Green hillsides of the Mendips. Therefore the proposed development is considered to be harmful to the character of the surrounding area of outstanding natural beauty. Policy Ne.2 states that development which adversely affects the natural beauty of the landscape of the designated Area of Outstanding Natural Beauty will not be permitted. Therefore the proposed development does not comply with policy Ne.2.

Policy Ne.1 seeks to protect landscape character. The policy states that development that does not either conserve or enhance the character and local distinctiveness of the landscape will not be permitted. For the reasons outlined above the proposed development is considered to be contrary to policy Ne.1.

This view is supported with the objection from the landscape architect.

## AMENITY

The environmental health officer has raised no objection to the application. The applicant has provided a noise assessment to accompany the application. The assessment shows that whilst the site is located close to a busy main road, provided mitigation measures are included in the construction of the building this would not harm the amenity of future occupiers of the property.

The existing site is located adjacent to the residential property of Fairash Bungalow. The existing property being currently located adjacent to a farm is likely to result in a reduction in noise levels from a proposed housing scheme compared to its former agricultural use. It would appear from the indicative layout that the closest dwelling being plot 1 is approximately 20m from Fairash Bungalow. It is unlikely that the proposed development would harm the amenity of Fairash Bungalow from overlooking.

## CONCLUSION

The principle of the proposed development is not accepted as it does not comply with policies set out within the local plan or the emerging core strategy in respect of new housing. The proposed development is considered to result in an increase in vehicle movements as the site is not connected to existing settlements and is considered to be in an unsustainable location. The proposed development is set within the open countryside and would be harmful to the rural appearance of the area of outstanding natural beauty. Therefore the proposed development is recommended for refusal.

## RECOMMENDATION

### REFUSE

### REASON(S) FOR REFUSAL

1 The proposed development has been located outside of the housing development boundary, remote from existing settlements and poorly served by public transport. The housing will not be used for either forestry or agriculture. The proposed development is therefore contrary to policy HG.10 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007

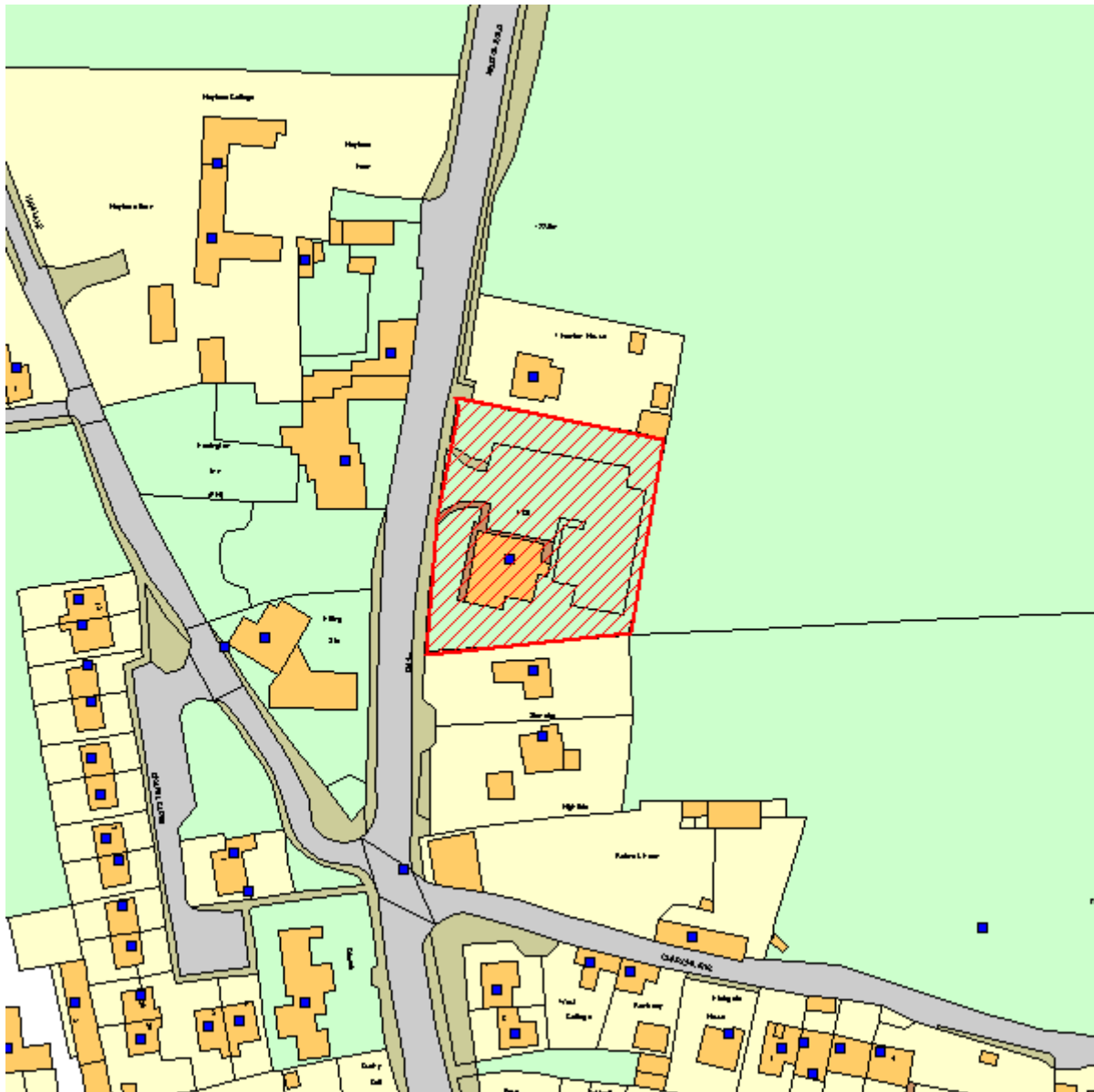
2 The proposal is located remote from services, employment opportunities and is not well served by public transport. The proposal is therefore contrary to policy T.24 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007

3 The provision of housing within the open countryside will harm the natural beauty of the surrounding Mendip Area of Outstanding Natural Beauty. The proposed is therefore contrary to policies Ne.1 and Ne.2 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007

**PLANS LIST:**

Site location plan  
Existing site layout 10  
Proposed site layout 11  
Site section 12

**Item No:** 07  
**Application No:** 12/01762/FUL  
**Site Location:** Little Chef, Bristol Road, Farrington Gurney, Bristol



**Ward:** High Littleton      **Parish:** Farrington Gurney      **LB Grade:** N/A  
**Ward Members:** Councillor L J Kew  
**Application Type:** Full Application  
**Proposal:** Change of use from restaurant (A3) to restaurant and takeaway (A3 and A5).

