

# Bath & North East Somerset Council

MEETING: **Development Control Committee**

MEETING DATE: **12th March 2014**

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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02	13/04218/LBA 27 November 2013	Deeley Freed (Penhalt) Ltd Car Park, Sawclose Car Park, City Centre, Bath, Alterations to Gala Bingo Club comprising: demolition of north and east extensions; removal of internal balcony/gallery, paybox, toilets and platform lift; internal structural alterations including construction of new concrete floors at first floor level supported on new columns; associated works. Alterations to the Market comprising: removal of rear walls, lobby, bar and canopy, partition walls and staircases; structural alterations including new walls, timber floors at first and second floor, stairs and lift; fire protection works; associated works. Alterations to Bluecoat House boundary walls comprising; substantial removal of west and east walls, removal of north wall.	Abbey	Sarah James	CONSENT

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**REPORT OF THE DEVELOPMENT MANAGER OF PLANNING AND TRANSPORT**  
**DEVELOPMENT ON APPLICATIONS FOR DEVELOPMENT**

**Item No:** 01  
**Application No:** 13/04234/EFUL  
**Site Location:** Car Park Sawclose Car Park City Centre Bath



**Ward:** Abbey      **Parish:** N/A      **LB Grade:** N/A  
**Ward Members:** Councillor B J Webber      Councillor Manda Rigby  
**Application Type:** Full Application with an EIA attached  
**Proposal:** Erection of hotel (C1), 2no restaurants (A3) and casino (Sui Generis), alteration works to listed buildings (Gala Bingo Club, Market and Bluecoat House boundary walls) and associated hard landscaping works following the demolition of unlisted buildings (former clinic, former weighbridge kiosk, Regency Garage and 1-2 Bridewell Lane)

<b>Constraints:</b>	Agric Land Class 3b,4,5, Scheduled Ancient Monument SAM, Article 4, Bath Core Office Area, City/Town Centre Shopping Areas, Conservation Area, Forest of Avon, Hotspring Protection, Listed Building, World Heritage Site,
<b>Applicant:</b>	Deeley Freed (Penhalt) Ltd
<b>Expiry Date:</b>	12th March 2014
<b>Case Officer:</b>	Sarah James

## REPORT

At the meeting of the Development Control Committee on 12th February Members made a number of comments about the design of the proposal and voted to defer consideration of it to enable the applicant to further revise the external appearance. Revised drawings have now been received and interested parties and the relevant consultees have been advised of this and given until 10th March to comment. The following report is therefore the original report to Committee and a further report will be made at the meeting of the Committee advising Members of the comments that have been received in connection with the revised drawings and the Officers assessment of the revisions.

The application site is approximately 0.3 hectares in extent and is located within Bath City Centre to the west of main shopping area. It comprises land located between Saw Close (west), Upper Borough Walls (north), Bridewell Lane (east) and Westgate Street (south). There are 2 Grade II listed buildings on the site: the Gala Bingo Club (a former theatre) and the Loft Club (now 'The Market' public house). Other buildings on the site comprise 'The Clinic' (currently vacant), an office building (1-2 Bridewell Lane), the 'Regency Garage' (closed and used partly for storage), and a small weighbridge kiosk building. The site includes a public pay and display car park and private car parking. The public car park incorporates a Turkish Hazel tree that was planted to replace an earlier mature tree that previously occupied the site but which died.

Adjoining the site there are a number of listed buildings including Bluecoat House to the immediate north (recently converted to provide flats and a restaurant), the Theatre Royal to the west, and the Royal Mineral Water Hospital (RNHRD) to the east.

The buildings on and adjacent to the site vary in height from one storey (the former Clinic) to four storeys (Bluecoat House). The existing buildings in the area are predominantly of Bath stone construction, including ashlar and rubble stone walling, with some brick. Roof materials vary and include slate, tiles and (industrial) cladding materials. Within the vicinity of the application site there is a varied mix of uses. The site is close to the Bath central shopping area and is within a commercial and leisure quarter with a high number of restaurant uses as well offices, the theatre and the comedy club. There are also residential uses within this area.

The site is within the Bath City Conservation Area and World Heritage Site (WHS) and the 'open' areas of the site are designated as a Scheduled Ancient Monument (SAM). The site is also adjacent to the National Cycle Route that runs along the site's northern boundary, within the City Centre Core Office Employment Area, within the Bath Hot Springs Protection Area, partly within the designated City/Town Centre Shopping Area.

various applications for buildings on and around the site have been made of particular relevance being the conversion of Blue coat House to residential on upper floors with A3 uses below. Outside of the planning process in August 2012, the Council granted a provisional licence for a 'small' casino at Saw Close.

The development proposals comprise a series of demolitions and alterations primarily these are;-

Demolition of the former Regency Garage, former Clinic building, former weighbridge kiosk and 1-2 Bridewell Lane currently occupying the site;

Demolition of part of the west and east boundary walls to Bridewell Lane that forms part of the former Bluecoat House curtilage;

Demolition of a significant part of the Grade II listed Gala Bingo Hall. The demolition works comprise the northern half of the hall, extensions to the east, and the gallery. Most of the demolitions involve the later parts of the building. Alterations to the hall include the insertion of new supporting columns for a new first floor and partial second floor in order to facilitate the re-use of the retained parts of the Grade II listed Gala Bingo Hall to form part of the new casino.

Alterations to the Lyric Tower to facilitate the new ground floor entrances to the hotel and casino and the casino use at first floor level. Works to the tower include the partial demolition of the rear wall, construction of a new wall at ground floor level to separate the hotel and casino entrances, removal of internal staircases and partition walls, and insertion of a new timber floor at first floor level.

Development proposals include:-

Re-use of the Grade II listed Market building to provide an entrance to the hotel. Alterations to the Market building include the removal of the rear wall, entrance lobby, bar, and bar canopy. Insertion of new fire-resistant ceilings and partitioning will take place throughout the building and a new lift and stairs will be provided.

Development of a new 4 storey building that incorporates 2 no. ground floor A3 restaurants and casino and hotel uses on upper floors in conjunction with the retained buildings on site and works introduced above. The development will include enhancement to the existing Bridewell lane and the provision of a new shared surface within the public realm of Saw Close (discussed further in the report below).

The hotel would provide 148 bedrooms over four floors (max capacity 296 guests), a casino over three floors including bars, dining and private function/meeting rooms (max capacity 900 people), with two restaurants over the ground floor, together with external seating (max capacity 290 covers internally, 140 externally).

It is proposed that the casino and hotel would operate unrestricted hours. A3 hours are not specified in the application made.

The application is supported by the following documents; BREEAM Strategy, contamination Report, Daylight and Sunlight study, Demolitions and construction method

Statement, Design and access Statement, Drainage Strategy, Noise Report, Flood Risk Statement, Heritage Statement, Mechanical and Electrical Services Statement, Operational statement, Geo-environmental statement, Planning Statement, Statement of Community Involvement, Transport Statement, Bat survey report, Utility Statement, Ventilation and Extraction statement.

The application is accompanied by an Environmental Statement which comprises of the following topics:-

Non-technical summary - summarising the findings of the EIA in non-technical language.