<b>Constraints:</b>	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary,
<b>Applicant:</b>	Ms Nicola Davies
<b>Expiry Date:</b>	3rd July 2012
<b>Case Officer:</b>	Andrew Strange

## REPORT

### REASON FOR REPORTING APPLICATION TO COMMITTEE:

The Parish Council strongly opposes the application and the Chair has requested that the application be referred to the Committee in that context and the large number of objections from local people.

### DESCRIPTION OF SITE AND APPLICATION:

The application site comprises the former Little Chef premises off the A37 on the edge of the Farrington Gurney. The site comprises a brick building and parking for 35 cars (including 2 disabled spaces). Access to the site is directly off the A37. The site is currently vacant.

The site is bounded to the north and south by the curtilages of existing houses with agricultural land to the east. There are existing boundary hedges that separate these houses and the agricultural land from the site. The Farrington Inn public house and a petrol filling station are on the opposite side of the A37, to the west. The site is relatively open to the A37 frontage.

The houses to the north and south of the site both have side windows that overlook the application site. Both houses are within about 3 metres of the boundaries of the site.

The applicant has described the proposal as a change of use from A3 to A3 and A5 (to confirm current takeaway use). The applicant states that the current use of the site is as an A3 restaurant with a takeaway service. However, no evidence has been submitted to substantiate any previous use of the site as a takeaway within the use class A5 (N.B. the use class A5 relates specifically to hot food takeaways).

The site's planning history indicates that the original development was granted planning permission as a restaurant, but at the time that permission was granted, hot food takeaways would have been within the same use class. However, the Use Classes Order was amended in 2005 to create a new hot food takeaway A5 use class.

In the absence of any evidence about the previous use of the premises as a hot food takeaway, this application should be determined on the basis that it is a proposal to change the use of the premises from an A3 use to a mixed use within classes A3 and A5.

The applicant's agent states that there is no confirmed tenant for the site at this stage. They have not therefore provided details of the number of employees or the proportion of trade that might be expected from the proposed A5 takeaway use. The proposed use of the premises could therefore include a substantial proportion of takeaway use.

A decision on the application must in any case be based on the land use implications of the proposed development, rather than the nature of any particular tenant.

The proposal does not include any internal or external alterations to the existing building or parking and access arrangements.

The applicants do not believe that opening hours restrictions are appropriate in this instance, but have indicated that they would accept 6 a.m. to 12 midnight.

The applicant has submitted a draft unilateral undertaking with the application that proposes a £10k contribution towards off site highway improvements in the area to mitigate the impact of the site's development on highway safety. The Council's legal department is currently reviewing the content of the unilateral undertaking to ensure that it is satisfactory.

#### RELEVANT PLANNING HISTORY:

WC.114441/A - Outline planning permission was granted to redevelop the former garage site to provide the restaurant and parking area that now exists on the site in March 1985. The permission was not subject to any restrictions on the hours of use of the premises.

WC.11444/A/1 - Reserved matters were approved for the development of the restaurant in June 1985.

WC.11444/D - Permission was granted to extend the restaurant in February 1989. The permission was not the subject of any restrictions on the hours of use.

At the time that the original planning permissions were granted for the site's development as a restaurant, a separate permission would not have been required to use the premises to provide a hot food takeaway service because they fell within the same Use Class. The applicant has not however presented any evidence to indicate that the site has, since before the Use Classes Order was amended in 2005, been used to serve hot food to takeaway. It is therefore assumed that, for the purposes of this planning application, the lawful use of the premises is within Class A3.

#### **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

PARISH COUNCIL strongly opposes the application on the following grounds:

- increased use of the existing sub standard access off the A37;
- nature of a takeaway use that would be likely to increase litter in the area;
- impact on the environment of the village and the potential for anti social behaviour;
- potential need for increased advertising;
- there is no substantive evidence of a previous takeaway use;
- the proposals could lead to further development of the site e.g. drive through facility.

HIGHWAYS OFFICER notes that the site is on the inside of a bend on the A37 where the speed limit is 40mph. Visibility at the access is substandard and the proposed development will result in a material increase in the potential of the site to generate traffic and turning movements and for increased conflict with traffic using the access to the PH

opposite. The proposals will also result in a material increase in demand for pedestrians to cross the A37 in the vicinity of the site frontage, where no formal crossing facilities exist.

However, in the context of the existing A3 use, the appropriate way forward is to secure a contribution towards speed restraint/reduction measures in the vicinity of the site frontage. These measures are likely to be in the form of a reduced speed limit (reduction from 40mph to 30mph), together with additional features/measures to encourage compliance.

The Highways Officer has no objection to the proposals in the context of the applicant's unilateral undertaking that offers £10k towards off site highway works.

206 letters/e-mails of objection have been submitted in response to the proposals. The objections are based around the following themes:

- the previous use did not include a hot food takeaway;
- increased traffic and transport problems (including use of Church lane as a "rat run");
- additional litter, exacerbating existing problems;
- noise and disturbance;
- need for, and suitability of, such a use in a village location;
- impact on existing catering businesses in the area;
- impact on local primary school's Healthy School status and encouragement of unhealthy eating habits;
- anti-social behaviour;
- lack of information about split between A3 and A5 floor areas and number of employees.

13 letters/e-mails have been submitted in support of the proposals commenting that the development would:

- bring jobs to the local area;
- make use of these empty premises;
- attract more people to the village; and
- provide a rest break for drivers using the A37.

#### **PLANNING ISSUES:**

The key planning issues are the impact of the proposed takeaway use on:

- transport and highway safety;
- the local environment and character of the area (in terms of litter etc);
- the amenity of nearby occupiers (in terms of noise and disturbance in particular).

#### **POLICIES/LEGISLATION**

The following saved policies in the Bath and North East Somerset Local Plan (including minerals and waste policies) are relevant to this proposal:

- D.2 - General design and public realm considerations
- ES.10 - Air quality
- ES.12 - Noise and vibration
- T.24 - General development control and access policy
- T.26 - On site parking and servicing provision



## **OFFICER ASSESSMENT**

The proposal is to use the building for a mixed use within classes A3 (restaurant) and A5 (hot food takeaway). The applicant has not provided any indication as to the likely proportion of each use within the proposed development and a decision on the application should therefore be made on the basis that the proposed A5 use could comprise a significant proportion of the overall use of the premises, or vice versa.