Volume 1: Written Statement - reporting the findings of the EIA.

Volume 2: Appendices - technical material to support the main text presented in Volume 1.

## PLANNING HISTORY

There is an associated Listed Buildings application also on this agenda.

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

Environmental Protection comments made 10th October 2013 and 14th January 2014 - No objection subject to conditions

Drainage and Flood Risk comments made 14th October 2013 - No objection subject to conditions

Wessex Water comments made 22nd October 2013 - No Objections subject to agreeing drainage connections onto existing drainage systems and protection of adjoining drainage.

Highways Officer comments made 25th October 2013 - The proposal would result in the loss of 24 public car parking spaces, together with 12 private parking spaces next to the former clinic, with access from the Saw Close Car Park. There will be no private parking within the site. Having regard to the central location, there is good access by alternative modes of travel and therefore this is acceptable. With regard to the loss of public parking facilities, including 2 disabled parking spaces, there are other public car parks within the City, and the provision of disabled parking facilities are a consideration of the proposed changes to access to City streets through the Bath Transportation Package proposals and there are no objections raised as a consequence.

Conditions and some further details are sought but there are no objections raised to the scheme.

Further comments made 26th November 2013 - Additional sections / details have been provided and I am satisfied these address highway matters across the redesigned space acceptably. These adequately show how the highway can be adjusted to effect the changes required for the temporary transition zone. The loss of disabled parking is subject to an objection and some re-provision is suggested appropriate to be accommodated as part of the highway Phase 2 works. Outdoor seating should not cross the existing highway but should be accommodated close to buildings within Phase 1 with the issue looked at again as part of Phase 2 works.

Urban Design Officer comments made 1st November 2013 - The scheme has been through extensive pre-application discussions with the Council's urban design team over a number of years and the proposals reflect the negotiations that have taken place. The first and second floors of the Casino should maintain an active use and frontage in all spaces overlooking Saw Close i.e. they should not be private, closed off rooms. A sample panel of materials should be submitted for approval.

Historic Buildings Officer comments made 26th November 2013 - There has been extensive pre-application assessment of this scheme as it evolved. In principle I support and welcome this opportunity to address the somewhat neglected appearance of this part of the City Conservation Area and World Heritage Site. The areas informality and variety allows for new development of contemporary architecture in such context. The design submitted reinterprets the scale, proportions and footprints of adjoining historic buildings and reads as a pair of distinct new elements in the townscape. It particularly relates to the flat roof form of the Market building. The demolitions proposed have been carefully considered and are acceptable. The roofscape has been improved and is acceptable in views.

Outstanding concerns at this stage are :-

There needs to be a clear design code for the shop-fronts and signage, together with lighting generally. Materials should be considered at this stage. The section/bay of building immediately adjoining Bluecoats School has a largely blank façade and should be articulated.

Arboricultural officer comments made 11th November 2013 - The proposal results in the loss of one tree with no replacement planting or any soft landscaping proposed. This loss is objected to.

Ecologist comments made 11th November 2013 - Update bat surveys have been completed and submitted with proposal. No use of the buildings by bats was found and no further surveys are considered necessary. However that it is disappointing that the proposal does not appear to incorporate any soft landscaping or greening of the external environment.

English Heritage comments made 12th November 2013 - We recognise the strategic importance this site has in providing a significant regeneration opportunity through the redevelopment and enhancing this central key site within the city. It is important that the role of Saw close as a place is fully understood. The redevelopment should be focussed mainly on bringing more vibrant activity to this part of the city whilst at the same time being a subservient addition to the street scene. The aim should be the reinstatement of townscape integrity rather than the creation of "statement" architecture". Elements of the architectural approach are questioned.

Further comments made 23rd January 2013 - we are now pleased to support this amended scheme and acknowledge that much of the impact and design concerns raised previously have now been addressed. Although broadly in accordance with the previous design subtle changes made such as the introduction of stone columns and removal of harsh metal cornice and revisions to materials have improved the scheme so as to integrate it into its context.



Archaeology - comments made 15th November 2013 - Following extensive pre-application discussions with the applicants and work (including documentary research, geophysical survey and trial trenching), a scheme has been submitted which seeks to minimise as far as possible the disturbance to any underlying medieval and Roman deposits whilst also preserving an important group of post-medieval tobacco-pipe kilns below the new building. I therefore have no objection to the proposed development subject to conditions.

Further comments made 21st January 2014 - Further to my previous consultation response (15/11/2013) the applicants have submitted revised drainage details and a revised archaeology and engineering statement (attached). I would recommend amended conditions are attached to any planning consent.

Landscape officer comments made 26th November 2013 - The scheme is not acceptable primarily as it does not incorporate a tree to provide a focal point. The relationship of outdoor seating needs careful consideration as does the positioning of cycle stands and other street furniture.

Parks and Open Space Officer - comments made 17th December 2013 - The demand generated by the proposed development would be negligible in green space terms. As such, I do not have any comments to make in respect of the proposals.

### Third Party Representations

Councillor Anketell Jones has commented that the development will bring to Bath many benefits. The lack of residential within the mix of uses overall and the design are questioned.

Bath Heritage Watchdog - object to the application primarily on the basis of the design and detailing of the new build and concerns regarding the Listed Building elements of the application. With regard to design amendments they acknowledge some improvements but the objections remain.

Federation of Bath Residents association (FoBRA) - object to the application on the basis of the design.

The Abbey Residents Association - Make a comment that they support the development principles and mix of uses but question some elements of the design, vehicular servicing and suggest blue badge provision in the space should be reviewed.

The Bath Preservation Trust comment that the proposal in principle sounds like a good use of an untidy and rather neglected area, and positioning the new casino near the Theatre and cinemas will provide a coherent 'entertainment' quarter to the city. The Trust is of the opinion that introducing a new modern build of good design has the opportunity to improve the rather chaotic collection of existing buildings, and make an attractive addition to the public realm. The façade of the Casino and Hotel is broadly appropriate and the scale and massing would sit well in the space. Further comments made relate to the design details and are largely supportive but question aspects of the design.

A representation has been received from the adjoining business Komedia on the basis that sound levels should be addressed.

4 residents have objected on the basis of design, the transport proposals in particular with regard to the lack of attention to disabled parking and access, the relationship of the proposals with residential uses in Bluecoat House, and overdevelopment.

Historic Buildings Officer comments made 3rd February 2014 - I strongly support this opportunity to stitch together the fabric of this part of the conservation area and to create significant visual enhancement and improvement in an area currently dominated by traffic and parking.

Development and Regeneration comments made 4th February 2014 - Support the proposals.

The Development & Regeneration team supports the planning application for the redevelopment of Sawclose, which accords with Core Strategy policy objectives and will deliver significant new employment opportunities within Bath city centre, subject to:

- The applicant agreeing a local training, skills and employment package with the Council as part of a Section 106 Agreement which reflects the undertakings provided in the Schedule 9 Agreement under the Gambling Act 2005 as part of the licencing process for the Casino.
- Agreeing an overall scheme for a new public square at Sawclose which is capable of being delivered in phases in conjunction with the proposed redevelopment scheme.