## **PRINCIPLE OF USE**

There are no specific development plan policies covering A5 uses in this area. Bearing in mind the site's main road location within an existing settlement, the principle of a mixed A3 and A5 use is acceptable, subject to the impacts on amenity and transport being acceptable.

## **MIX OF A3 AND A5 USES**

The applicant states that the existing floor area of the premises is 200.8 square metres and the floor plans show that approximately 70 square metres of the gross internal floor space is currently used (or was last used) as a restaurant area for seating guests within the use class A3. It is recommended that a condition be imposed to require that the applicant submits details to illustrate the extent of the proposed restaurant use within the mixed use of these premises and that this area be at least 25% of the overall floor area (50 square metres). This will help ensure that there is a genuine mix of A3 and A5 uses and that the local planning authority is able to consider any subsequent proposals to change the mix of uses.

## **TRANSPORT IMPLICATIONS:**

The proposed introduction of an A5 use into the existing building is likely to increase traffic entering and leaving the site. The existing access has restricted visibility, particularly to the north west, and the increased use of the existing access is likely, in the absence of any mitigation, to harm highway safety in the area.

However, the applicant has proposed a £10k financial contribution towards off site transport measures that could include the introduction of a 30 mph speed limit and measures to ensure compliance. These measures would need to be taken forward by the Council. In that context, the highways officer has no objection to the proposals and the impact of the development on highway safety is acceptable.

The site already benefits from 35 parking spaces and Local Plan policy T.26 requires that development incorporates an appropriate level of on site parking and servicing.

The schedule to policy T.26 sets out "maximum" parking standards. It suggests that the maximum for A3 uses is 1 space per 10 square metres of drinking and dining area. The existing dining area within the building has a floor area of about 70 square metres and the parking provision is therefore well in excess of this requirement. The schedule notes that for hot food takeaway uses, each case is to be assessed on its merits.

In this case, given the substantial number of spaces that already existing within the site, over and above those required for an A3 restaurant use, the overall parking provision is acceptable. However, since the overall mix between the proposed A3 and A5 uses is unknown, a condition is recommended to ensure the retention of the existing spaces within the site.

A condition is also recommended to ensure visibility at the point of egress to ensure that visibility is provided and maintained within the site.

Local Plan policy T.26 also requires that one cycle parking space is provided for every 20 car spaces to be provided, with a minimum of two stands to be provided on any one site. It is therefore appropriate to add a condition requiring the installation of cycle parking stands.

Subject to conditions in respect of the above matters and the completion of the unilateral undertaking, the proposals would accord with Local plan policies T.24 and T.26.

The issue of the sustainability of the site's location has been raised by some objectors, but given the site's location within an existing village and the extant restaurant use, the introduction of a mix of an A3 and A5 use is acceptable.

#### IMPACT ON AMENITY OF EXISTING AND FUTURE OCCUPIERS

Local Plan policy D.2 states that development will only be permitted where the proposed development will not cause significant harm to the amenities of existing or proposed occupiers of, or visitors to, residential or other sensitive premises by reason of - increased overlooking, noise, smell, traffic or other disturbance.

Other Local Plan policies (ES.10 and ES.12) seek to ensure that development does not have an adverse impact on health, the natural or built environment or amenity of existing or proposed uses by virtue of odour, dust and/or other forms of air pollution and that it does not result in an unacceptable increase in noise and vibration.

The site is adjacent to the A37 and is opposite a public house and in proximity to a petrol filling station. The neighbouring houses to the north and south of the site are therefore inevitably likely to suffer some degree of disturbance from road traffic and activities at other nearby premises. However, it is likely that the local environment is quieter in the evening with less road users.

The lawful use of the site as a restaurant, with unrestricted hours, could also result in potential disturbance to neighbouring occupiers with people entering and leaving the premises and the associated car park early in the morning or late at night.

However, the introduction of the proposed A5 hot food takeaway use is likely to result in greater activity at the site and is also more likely to result in more activity within the existing car park, particularly if those using the premises linger within the car park to consume food and drink. The impact of such increased activity is, particularly late at night and early in the morning, likely to have a greater impact on the amenity of the neighbouring occupiers than the current A3 use. The impact of an unrestricted mixed A3 and A5 use is likely to cause significant harm to the amenity of adjacent occupiers.

Although the applicant has indicated that they would not want to see the use of the premises restricted between 0600 and 0000 hours, it is recommended that a condition be imposed to limit the A5 use to between the hours of 0600 and 2300 to mitigate its impact.

## LITTER

Conditions are recommended on the permission to deal with the issue of litter generation and waste management within the site. It is not possible to impose planning conditions to deal with litter management off site and the applicant has stated that off site littering is an Environmental Protection Act matter and that they cannot be responsible for third parties committing an offence.

## ODOUR:

There are no proposals for any additional ventilation or extract equipment within the site. In the event that any external equipment, such as flues, is required, a separate planning application may be required for such development where it would have a material impact on the external appearance of the building.

## WASTE:

The application states that the waste disposal arrangements will remain "as existing". It is recommended that a planning condition be attached to the permission to cover the issues of litter generation and waste management within the site.

## CONCLUSION:

The proposed A3/A5 mixed use of this existing A3 restaurant would, subject to conditions and a completed unilateral undertaking, accord with development plan policies and be acceptable.

## RECOMMENDATION

A, Authorise the Planning and Environmental Law Manager to agree with the applicant the submission of a Unilateral Undertaking to secure a financial contribution to the Council of £10,000 towards the cost of off site transportation measures.

B. On completion of the Unilateral Undertaking authorise the Development Manager to PERMIT the application subject to the following conditions.

## CONDITIONS

1 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 permissions.

2 No part of the site shall be used as a hot food takeaway within the Use Class A5 and no customer shall be served or remain on the premises in connection with that use outside the hours of 06:00 to 23:00.

Reason: In the interests of ensuring that the mixed use of the premises does not cause significant harm to the amenity of the occupiers of the existing houses adjacent to the site.

3 Prior to the commencement of the development hereby permitted, a floor plan to show the area to be retained or provided for the seating of customers in connection with the A3 use of the premises hereby permitted shall be submitted to, and approved in writing by, the local planning authority. The floor plan shall show a gross internal floor area for such purposes of at least 50 square metres. The area so approved by the local planning authority shall be retained or provided for the seating of customers in connection with the A3 use of the premises prior to the first use of any part of the premises within the Use Class A5 and shall be retained at all times thereafter.

Reason: To ensure that the building functions as a mixed use premises within the use classes A3 and A5 and to ensure an appropriate balance between the A3 and A5 uses in the interests of the amenity of neighbouring occupiers.

4 The development shall not be occupied until a waste management plan has been submitted to and approved in writing by the Local Planning Authority. The approved management plan shall be implemented upon the first occupation of the development and thereafter kept in operation throughout the occupation of the unit.

Reason: In order that the development should take into account the need to minimise the dispersal of waste.

5 The mixed A3/A5 use hereby permitted shall not commence until a management plan, detailing how the car park and other external areas will be managed to minimise the impact of the proposed A5 use on the amenity of adjoining residents, has been submitted to and approved in writing by the Local Planning Authority. The approved management plan shall be implemented upon the commencement of the mixed A3/A5 use and thereafter kept in operation throughout the mixed use of the site.

Reason: To safeguard the amenity of adjacent residential occupiers.

6 The car parking spaces shown on the plans for the development hereby approved shall not be used for any other purpose other than the parking of vehicles associated with the mixed A3 and A5 use hereby permitted.

Reason: To ensure that sufficient provision is made for off-street parking and in the interests of highways safety.

7 Prior to the commencement of the mixed use hereby permitted, the area between the nearside carriageway edge and lines drawn between a point 2.4 metres back from the carriageway edge along the centre line of the existing access and the extremities of the site frontage to the north and south shall be cleared of obstruction to visibility at and above a height of 900 mm above the nearside carriageway level and thereafter maintained free of obstruction at all times.

Reason: In the interests of highway safety.

8 The use hereby permitted shall not commence until secure bicycle parking for at least two bicycles has been provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

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

9 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:**

Location Plan C4971 01 Rev C, Block Plan C4971 02 rev B, Existing and Proposed Internal layout C4971 06 rev B.

**REASONS FOR GRANTING PERMISSION:**

1. The proposed development will not, subject to conditions, significantly harm the amenity of neighbouring occupiers.
2. The proposed development will not, subject to the submitted unilateral undertaking providing £10k towards off site transport works, harm highway safety in the area.
3. The proposed development is in accordance with the development plan, particularly the following saved policies of the Bath and North East Somerset Local Plan:

D.2 - General design and public realm considerations

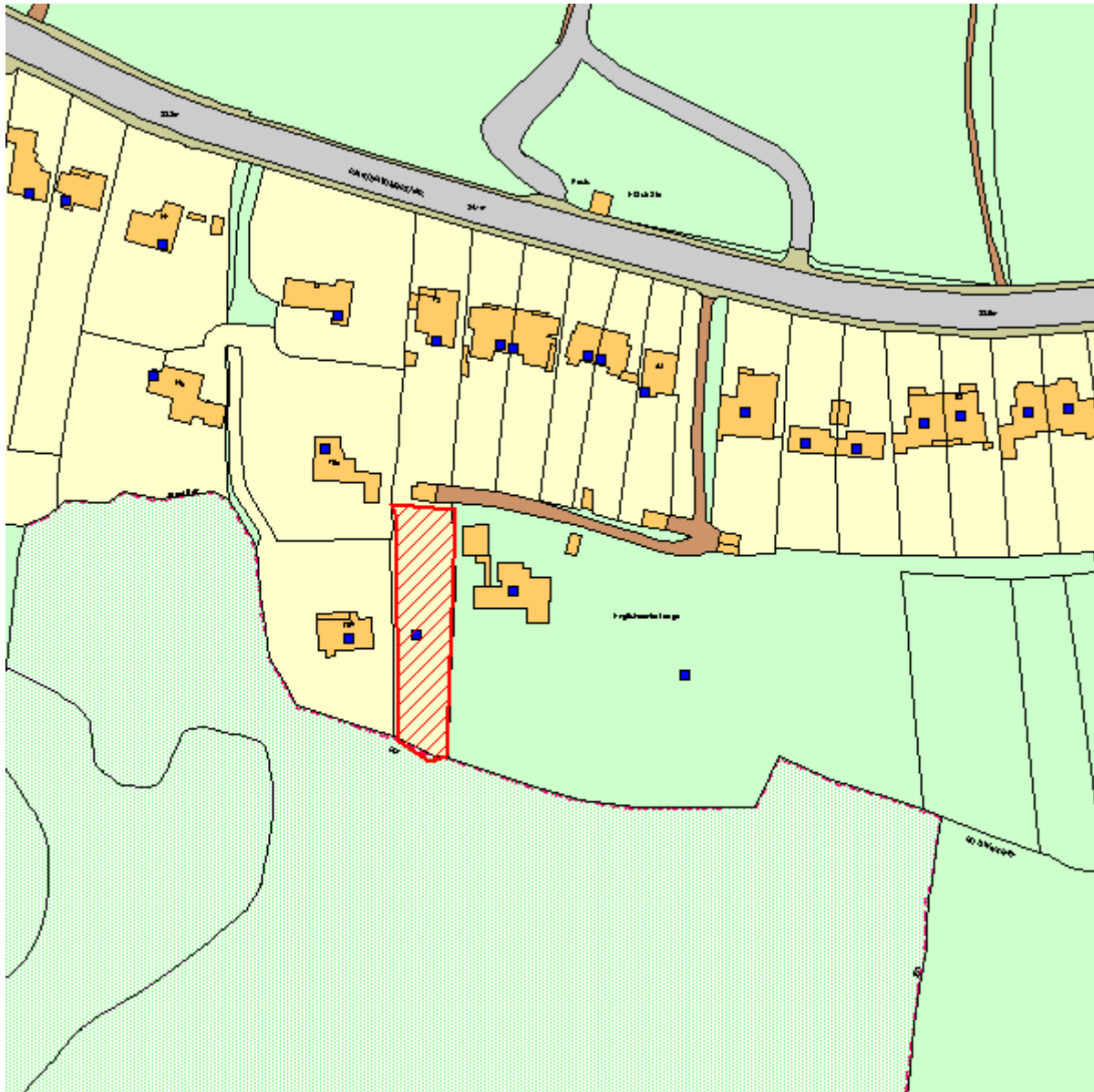
ES.10 - Air quality

ES.12 - Noise and vibration

T.24 - General development control and access policy

T.26 - On site parking and servicing provision

**Item No:** 08  
**Application No:** 12/01610/FUL  
**Site Location:** Land At South Of No 73, Englishcombe Lane, Southdown, Bath



**Ward:** Oldfield                      **Parish:** N/A                      **LB Grade:** N/A  
**Ward Members:** Councillor David Dixon      Councillor W Sandry  
**Application Type:** Full Application  
**Proposal:** Erection of a new dwelling.  
**Constraints:** Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, World Heritage Site,  
**Applicant:** Mrs Melanie Gwilliam  
**Expiry Date:** 11th June 2012  
**Case Officer:** Alice Barnes

## **REPORT**

### **REASON FOR REPORTING APPLICATION TO COMMITTEE**

The application is being referred at the request of Councillor Dine Romero for the following reasons;

Concern is raised over the impact on the neighbouring properties in particular the removal of the hedge. The development will result in additional traffic in the rear access lane.