Third Party Representations:

Bath Heritage Watchdog maintain an objection to the development.

1 resident has written to object to the design

## **POLICIES/LEGISLATION**

The statutory Development Plan for Bath and North East Somerset Council comprises saved policies from B&NES Local Plan (Adopted 2007) and the Joint Waste Core Strategy (JWCS) (Adopted 2011). In this case the policies of the JWCS are of limited relevance to this development.

## **ADOPTED LOCAL PLAN**

Policies relevant to this site in the Bath and North East Somerset Local Plan are

- IMP.1 Planning obligations
- SC.1 Settlement classification
- CF1 Community land and buildings
- CF3 Community contributions
- D2 General Design and public realm considerations
- D4 Townscape considerations
- ET2 Bath City Centre Office employment Area
- T1 Over arching access policy

T3 Promotion of walking and use of public transport  
T5 Cycling Strategy: improved facilities  
T6 Cycling Strategy  
T7 Cycling strategy strategic.  
T13 Traffic management proposals  
T24 General development control and access policy  
T25 Transport assessment and travel plans  
T26 On-site parking and servicing provision  
ES1 Renewable Energy  
ES.2 Energy conservation  
ES3 Gas and Electric Services  
ES.4 Water supply  
ES.5 Foul and surface water drainage  
ES.9 Pollution and nuisance  
ES12 Noise and vibration  
ES10 Air Quality  
ES12 Noise  
ES.15 Contaminated Land  
NE10 Nationally important species  
NE11 Locally important species  
NE13 A Hot Springs  
BH.12 Archaeology  
BH13 Significant archaeological remains in Bath  
BH21 Security Fittings  
BH22 External lighting  
WM4 Waste Recycling  
S6 A3 Uses in the City Centre  
S7 Siting of Tables and Chairs

At its meeting on 4th March 2013 the Council approved the amended Core Strategy for Development Management purposes. At the current time only limited weight can be attached to those policies within the Core Strategy where there are unresolved objections to relevant policies. Significant weight can be attached to those policies within the Proposed Changes where there are no unresolved objections (as per NPPF paragraph 216).

In the emerging Core Strategy relevant policies are

CP2: Sustainable construction  
CP6 Environmental Quality  
CP13 Infrastructure Provision  
DW1 District-wide spatial Strategy  
B1 Bath Spatial strategy  
B2 Central Area Strategic Policy  
B4 World Heritage Site and its setting

#### NATIONAL PLANNING POLICY FRAMEWORK

National Planning Policy Framework (March 2012) can be awarded significant weight in this case. Decisions on planning applications should be made in accordance with the

development plan unless material considerations indicate otherwise. The guidance in the NPPF is an important material consideration.

## OTHER PLANNING CONSIDERATIONS

Adopted Supplementary Planning Document Planning Obligations 2007

Bath City-Wide Character Appraisal SPD

Adopted Green Infrastructure Strategy

The Following Documents are also of note but carry no significant weight within planning.

Public Realm and Movement strategy

Saw Close Supplementary Guidance note (1996)

## **OFFICER ASSESSMENT**

### **RELEVANT POLICY**

The site lies within the World Heritage Site and Conservation Area and relevant historic environment and design policies in the Local Plan (LP Policies D2, D4, BH1, BH2, BH3, BH4, BH6, BH7) are an important consideration. The site is located between three Scheduled Ancient Monuments (LP policy BH.11). It is also located on a cycle route (LP policy T.7). The majority of the site is set back from the Primary Shopping Frontages in the city centre (LP policy S.5), although it is within the City Centre Shopping Area (LP policy S.1), Policy S.6 with regard to A3 uses on ground floors also applies. The site is also within the Bath City Centre Core Office Employment Area (Policy ET.2).

There are currently no development plan policies that specifically allocate this site in Saw Close for development. The site is however within the City Centre where planning policies at both local and national level support a variety of uses including retail and commercial leisure uses, visitor accommodation, and other uses benefitting from a highly accessible central location. Saved Local Plan Policy SR.7 supports the development of commercial leisure uses within Bath's Central Shopping Area and part of the site falls within this area. Although there are no specific policies governing the establishment of casinos in the area, such a use is, in principle, suitable in a town centre and can be considered as a commercial leisure use. saved Local Plan Policy S.6 supports A3 uses in this location provided that they preserve or enhance the character or appearance of this part of the Bath Conservation Area and do not harm residential amenity. Saved Local Plan Policy S.7 supports the provision of outdoor seating areas (as proposed within Saw Close), providing the proposals will not harm highway or pedestrian safety, will not harm the amenity of other occupiers in the area and will not adversely affect the character or appearance of the Bath Conservation Area or settings of heritage assets (consideration of which is made in this report below).

The proposals involve the loss of a building formerly in D1 health clinic use. Although saved Local Plan Policy CF.1 seeks to protect existing community uses, the health services previously provided at the former clinic have transferred to other premises in the City as part of changes by a public service provider to improve services in the area, and

the building has now been vacant since 2006. Whilst the site could in theory continue to be used for a D1 use, to supplement existing facilities, there is no evidence of any need for supplementary facilities. There would therefore appear to be no net loss of services and it is considered that the proposals are satisfactory and in accordance with Policy CF.1.

The mix of uses proposed is considered to be appropriate for a city centre site in policy terms.

## ECONOMIC DEVELOPMENT AND REGENERATION

The site of the proposal is located within the Bath central area as defined in the draft Core Strategy and is therefore covered by policies B1 and B2. Policy B1 which aims to deliver an overall net increase in jobs in the city by 2026 and to enable the provision of 500-750 new hotel bedrooms as part of widening the city's accommodation offer, increasing the average length of visitor stay and the competitiveness of the city as a visitor destination. Policy B2 promotes change within the central area, including the delivery of 500-750 hotel bedrooms.

From an economic development perspective the proposed development will assist in delivering these policy aims and includes an appropriate mix of uses for this part of the central area where the focus is on leisure and recreation.

## ARCHAEOLOGY

This site is in a sensitive location in terms of its archaeological potential. Extensive investigations have taken place to ensure that underground archaeology is fully understood and evaluated (including documentary research, geophysical survey and trial trenching). A scheme has been submitted which seeks to minimise as far as possible the disturbance to any underlying medieval and Roman deposits whilst also preserving an important group of post-medieval tobacco-pipe kilns below the new building. The scheme that is proposed is fully in accordance with advice of the Council's archaeologist and with English Heritage advisors. The applicant has submitted an application for Scheduled Monument Consent to English Heritage (as is required) and it is understood that it is progressing well.

## HERITAGE

Demolition works have been scrutinised and the proposed demolitions are considered acceptable. Much of the interiors of the Lyric Tower and Market Building have been previously destroyed. Complete demolition of the Regency Garage which dates from the C18 is considered acceptable in principle following thorough inspection. Internally it has also been severely altered, particularly in the C20. Its structural condition is questionable and architecturally its loss can be accepted provided replacement design is seen as an improvement. Other buildings proposed for demolition have less than significant value.

Saw Close contains many highly significant listed and other historic buildings, including the Theatre Royal and Bluecoats School. However it is considered that the informality and variety of the area allows for new development of contemporary architecture. Early concerns raised related to the blankness of facades and use of pennant stone. The

applicant has responded to the concerns of the Historic Buildings Officer, English heritage and others.

In this regard the applicant has summarised the changes and these include:

A revised townhouse adjacent to the Lyric comprises a 2 storey void with a balustrade at first floor level. The second floor terrace is set above this supported on an expressed steel frame. Beyond this, at both levels, glazed screens divided into thirds open out from the bar areas. This open structure increases the visibility of the Lyric Tower seen through it from Saw Close.

In contrast, the townhouse adjacent to Bluecoat House is made more solid with the top floor turned into enclosed bar accommodation. The introduction of 3 windows punched into the Bath Stone ashlar masonry reinforces this increased solidity. The larger opening at first floor level maintains the visual connection between the external public realm and the casino restaurant within.

Blue Pennant stone has been removed entirely from the Saw Close elevation. This has been replaced with Bath stone / Portland stone ashlar.

Blank facades have been provided with visual relief and further amendment has been made to roof, grills and louvers.

The overall form of the development proposed is considered a good solution for the site. In particular with regard to the Saw Close elevation the scale and massing of the various design blocks of the proposal reflect historic building footprints, respond sympathetically to the height and massing of the adjoining buildings the lyric tower and blue coat house. The Bridewell Lane elevation connects the building to the Lane and is appropriate. More detailed concerns raised relating to the fenestration on Saw Close in particular the glazed elements of the 2 'town house' blocks have been responded to by the applicant. Subtle changes made do offer great improvement. English Heritage have removed their objection and comment in respect of the changes that "the addition of two slender stone columns to the façade of the building next to Lyric Tower help to break up the expanse of glazing and compliment the tower proportions without emulating it. The removal of hard metal edgings to the copings now replaced with natural stone copings softens the visual impact of the buildings. The alteration of the configuration of the second unit helps to link it with Bluecoat House."

The contemporary design approach is considered appropriate in this location. The materials used in the development will be high quality natural materials and the building is of an overall, scale form and massing that respects adjoining development. The proposals are considered acceptable as a consequence. The development will enhance the Conservation Area.

## URBAN DESIGN

A concept design has been prepared for the whole of the Saw Close area. This includes the private development site and the existing highway space. The application itself covers only the area up to the highway. The delivery of the second Phase would therefore be within the control of the Council. To take account of this a transition zone has been

designed into the scheme which would take the form of a strip within the highway itself that takes on the form, design and materials of the designed private space. This would allow for a two part delivery of the scheme if necessary and ensures the delivery of the private (Phase 1) scheme is not dependent upon the delivery of a development outside of the applicant's control. Notwithstanding the benefits of delivering the space as a whole are acknowledged and the 'Place' Directorate of the Council has confirmed that 'The Council is actively pursuing, as a priority, a number of funding resources to ensure that the public realm works are undertaken as part of a comprehensive scheme that also links into the Seven Dials project, thus providing a greatly improved environment in this vicinity for pedestrians and cyclists.

Importantly the application can be delivered acceptably within the applicant's timescales and there would also be no prejudice to the delivery of the entire space caused by the development proposals.

The public space itself has been designed on the basis of the Council's Public realm Strategy using 'patternbook approved' materials. It introduces some stepped areas and there would be opportunities for outdoor seating (details of which will be secured by condition). The space itself is designed simply using intervention in the form of steps only when essential to address the complex level changes across the site. There would be appropriately subtle but artistic lighting designed into the scheme paving. The applicant has designed a lighting and signage strategy and details will be controlled by condition. The materials used within the public realm (and on the buildings) would all be of the highest quality natural and appropriate for the area. The proposed development would vastly improve the existing environment of Saw Close.

## HIGHWAYS

The scheme has been designed on the basis of a shared space across the entire development site and adjoining highway. The movement of vehicular traffic through Saw Close will still be adequately accommodated, and this will also not affect the servicing needs of businesses in the area. The overall intention of the area, once completed, will be a shared space for all highway users, with the route for vehicular traffic being guided by the location of street furniture.

In order to address the level differences that would result in the interim period (if there is one) between the completion of the application site works and the works to the highway which fall outside of the scope of the application, the applicant has included a transition zone on the highway adjoining the site, with an approximate width 2.5m. This will result in a reduction in the existing available carriageway width to a minimum of 6.4m.

The works to secure the transition zone within the highway will need to form part of a legal agreement with the Council, the completion of which will be required prior to any decision notice being issued.

The Transport Statement includes a draft Travel Plan Framework which indicates that all staff and visitors will be provided with details of sustainable travel options. A completed Framework Travel Plan will be required as a condition of any permission, but individual Travel Plans for each occupier would also seem to be appropriate, as the needs of each user will be different.

The Council has accepted the loss of the two dedicated disabled parking spaces, but there has always been an intention to make alternative provision in the general locality, and this is still being considered through the Bath Transportation Package scheme.

The proposal would result in the loss of 24 public car parking spaces, together with 12 private parking spaces next to the former clinic. There will be no private parking within the site, and having regard to the central location, there is good access by alternative modes of travel. The proposal does not include any cycle parking provision within the development buildings, but cycle stands are proposed within the public space within the development site, and there is an intention to provide further cycle stands within the Phase 2 public realm works.

## WASTE MANAGEMENT

Under the Waste (England and Wales) Regulations 2012, all businesses have a duty to consider a more sustainable way of dealing with their waste before they dispose of it i.e. follow the Waste Hierarchy - reduce, reuse, recycle, recover (energy or other value), ahead of general landfill disposal. With regard to the sizing of the bin stores, it is difficult to comment in detail on the suitability without any proposed operational arrangements, which are indicated to come through from individual tenants upon occupation. Bins will not be allowed to be left on the highway, except at the due times for collection, and an assessment needs to be made of the appropriate locations for collection to ensure there is suitable space provided for bins without having an adverse impact on residents, other businesses, traffic flows etc. There will also need to be tight controls on emptying times and the return of bins promptly to the bin stores. The external public realm areas are also proposed to be managed by the Management Company, with the exception of the areas taken over by tenants for outdoor seating. A detailed Operational Statement will be required for the overall site, to set out the principles to be adopted for deliveries, waste management, recycling and general management of spaces, but there will also be a need for individual Operational Statements to be approved for each unit. Such Statements will be required as conditions of any permission granted.

## TREES AND LANDSCAPE

An existing tree within the site would be removed and no replacement planting has been proposed. Consideration has been given to the appropriateness of having a tree as a focal point within the development. Bath has a number of successful spaces where a single tree provides relief within the townscape. In this case however there were limited locations that would have been appropriate within the site to locate the tree the best location being within the vicinity of the existing tree. However there were concerns with regard to the impact of any new tree in that location on retained archaeology like the pipe kilns which are of great significance. It was therefore a balance as to whether a tree should be incorporated and given the potential damage it was considered that planting on this occasion should not be incorporated.

## NOISE

A noise assessment has been provided and is satisfactory. Conditions will ensure that the development operates in accordance with that. Concerns have been raised by an



adjoining occupier with regard to noise leakage from either the existing or proposed development however provided both development are constructed with appropriate levels of sound insulation that should not occur. The proposed development would be constructed to current building regulations standards.