The application has been referred to the chairman of the Development Control Committee who has agreed that the application should be considered by the Development Control Committee as there has been a number of councillor of requests and neighbour requests. The site has an extensive planning history.

### **DESCRIPTION OF SITE AND APPLICATION**

The application site is located to the south of Englishcombe Lane within the Bath Conservation Area and World Heritage Site.

The application relates to the erection of a dwelling. Permission currently exists for the erection of a dwelling and this application is for a revised design.

The site lies behind a row of semi-detached houses fronting onto the south side of Englishcombe Lane itself, and is accessed by a narrow and steep access lane which serves a number of other dwellings in this location. The site is currently unused. The site slopes quite steeply upwards towards the south, reflecting the overall slope of the land in this area.

The site lies between two existing dwellings, both large houses on substantial plots, comprising No 75b Englishcombe Lane which abuts the west boundary of the site, and Englishcombe Lodge which is adjacent on the east side. The north boundary of the site is the frontage onto the access lane, and the south boundary abuts wooded land which is designated as a Site of Nature Conservation Importance.

Permission has been granted onsite for the erection of a dwelling and this application is for a revised proposal.

The drawing have been revised during the processing of the application so that the width of the dwelling has been reduced.

### **RELEVANT HISTORY**

06/02475/FUL - Erection of dwelling 1 and 2 storey high, withdrawn 08/02/2007

07/02192/FUL - Erection of dwelling 1 and 2 storey high (Resubmission), permission 01/04/2008

11/00684/REN - Renewal of application 07/02192/FUL (Erection of dwelling 1 and 2 storey high (Resubmission)), permission 15/02/2012

### **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

#### **CONSULTATION/REPRESENTATIONS**

Highways Drainage: The applicant proposes to discharge surface water via a soakaway. Infiltration testing should be carried out to BRE Digest 365 standard and the soakaway

sized appropriately. Should infiltration rates be found to be too low for a feasible soakaway design, an alternative drainage strategy should be submitted for approval.

Landscape: I have no objection to this scheme in principle. Should permission be granted then I would ask for Condition added to ensure an appropriate and effective hard and soft landscape scheme is submitted, approved and implemented.

Highways: It is noted that the garage has been reduced in size compared to the permitted scheme, and would now measure 5.3m wide and 5m long. This falls below the current recommended dimensions of 6m wide and 6m long, which would allow adequate room for parking, together with space for some element of domestic storage. However, the site has adequate room for parking and turning on the driveway, and the garaging would be able to accommodate parked cars, and therefore I do not consider there to be grounds to object purely on the basis of the garage dimensions.

You will be aware that I have previously raised concerns over the suitability of the shared private access drive as the means of vehicular access to the site, but my highway objection was set aside on application 07/02192/FUL, and planning permission was granted. Whilst I still consider the means of access to be sub-standard, having regard to permission having been granted on the site for a single dwelling, and the proposal does not result in any increased accommodation, I do not see how a highway objection can be offered in this instance.

Arboricultural Officer: The application includes an arboricultural report with preliminary arboricultural method statement. The loss of the trees has been accepted following planning decisions relating to applications 07/02192/FUL and 11/00684/REN. T7 of the arboricultural report is shown for retention on the Tree Protection Plan, however, it is accepted that this is unlikely to be practical because level changes will be necessary within 1.5m of the trunk.

The Tree Protection Plan will need revision to incorporate the location of protective fencing and any other measures necessary to protect the retained trees and hedging where this will not be removed to facilitate development.

Ecology: Satisfactory ecological surveys (as completed for the previous application at this site) have been submitted and their recommendations need to be secured by condition, as for the previous consent (conditions 13 and 14 of application 11/00684/REN). These conditions would be in addition to the standard conditions for a landscape scheme and for the protection of trees, as requested by the Landscape and Arboricultural Officers. The landscape & planting scheme would need to include details of the proposed additional native planting of the hedgerows, and details of any planting necessary to compensate for trees or shrubs removed as a result of the proposal.

Environmental Health: The applicant's attention is drawn to the council code of practice for minimising noise during construction.

Representations: One representation has been received in support of the application for the following reasons;  
The plans are significant improvements on the original plans.



The design of this sustainable development carries many green credentials and fits better with the surroundings to improve what is currently an eyesore and will add value to the local area.

Two representations have been received objecting to the application for the following reasons;

There are a number of ways in which the application relies on the precedent of the previously renewed application.

The drawings misrepresent the position of neighbouring dwellings.

The building should be 2m away from the existing boundary hedge.

No information of the methods of construction have been provided.

The height of the building has increased and has been moved closer to Englishcombe Lodge.

There are three windows on the side elevation facing Englishcombe Lodge.

The balcony will overlook Englishcombe Lodge.

The development could cause harm to the surrounding Ecology.

There may be problems with the treatment of sewage on site.

The environmental survey of the site identifies the presence of asbestos.

The parking and turning area is insufficient and vehicles will have to reverse out of the site.

The proposed development will add additional traffic to the narrow lane.

The removal of trees will result in overlooking of neighbouring properties.

The proposed development appears overbearing to neighbouring dwellings.

The proposed development will result in the removal of trees and boundary hedges.

## **POLICIES/LEGISLATION**

### **POLCIES**

D.2: General design and public realm considerations

D.4: Townscape considerations

Bh.1: Impact of development on World Heritage Site of Bath or its setting.

Bh.6: Development within or affecting Conservation Areas

HG.4: Residential development in urban areas and R.1 settlements.

T.24: General development control and access policy.

Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007

### **SUBMISSION CORE STRATEGY, MAY 2011**

Bath and North East Somerset Submission Core Strategy (May 2011) is out at inspection stage and therefore will only be given limited weight for development management purposes. The following policies should be considered:

B4 - The World Heritage Site and its Setting

CP6 - Environmental Quality

National Policy

The National Planning Policy Framework adopted March 2012

## **OFFICER ASSESSMENT**

The application relates to the construction of a dwelling.

Permission has been granted for the erection of a dwelling on this site and the permission is still valid. Therefore the principle of residential development is accepted.