## RESIDENTIAL AMENITY

There are residents within the vicinity of the development living around the site for example along Bridewell Lane and in the newly converted Bluecoat house adjacent. Careful consideration has been given to the effect of the development on those occupiers. Hotel windows along Bridewell Lane have been designed and located so as not to give rise to overlooking. The building has been pulled away from the Lane closest to Bluecoat House to ensure it is not over dominating. The open terraces have been relocated into the 'town house' element that is the further away from Bluecoat House. The site will have activities including night time activities from those using the hotel and casino. However this is a town centre use and the proposals are designed to bring life and vitality into this area. It is considered that the active uses are not unacceptable in this location.

The casino and hotel would operate unrestricted hours as is typical for those uses. Consideration has been given to this however it is considered that this would not create adverse impact. However it is suggested that the use of the external casino terrace and A3 uses should have restricted hours by condition.

## ECOLOGY

The site has no significant ecology and there are limited opportunities to introduce any significant ecological benefits however bat tubes will be required by condition to provide potential roosting sites.

## CONTAMINATION

The site may be contaminated and precautionary the usual precautionary conditions can be applied.

## SUSTAINABILITY

The proposed development will target a BREEAM rating of 'Very Good'. The detailed design of the proposals therefore considers solar control / gain balanced against passive energy, is energy efficient with good levels of insulation, sources local materials, minimises water usage, manages waste both during and after construction, reduces the need to travel through its location conserve transport related energy (no on site parking), uses energy efficient lighting.

## CONCLUSION

The proposed development would bring significant townscape and public realm benefits into this important and historic site and bring activity and vibrancy into this area complementing the existing uses.

If the application were to be recommended for approval it would have to be referred to the Secretary of State as the works constitute demolition of substantially all of the interior of a principal (listed) building.

## **RECOMMENDATION**

A Authorise the Planning and Environmental Law Manager to enter into a Section 106 Agreement to secure the following :-

works, comprising the construction of a transition zone, to the Saw Close boundary of the site, and the alterations to the footway abutting the site on Upper Borough Walls in accordance with details submitted with the planning application

B Subject to no new matters arising from outstanding consultations Permit subject to 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 The development shall not be brought into use or occupied until the applicant, or their agents or successors in title, has secured the implementation of a programme of post-excavation analysis in accordance with a publication plan which has been submitted to and approved in writing by the Local Planning Authority. The programme of post-excavation analysis shall be carried out by a competent person(s) and completed in accordance with the approved publication plan, or as otherwise agreed in writing with the Local Planning Authority.

Reason: The site has produced significant archaeological findings and the Council will wish to publish or otherwise disseminate the results.

4 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) monitoring of demolition works; (b) monitoring of enabling works including further archaeological investigations; and (c) a controlled watching brief during the main construction phase 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 wish to ensure that any archaeological remains disturbed by the development are properly examined and recorded.

5 All ground works (including site clearance, demolition, foundations, drainage and those of statutory undertakers) and archaeological recording (including an Archaeological Management Plan) shall be carried out and completed in accordance with the Archaeology and Engineering Statement prepared by Cotswold Archaeology (CA Project 2312, Revision 4, January 2014), unless otherwise first agreed in writing with the Local Planning Authority.

Reason: The site is within an area of significant archaeological interest and the Council wish to ensure the future protection and preservation of the archaeological remains.

6 The cumulative plant noise level (as an equivalent noise level over 5 minutes, LAeq 5 minutes) should be designed not to exceed the following specified plant noise levels at the façade of the nearest noise sensitive dwellings.

Daytime	Evening	Night
07:00 to 21:00 hrs	21:00 to 23:00 hrs	23:00 to
07:00 hrs		
LA90 1hr dB	LA90 1hr dB	LA90 5min dB
45	42	37

Reason : In the interests of residential amenity

7 No site clearance or demolition works shall take place within the site until the applicant, or their agents or successors in title, has submitted to and had approved by the Local Planning Authority a written method statement providing for a careful manner of demolition that prevents any potential damage to below ground archaeological deposits. The method statement shall include the location, extent and depth of all excavations and these works shall be monitored by a suitably qualified archaeologist to ensure the demolition works are carried out and completed in accordance with the details as approved.

Reason: The site is within an area of significant archaeological interest and the Council wishes to prevent any unnecessary damage to historic remains beneath the existing buildings.

8 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. For bedrooms at night individual noise events (measured with F time-weighting) shall not (normally) exceed 45dBLAmax.

Reason: To protect the amenity of the users of the development.

9 Prior to commencement of development (or within a timescale as agreed in writing with the Local Planning Authority) details relating to the type, extent and technical specifications of the proposed odour abatement (filtration) system as well as plans showing the proposed height and terminus of the extract system duct-work shall be submitted to and approved in writing by the Local Planning Authority. Development shall take place in accordance with the approved details.

Reason : In the interests of amenity.

10 Provision shall be made within the site for the disposal of surface water, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to construction.

Reason: In the interests of flood risk management and highway safety.

11 No deliveries shall be taken at or dispatched from the commercial elements of the proposed development outside of the hours of 07.00-21.00 or at any time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby

12 No amplified or other music shall be played within the identified external performance area outside the following times: 10.00-23.00 Monday to Saturday  
12.00-22.30 Sundays and bank holidays (unless otherwise agreed in writing with the Local Planning Authority).

Reason : To protect the amenity of adjoining occupiers

13 the development permitted shall be carried out fully in accordance with the findings of Environmental Noise Report, reference 5355/DO/pw, dated September 2013.

Reason : In the interests of amenity of existing and proposed occupiers

14 Prior to the commencement of the development, a Construction Management Plan for the enabling works shall be submitted to and approved in writing by the Local Planning Authority and shall include details of deliveries (including storage arrangements and timings), contractor parking, traffic management. Development shall thereafter proceed in accordance with the approved details.

Reason: To ensure the safe operation of the highway and in order to protect neighbouring amenity.

15 Prior to the commencement of the development, a Construction Management Plan for the main construction works shall be submitted to and approved in writing by the Local Planning Authority and shall include details of deliveries (including storage arrangements and timings), contractor parking, traffic management. Development shall thereafter proceed in accordance with the approved details.

Reason: To ensure the safe operation of the highway and in order to protect neighbouring amenity.

16 Prior to occupation of each unit, an individual Operational Statement shall be submitted to and approved in writing by the Local Planning Authority. Such an Operational statement shall include details of delivery management, waste storage and collections, recycling.

Reason: To ensure the safe operation of the highway.

17 Prior to the commencement of the development a completed Framework Travel Plan for the site shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable development

18 Prior to the occupation of each unit within the development a Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable development.

19 Prior to the occupation of the development, details of the proposed cycle stands shall have been submitted to and approved in writing by the Local Planning Authority. Such cycle stands shall be provided on the site prior to any occupation.

Reason: In the interests of sustainable development.

20 The commencement of development of the new buildings hereby approved shall not begin 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: In the interests of the appearance of the development and the surrounding area.

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

(b) an assessment of the potential risks to:

(c) human health,

- (d) property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- (e) adjoining land,
- (f) groundwaters and surface waters,
- (g) ecological systems,
- (h) archaeological sites and ancient monuments;
- (i) 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.

22 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.

23 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 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.

24 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 and where remediation is necessary a remediation scheme must be prepared 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.

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.

25 Prior to the commencement of development details of a lighting strategy for the site shall be submitted to and approved in writing by the Local Planning Authority. Development shall take place in accordance with the agreed details.

Reason : In the interests of the visual appearance of the Conservation Area and to protect the setting of the World Heritage Site and nearby historic buildings.

26 Prior to the commencement of development details of an outdoor seating strategy for the site shall be submitted to and approved in writing by the Local Planning Authority. Development shall take place in accordance with the agreed details.

Reason : In the interests of the visual appearance of the Conservation Area and to protect the setting of the World Heritage Site and nearby historic buildings.

27 Prior to the occupation of any of the uses within the development details of all external lighting for that unit shall be submitted to and approved in writing by the Local Planning Authority. Development shall take place in accordance with the agreed details.

Reason : In the interests of the visual appearance of the Conservation Area and to protect the setting of the World Heritage Site and nearby historic buildings.

28 Prior to commencement of development details of a scheme for installing Schwegler bat tubes (in accordance with the recommendations of the ecology report by Nicholas Pearsons Associates) into any new buildings to create potential roosting sites for bats. shall be submitted to and approved in writing by the local Planning authority. Development shall thereafter take place in accordance with the approved scheme.

Reason : In the interests of ecology..

29 The A3 uses hereby approved shall not be carried on and no customer shall be served or remain on the premises outside the hours of 0800 and 2330 hours Monday to Saturday and 0800 to 2300 hours on Sundays.

Reason : To safeguard the amenities of nearby occupiers.

30 The open external terraces associated with the casino use shall not be used between the hours of 12.00 pm to 6.00 am Monday to Saturday and 11.00 pm and 7.00 am on Sundays unless otherwise agreed in writing with the Local Planning Authority.

Reason : In the interests of residential amenity.

31 Prior to the commencement of development a scheme for the removal and storage of the existing stone setts shall be submitted to and approved in writing by the Local Planning Authority. The stored setts shall be made available for re-use by the Council within 14 days of request or within such time as agreed in writing by the Local Planning Authority.

Reason : In the interests of the historic environment.

### **PLANS LIST:**

1 The decision relates to the following drawings :-734-1110 rev D, 734-1111 rev E, 734-1112 rev E, 734-1113 rev D, 734-1114 rev D, 734-1115 rev D, 734-1130 rev H, 734-1131 rev E, 734-1132 rev E, 734-1133 rev E, 734-1142 rev D, 734-1143 rev D, 734 1120 D, 734 1120 C, 734 1140 C, 734 1141 C, 734 1142 E, 734 1144 C, 734 1150 C, 734 1151 C, 734 1160 C, 734 1161 C

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Policy Framework. The application has undergone extensive consultation and consideration has been given to all the submissions from consultees, local residents and other representations. Furthermore due consideration has been given to all material considerations and as a result the development has been found to be, on the whole acceptable, and where concerns do remain it has been found that these do not outweigh the overall benefits of the scheme and are not so significant as to justify the refusal of planning permission.

### **2 Informatives**

1. With regard to the kitchen extraction units the applicant is referred to the guidance notes on the Control of odour and noise from commercial kitchen exhaust system published by DEFRA in January 2005.

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

3. 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.

4. 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 buildings (available at:



**Item No:** 02  
**Application No:** 13/04218/LBA  
**Site Location:** Car Park Sawclose Car Park City Centre Bath



**Ward:** Abbey      **Parish:** N/A      **LB Grade:** N/A  
**Ward Members:** Councillor B J Webber      Councillor Manda Rigby  
**Application Type:** Listed Building Consent (Alts/exts)

**Proposal:** Alterations to Gala Bingo Club comprising: demolition of north and east extensions; removal of internal balcony/gallery, paybox, toilets and platform lift; internal structural alterations including construction of new concrete floors at first floor level supported on new columns; associated works. Alterations to the Market comprising: removal of rear walls, lobby, bar and canopy, partition walls and staircases; structural alterations including new walls, timber floors at first and second floor, stairs and lift; fire protection works; associated works.

	Alterations to Bluecoat House boundary walls comprising; substantial removal of west and east walls, removal of north wall.
<b>Constraints:</b>	Agric Land Class 3b,4,5, Scheduled Ancient Monument SAM, Article 4, Bath Core Office Area, City/Town Centre Shopping Areas, Conservation Area, Forest of Avon, Hotspring Protection, Listed Building, World Heritage Site,
<b>Applicant:</b>	Deeley Freed (Penhalt) Ltd
<b>Expiry Date:</b>	27th November 2013
<b>Case Officer:</b>	Sarah James

## REPORT

At the meeting of the Development Control Committee on 12th February Members made a number of comments about the design of the proposal and voted to defer consideration of it to enable the applicant to further revise the external appearance. Revised drawings have now been received and interested parties and the relevant consultees have been advised of this and given until 10th March to comment. The following report is therefore the original report to Committee and a further report will be made at the meeting of the Committee advising Members of the comments that have been received in connection with the revised drawings and the Officers assessment of the revisions.

The application site is approximately 0.3 hectares in extent and is located within Bath City Centre to the west of main shopping area. It comprises land located between Saw Close (west), Upper Borough Walls (north), Bridewell Lane (east) and Westgate Street (south). There are 2 Grade II listed buildings on the site: the Gala Bingo Club (a former theatre) and the Loft Club (now 'The Market' public house). Other buildings on the site comprise 'The Clinic' (currently vacant), an office building (1-2 Bridewell Lane), the 'Regency Garage' (closed and used partly for storage), and a small weighbridge kiosk building. The site includes a public pay and display car park and private car parking. The public car park incorporates a Turkish Hazel tree that was planted to replace an earlier mature tree that previously occupied the site but which died.

Adjoining the site there are a number of listed buildings including Bluecoat House to the immediate north (recently converted to provide flats and a restaurant), the Theatre Royal to the west, and the Royal Mineral Water Hospital (RNHRD) to the east.

The buildings on and adjacent to the site vary in height from one storey (the former Clinic) to four storeys (Bluecoat House). The existing buildings in the area are predominantly of Bath stone construction, including ashlar and rubble stone walling, with some brick. Roof materials vary and include slate, tiles and (industrial) cladding materials. Within the vicinity of the application site there is a varied mix of uses. The site is close to the Bath central shopping area and is within a commercial and leisure quarter with a high number of restaurant uses as well offices, the theatre and the comedy club. There are also residential uses within this area.

The site is within the Bath City Conservation Area and World Heritage Site (WHS) and the 'open' areas of the site are designated as a Scheduled Ancient Monument (SAM). The site is also adjacent to the National Cycle Route that runs along the site's northern boundary, within the City Centre Core Office Employment Area, within the Bath Hot Springs Protection Area, partly within the designated City/Town Centre Shopping Area.

This application should be considered in conjunction with related application 13/04234/EFUL also on this agenda.