## Design

The proposed house is of a contemporary design set in a location characterised by a variety of dwelling styles. The dwelling is only two stories in height and the shallow pitch of the roof limits its height within the plot. The built form of the building is fairly unobtrusive.

The proposed dwelling will be constructed with timber cladding on the first floor and render on the ground floor. There will be some zinc panelling on the front elevation and the windows will be aluminium framed. The surrounding properties include a variety of dwelling styles and therefore the proposed design will complement the setting of the surrounding area. The house would not be overlarge for the plot. Although the neighbouring houses both occupy substantial plots, the proposed house would have an acceptable appearance in the context of this location.

With reference to the permitted scheme the house had been increased in height by approximately 1.4m at its highest point. It has been reduced in depth. With regards to materials the proposed dwelling will be timber clad on the upper floor with Bath stone colour render on the ground floor. The roof would include zinc panels with aluminium framed windows. These materials are considered to complement the appearance of the properties within the surrounding area.

The proposed development will not be visible from the streetscene or from public viewpoints in the surrounding residential area. For the reasons outlined above the proposed dwelling is considered to preserve the character of the surrounding Conservation Area.

## Highways

It is noted that the garage has been reduced in size compared to the permitted scheme, and would now measure 5.3m wide and 5m long. This falls below the current recommended dimensions of 6m wide and 6m long, which would allow adequate room for parking, together with space for some element of domestic storage. However, the site has adequate room for parking and turning on the driveway, and the garaging would be able to accommodate parked cars.

The highways officer objected to the application in 2007 and permission was granted therefore whilst the highways officer considers the application site to be sub-standard as permission for a dwelling already exists on the site a highways objection has not been raised.

## Ecology, landscape and trees

The applicant has submitted Ecology surveys as part of this application. The ecology officer has raised no objection to the application. The ecology officer has requested that conditions are attached to any permission requiring the submission of a wildlife protection and enhancement scheme and the retention of the existing hedgerows. Any landscaping

and planting scheme would need to include details of the proposed additional native planting of the hedgerows, and details of any planting necessary to compensate for trees or shrubs removed as a result of the proposal.

The Landscape architect has requested that conditions are attached to any permission requiring the submission of a hard and soft landscaping scheme prior to the commencement of the development.

The Arboricultural officer has not raised an objection to the application. The applicant has submitted an arboricultural report with preliminary arboricultural method statement. The loss of trees is accepted from previous applications. The plans have been revised to move the dwelling away from the east boundary in order to retain the boundary hedge.

### Amenity

The proposed dwelling will occupy a narrow plot between the dwellings of Englishcombe Lodge and number 75b Englishcombe Lane. The existing site is surrounded by a high hedge on both the east and west boundaries. The applicant has revised the drawings so that the dwelling has been moved away from the boundary to retain the hedge and will erect a fence along the adjoining boundary.

To the west of the site is number 75b Englishcombe Lane. The side elevation of the proposed dwelling will face the front garden of 75b Englishcombe Lane. This is currently not visible from the site due to the high hedge which surrounds the site. There is no glazing on the side elevation which could overlook this dwelling therefore the proposed development is not considered to harm the amenity of number 75b.

The proposed dwelling is located close to the side elevation of Englishcombe Lodge. The applicant has proposed to retain the existing boundary hedge and in addition erect a 2m boundary fence along the boundary between the dwellings. The windows proposed on the side elevation would be obscure glazed and this can be secured by condition. Therefore the proposed dwelling would not overlook the neighbouring property of Englishcombe Lodge. In particular the hedge and fence will prevent overlooking from the proposed rear terrace. The proposed dwelling includes a balcony to the front which could potentially overlook Englishcombe Lodge. However the approved dwelling includes a large front terrace therefore the proposed balcony would not result in increased overlooking of Englishcombe Lodge.

Concern has been raised within the representations that the proposed dwelling would block light from Englishcombe Lodge. The permitted dwelling and the existing boundary hedge would already cause a loss of light to Englishcombe Lodge. Therefore as the fall back option is to build the permitted dwelling this does not warrant refusal of the application. Furthermore Englishcombe lodge already loses some light from the existing boundary hedge.

Number 75b currently overlooks the application site. The dwelling is set at a slightly higher level than the application site and therefore the occupiers of the new dwelling would be unlikely to be able to look into number 75b. As permission already exists on site any overlooking from number 75b does not warrant refusal of the application.

## Other matters

Concern has been raised within the representations over the treatment of sewerage. The applicant would need to apply to Wessex Water for a connection to the existing sewer. This is dealt with under separate legislation such as building regulations and does not warrant refusal of the application.

Concern has been raised that the drawings misrepresent the neighbouring dwellings. Whilst the block plan does not show the full extent of neighbouring properties, a site visit has been conducted and the council is aware of the full extent of the surrounding area.

Concern has been raised within the representation over the methods of construction. As the site is situated on a narrow lane a condition requiring a construction management plan should be attached to any permission.

## CONCLUSION

The principle of residential development is accepted and the development is considered to comply with the policies set out within the development plan and national planning policy framework.

The proposed development would not have an adverse impact upon the streetscene or the amenity of the surrounding residential occupiers. The proposed development has provided adequate off street parking and on site turning facilities. Therefore there will be no harm to highway safety. The proposed development will complement the design of the existing streetscene and therefore will preserve the character of this part of the Conservation Area

## RECOMMENDATION

PERMIT with condition(s)

## CONDITIONS

1 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 permissions.

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

Reason: In the interests of the appearance of the development and the surrounding area.

3 No development shall be commenced until a hard and soft landscape scheme has been first submitted to and approved in writing by the Local Planning Authority, such a scheme shall include details of all walls, fences, trees, hedgerows and other planting which are to be retained; details of all new walls, fences and other boundary treatment and finished

ground levels; a planting specification to include numbers, density, size, species and positions of all new trees and shrubs; details of the surface treatment of the open parts of the site; and a programme of implementation.

Reason: To ensure the provision of an appropriate landscape setting to the development.

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

Reason: To ensure that the landscape scheme is implemented and maintained.

5 No site works or clearance shall begin until a scheme for protection of trees and other existing or proposed landscape areas to British Standard 5837:2005 has been submitted to and approved in writing by the Local Planning Authority. The approved protection scheme shall be implemented before the development is begun and shall not be removed until the development has been completed. Protected areas shall be kept clear of any buildings, plant, material, debris and trenching. Existing ground levels maintained within protected areas. There shall be no entry to protected areas except for approved arboricultural or landscape works.

Reason: To safeguard the areas to be landscaped and the existing trees and planting to be retained within the site.

6 No development shall take place within the application site until a programme of archaeological work has been undertaken in accordance with a detailed written scheme of investigation which has previously been submitted to and approved in writing by the Local Planning Authority, and the completion of the approved programme of work has been confirmed in writing by the Local Planning Authority.

Reason: To ensure that archaeological deposits and structures are investigated and recorded to an appropriate professional standard.

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

- (i) measures to avoid harm to protected species including details of a watching brief by a suitably experienced ecologist and proposals for a destructive search for reptiles
- (ii) measures to avoid harm to nesting birds
- (iii) details of replacement and new habitat features such as bird and bat boxes and native planting as in the recommendations of section 7 of the submitted Extended Phase 1 Habitat Survey Report Aether Ecology 13 June 2011 and section 6 of the submitted Reptile Survey & Translocation Report Aether Ecology 17th October 2011. All works within the scheme shall be carried out in accordance with the approved details, unless

otherwise approved in writing by the local planning authority. The works shall be carried out prior to the occupation of any part of the development.

Reason: To secure adequate ecological protection during the course of development.

8 Notwithstanding the submitted plans the hedgerows on the east and west boundaries shall be retained. Should the existing hedgerows, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority.

Reason: In the interests of ecological protection.

9 Prior to the commencement of development at the site details of a Construction Management Plan for all works of construction and demolition shall be submitted to and approved in writing by the Local Planning Authority. The Management Plan shall comply with the guidance contained in the Councils Code of Construction Site Noise practice note and the BRE Code of Practice on the control of dust from construction and demolition activities. The details so approved shall be fully complied with during the construction of the development.

Reason: To protect the amenities of the occupants of adjacent residential properties.

10 The proposed windows on the east side elevation at first floor level shall be glazed with obscure glass and permanently retained as such.

Reason: To safeguard the amenities of adjoining occupiers from overlooking and loss of privacy.

11 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:**

- As existing site location plan S-01
- As existing site plan S-02
- As existing section AA
- Proposed site plan P-01 rev A
- Proposed ground floor plan P-02 rev A
- Proposed first floor plan P-03 rev A
- Proposed roof plan P-04 rev A
- Proposed section AA P-05 rev
- Proposed north elevation P-06 rev A
- Proposed east elevation P-07 rev A
- Proposed south elevation P-08 rev A
- Proposed west elevation P-09
- Proposed footprint comparison P-20 rev A
- Proposed outline comparison P-21 rev B
- Proposed landscape and boundary treatment P-22 rev A

**REASONS FOR GRANTING APPROVAL:**

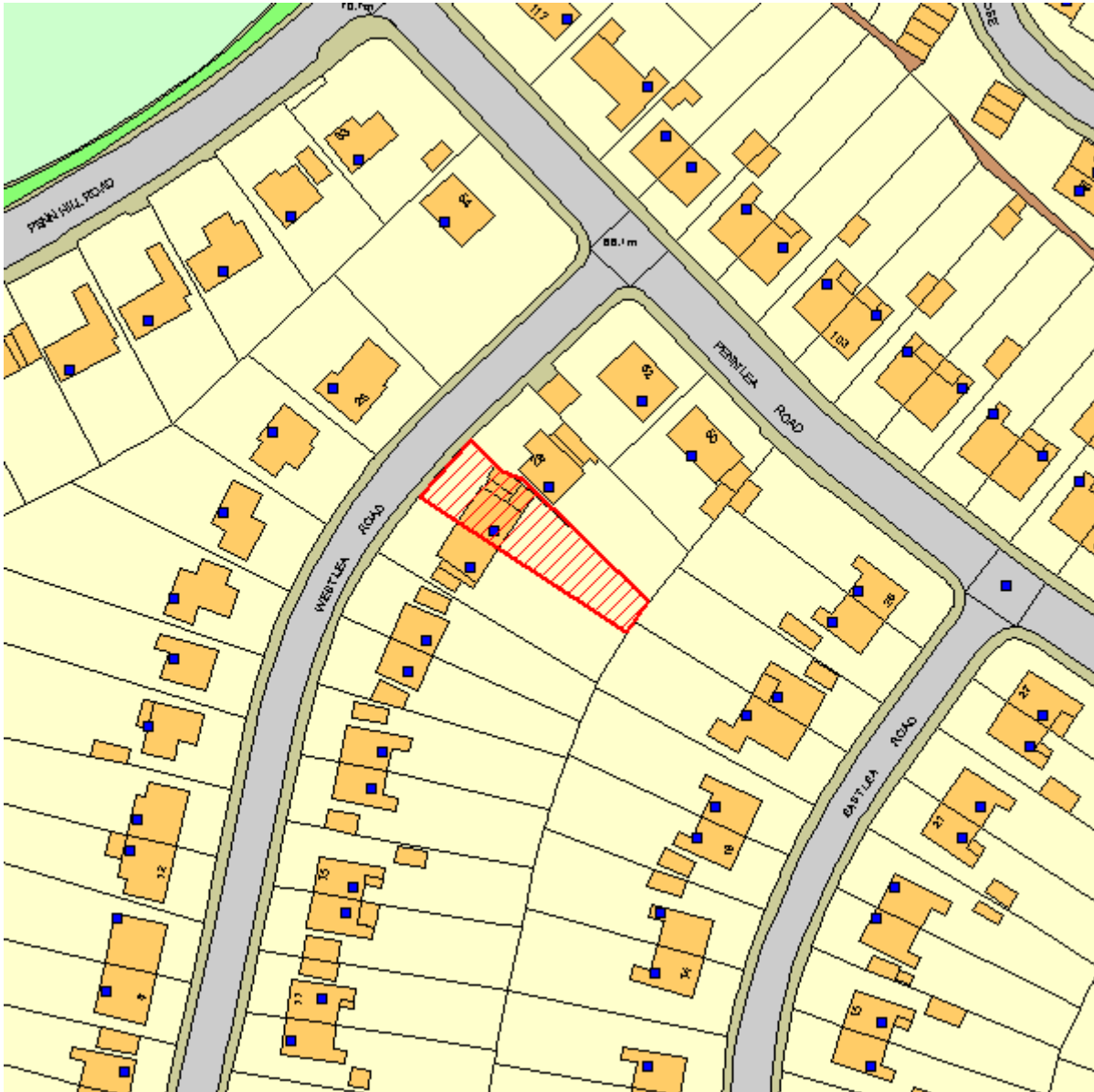
1. The proposed development would not have an adverse impact upon the streetscene or the amenity of the surrounding residential occupiers. The proposed development has provided adequate of street parking and on site turning facilities. Therefore there will be no harm to highway safety. The proposed development uses an appropriate design and materials and therefore will preserve the character of this part of the Conservation Area and World Heritage Site.