This application for listed building consent relates to the following :-

Demolition of the former Regency Garage, former Clinic building, former weighbridge kiosk and 1-2 Bridewell Lane currently occupying the site;

Demolition of part of the west and east boundary walls to Bridewell Lane that forms part of the former Bluecoat House curtilage;

Demolition of a significant part of the Grade II listed Gala Bingo Hall. The demolition works comprise the northern half of the hall, extensions to the east, and the gallery. Most of the demolitions involve the later parts of the building. Alterations to the hall include the insertion of new supporting columns for a new first floor and partial second floor in order to facilitate the re-use of the retained parts of the Grade II listed Gala Bingo Hall to form part of the new casino.

Alterations to the Lyric Tower to facilitate the new ground floor entrances to the hotel and casino and the casino use at first floor level. Works to the tower include the partial demolition of the rear wall, construction of a new wall at ground floor level to separate the hotel and casino entrances, removal of internal staircases and partition walls, and insertion of a new timber floor at first floor level.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS CONSULTATION RESPONSES**

Archaeology - comments made 15th November 2013 - Following extensive pre-application discussions with the applicants and work (including documentary research, geophysical survey and trial trenching), a scheme has been submitted which seeks to minimise as far as possible the disturbance to any underlying medieval and Roman deposits whilst also preserving an important group of post-medieval tobacco-pipe kilns below the new building. I therefore have no objection to the proposed development subject to conditions.

Further comments made 21st January 2013 - Further to my previous consultation response (15/11/2013) the applicants have submitted revised drainage details and a revised archaeology and engineering statement (attached). I would recommend amended conditions are attached to any planning consent.

English Heritage comments made 12th November 2013 - We recognise the strategic importance this site has in providing a significant regeneration opportunity through the redevelopment and enhancing this central key site within the city. It is important that the role of Saw close as a place is fully understood. The redevelopment should be focussed mainly on bringing more vibrant activity to this part of the city whilst at the same time being a subservient addition to the street scene. The aim should be the reinstatement of townscape integrity rather than the creation of "statement" architecture". Elements of the architectural approach are questioned.

Further comments made 23rd January 2013 - we are now pleased to support this amended scheme and acknowledge that much of the impact and design concerns raised previously have now been addressed. Although broadly in accordance with the previous design subtle changes made such as the introduction of stone columns and removal of harsh metal cornice and revisions to materials have improved the scheme so as to integrate it into its context.

Historic Buildings Officer comments made 26th November 2013 - There has been extensive pre-application assessment of this scheme as it evolved. In principle I support and welcome this opportunity to address the somewhat neglected appearance of this part of the City Conservation Area and World Heritage Site. The areas informality and variety allows for new development of contemporary architecture in such context. The design submitted reinterprets the scale, proportions and footprints of adjoining historic buildings and reads as a pair of distinct new elements in the townscape. It particularly relates to the flat roof form of the Market building. The demolitions proposed have been carefully considered and are acceptable. The roofscape has been improved and is acceptable in views.

Outstanding concerns at this stage are :-

There needs to be a clear design code for the shop-fronts and signage, together with lighting generally. Materials should be considered at this stage. The section/bay of building immediately adjoining Bluecoats School has a largely blank façade and should be articulated.

Third party Representations

Bath Heritage Watchdog - Object raising concern about the extent of demolitions in this sensitive area.

The Bath Preservation Trust comment that the proposal in principle sounds like a good use of an untidy and rather neglected area, and positioning the new casino near the Theatre and cinemas will provide a coherent 'entertainment' quarter to the city. The Trust is of the opinion that Introducing a new modern build of good design has the opportunity to improve the rather chaotic collection of existing buildings, and make an attractive addition to the public realm. the façade of the Casino and Hotel is broadly appropriate and the scale and massing would sit well in the space. Further comments made relate to the design details and are largely supportive but question aspects of the design.

Historic Buildings Officer comments made 3rd February 2014 - I strongly support this opportunity to stitch together the fabric of this part of the conservation area and to create significant visual enhancement and improvement in an area currently dominated by traffic and parking.

## **POLICIES/LEGISLATION**

The primary consideration is the duty placed on the Council under Section 16 of Planning (Listed Buildings and Conservation Areas) Act 1990 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.

From the historic environment aspect there is also a duty placed on the Council under Section 72 of the Act to pay special attention to the preservation or enhancement of the character of the surrounding Conservation Area.

Section 12 'Conserving and enhancing the historic environment' of the National Planning Policy Framework sets out the Government's high-level policies concerning heritage and sustainable development. The Historic Environment Planning Practice Guide published jointly by CLG, DCMS, and English Heritage provides more detailed advice with regard to alterations to listed buildings, development in conservation areas and world heritage sites.

## **OFFICER ASSESSMENT**

Proposed demolitions, alterations and repairs

On-site inspection of the existing historic structures on the site confirmed the high level of alteration that has already taken place internally. Much of the interiors of the Lyric Tower and Market Building have been previously destroyed, resulting in the current proposals including a high element of existing 'facadism'. Notwithstanding that the exterior of these heritage assets forms the well-established and distinctive elements in the street scene, making a valuable contribution to the local character and appearance of this part of the conservation area. Complete demolition of the Regency Garage which dates from the C18 is considered acceptable in principle following thorough inspection. Internally it has also been severely altered, particularly in

the C20. Its structural condition is questionable and architecturally its loss can be accepted provided replacement design is seen as an improvement.

Other buildings proposed for demolition have less than significant value. For example, the wall on Bridewell Lane currently plays an important visual role in the townscape, but the new built form will satisfactorily replace the sense of enclosure it provides. The schedule of works is generally acceptable in terms of attention to historic fabric, and adheres to previous advice given. It should be demonstrated that some aspects of the works, such as those to the

roofs of the Market and Gala Bingo Hall respect and retain as far as possible the existing historic fabric and structures, accepting that much is C20. There is a detailed Schedule of works relating to the proposals submitted with the applications.

In conclusion the demolitions and proposed alterations have been considered in detail and are acceptable in the context of the sites redevelopment taking account of the existing condition of the buildings and previous alterations.

If the application were to be recommended for approval it would have to be referred to the Secretary of State as the works constitute demolition of substantially all of the interior of a principal (listed) building.

## **RECOMMENDATION**

A Refer to the Secretary of State

B Subject to no new matters arising from outstanding consultations Permit subject to 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 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 demolition shall take place until a contract has been let for the redevelopment of the site in accordance with a valid planning permission.

Reason : To safeguard the character and appearance of the Conservation Area.

4 Prior to commencement of development a schedule of the condition of all historic fabric, and details for re-use, repair, and refurbishment of that historic fabric shall be submitted to and approved in writing by the Local Planning Authority. Development shall take place in accordance with the agreed schedule.

Reason : To protect the historic fabric of the building.

5 No development shall commence until detailed drawings have been first submitted to and approved in writing by the Local Planning Authority identifying the architectural features which are to be retained and the method by which these features will be safeguarded during the carrying out of the approved development. The approved protection works shall be kept in place as so approved during the carrying out of the development.

Reason : To safeguard the special architectural and historic character of the building.