2. The decision to grant approval has taken account of the Development Plan, relevant emerging Local Plans and approved Supplementary Planning Guidance. This is in accordance with the Policies set out below at A.

A.

D2, D4, Bh.1, Bh.6, HG.4 and T.24 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007

**Item No:** 09  
**Application No:** 12/02482/FUL  
**Site Location:** 27 West Lea Road, Lower Weston, Bath, Bath And North East Somerset



**Ward:** Newbridge      **Parish:** N/A      **LB Grade:** N/A  
**Ward Members:** Councillor L Morgan-Brinkhurst    Councillor C M L Roberts  
**Application Type:** Full Application  
**Proposal:** Provision of loft conversion and side and rear dormers (Resubmission).  
**Constraints:** Agric Land Class 1,2,3a, Forest of Avon, Hotspring Protection, World Heritage Site,  
**Applicant:** Mr And Mrs J Baker  
**Expiry Date:** 13th August 2012  
**Case Officer:** Alice Barnes



## **REPORT**

### **REASON FOR REPORTING APPLICATION TO COMMITTEE**

This application is being referred at the request of Councillor Caroline Roberts for the following reason;

There are several other similar conversions in the area and this application would not be detrimental to the street scene.

The application has been referred to the chairman of the development control committee who has agreed that the application should be considered by the development control committee as there are no objections and this is supported by a local member. It is an on balance decision.

### **DESCRIPTION OF SITE AND APPLICATION**

West Lea Road is located on the western edge of Bath. Number 27 is a semi-detached property located outside the Conservation Area but within the World Heritage Site. West Lea Road is characterised by detached and semi-detached stone properties. The majority of properties are characterised by pitched roofs with hip ends.

The application relates to the erection of side and rear dormer windows. The side dormer window includes a pitched roof with a half hipped end and one velux window on the side elevation. The proposed dormer will be constructed from tiles to match the existing property with white UPVC windows. The rear dormer window includes a pitched roof with a gable end. It will also be constructed from tiles to match the existing property with a white UPVC window.

This is a resubmission from a previous refusal, the design and siting of the proposed dormer windows has not been altered from the previously refused application.

### **RELEVANT HISTORY**

03/00165/FUL - Erecting single storey rear extension and replacing flat roof of garage with tiled pitched roof, permission 24/02/2012

12/00349/FUL - Provision of loft conversion and side and rear dormers, refused 27/03/2012

### **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Councillor Caroline Roberts: There are several other similar conversions in the area and this application would not be detrimental to the street scene.

Building Control: No comment

Representations: No representations have been received

### **POLICIES/LEGISLATION**

D.2: General design and public realm considerations

D.4: Townscape considerations

Bh.1: Impact of development on World Heritage Site of Bath or its setting.

Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007

SUBMISSION CORE STRATEGY, MAY 2011

Bath and North East Somerset Submission Core Strategy (May 2011) is out at inspection stage and therefore will only be given limited weight for development management purposes. The following policies should be considered:

B4 - The World Heritage Site and its Setting

CP6 - Environmental Quality

National policy

The National Planning Policy Framework, adopted March 2012

## **OFFICER ASSESSMENT**

### **PLANNING HISTORY**

An application for the same proposal was submitted in February 2012 and was refused on the 27th March 2012. The test to consider in a re-application is whether the previous reason for refusal has been overcome. The previous application was refused as it was considered to harm the appearance of the existing dwelling and the surrounding streetscene.

The application site is located within the World Heritage Site. In October 2008 World Heritage Sites were classed as Article 1(5) land. If a property is located within article 1(5) land then planning permission is required to construct a dormer window. Therefore since October 2008 planning permission has been required for any dormer window proposed to be constructed within the city of Bath.

There is one existing side dormer window within West Lead Road at number 5. This dormer window was constructed utilising permitted development rights prior to World Heritage Sites being classed as Article 1(5) land and does not have the benefit of planning permission. The existing dormer at number 5 is not considered to set a precedent for a further side dormer within West Lea Road.

### **DESIGN**

The existing dwelling is a semi-detached 1930s style property constructed from Bath Stone. There is one side dormer window within the streetscene at number 5 but this does not have the benefit of planning permission.

The existing property and streetscene is characterised by semi-detached and detached properties with pitched roofs and hip ends. The proposed side dormer window will partially infill this hip end on the existing property to the detriment of the appearance of the existing building. The partial infilling of the hip end is at odds with the character of the surrounding area.

The proposed dormer window will be clearly visible from the streetscene and will result in an unbalanced appearance of the existing pair of semi-detached properties. It would detract from the quality of the street scene and fail to maintain the character of the public realm. None of the other dwellings which immediately surround number 27 have side dormer extensions. This lack of accord with the character of the group would draw attention to the intrusive impact the proposed side dormer would have on the street scene.

Whilst there is a similar development at number 5 this does not have the benefit of planning permission. It is considered to serve to illustrate the harm that could be caused from such a development. Number 5 being located at the opposite end of the street is not within the immediate surrounding area of number 27.

Policy D.4 of the local plan requires development to respect and complement the host dwelling and for the reasons outlined above the proposed development is not considered to do so.

The rear dormer window would not be visible from the streetscene. The proposed dormer would not cover the full rear width of the property. It has been set up from the eaves and down from the ridge line. It is therefore considered to respect and complement the host dwelling.

#### **AMENITY**

The proposed side window includes glazing. This would overlook the side roof of the neighbouring dwelling of number 29 and is designed to provide light to a staircase. The proposed rear dormer will overlook the rear garden of number 27. Therefore the proposed development would not harm the amenity of neighbouring occupiers.

#### **CONCLUSION**

The proposed dormer window, due to its bulky appearance and siting will cause significant harm to the appearance of the existing dwelling and the streetscene. The qualities which justify Bath being inscribed as a World Heritage Site will not be compromised by this development. The proposal is therefore considered to be in conflict with policies D.2 and D.4 of the Local Plan. Refusal is therefore recommended.

#### **RECOMMENDATION**

#### **REFUSE**

#### **REASON(S) FOR REFUSAL**

1 The proposed dormer window on the side elevation by reasons of its siting, scale and design will appear as an incongruous addition to the host building and will fail to respect and complement the host dwelling. The side dormer will fail to preserve the appearance of the streetscene. The proposed development is therefore contrary to policies, D.2 and D.4 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007

#### **PLANS LIST:**

Existing plans 01

Proposed plans 02  
Side elevation, all date stamped 1st June 2012