6 All work of making good shall be finished to match adjoining fabric in respect of type, size, colour, pointing, coursing, jointing, profile and texture.

Reason : To safeguard the special architectural and historic character of the building.

7 Prior to the commencement of development large scale details (1:20 or as otherwise agreed in writing with the Local Planning Authority) of all doors, windows, joinery, signage, louvers, grills, joinery, shall be submitted to and approved in writing by the Local Planning Authority. Development shall take place in accordance with the approved details.

Reason : To safeguard the special architectural and historic character of the building.

8 Prior to the commencement of development proposals for the stone work cleaning, repainting and repairs shall be submitted to and approved in writing by the Local Planning Authority. Development shall take place fully in accordance with the approved details.

Reason : To safeguard the special architectural and historic character of the building.

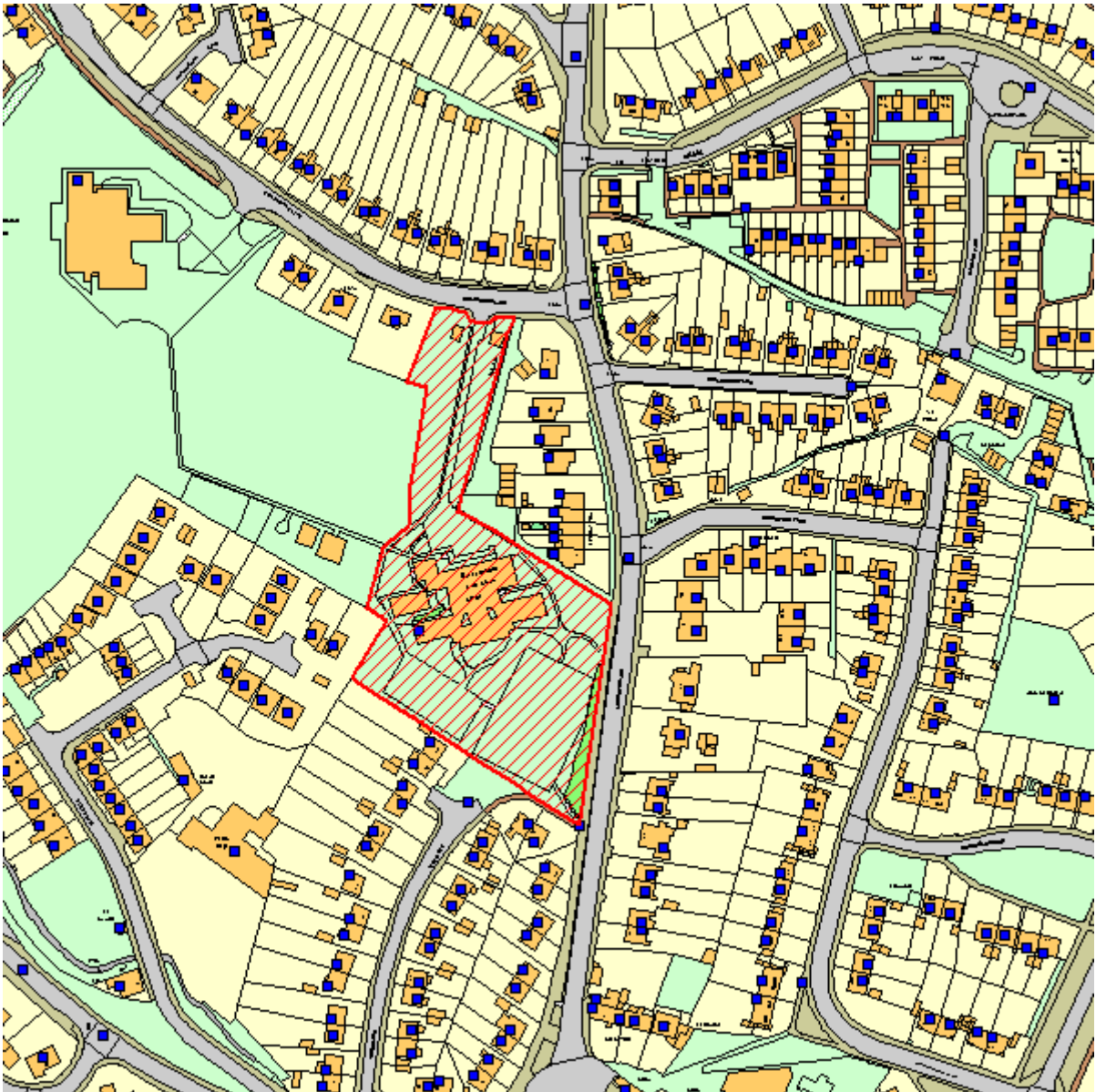
9 No demolition shall take place until a contract has been let for the redevelopment of the site in accordance with a valid planning permission.

Reason : To safeguard the character and appearance of the Conservation Area.

**PLANS LIST:**

1 The decision relates to the following drawings :-734-1110 rev D, 734-1111 rev E, 734-1112 rev E, 734-1113 rev D, 734-1114 rev D, 734-1115 rev D,734-1130 rev H, 734-1131 rev E, 734-1132 rev E, 734-1133 rev E, 734-1142 rev D, 734-1143 rev D, 734 1120 D, 734 1120 C, 734 1140 C, 734 1141 C,734 1142 E, 734 1144 C, 734 1150 C,734 1151 C, 734 1160 C, 734 1161 C

**Item No:** 03  
**Application No:** 13/04851/REG03  
**Site Location:** Weston All Saints Ce Vc Primary School Broadmoor Lane Upper Weston Bath Bath And North East Somerset



**Ward:** Weston                      **Parish:** N/A                      **LB Grade:** N/A  
**Ward Members:** Councillor C V Barrett                      Councillor M J H Lees  
**Application Type:** Regulation 3 Application  
**Proposal:** Provision of a new 6 classroom teaching block and associated external works  
**Constraints:** Agric Land Class 3b,4,5, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, World Heritage Site,  
**Applicant:** Bath And North East Somerset Council  
**Expiry Date:** 20th January 2014  
**Case Officer:** Chris Griggs-Trevarthen



## **REPORT**

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

Councillor Malcolm Lees has requested that the application be determined by the Development Control Committee due to the level of public interest in this application.

The application has been referred to the Chairman who has agreed that the application should be considered by the Committee as it is a school application and there is a lot of local interest.

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

Weston All Saints Primary School (WASPS) is a two form entry primary school located in Upper Weston. The school site comprises two large teaching blocks occupying the western half of the grounds, a temporary classroom along the southern boundary and a mixture of playgrounds and playing fields across the rest of the site. The school has two vehicular and pedestrian accesses off Broadmoor Lane and a further two pedestrian accesses off Lansdown Lane.

The site falls within the World Heritage Site at the western edge of Bath adjacent to the Cotswolds Area of Outstanding Natural Beauty and Green Belt.

The proposal is to erect a new 6 classroom teaching block and associated external works within the south-east corner of the site, adjacent to Lansdown Lane. The associated external works include a reconfigured car park to accommodate 18 staff car parking spaces, a drop-off and collection area and additional landscaping. The application also includes proposals for short stay parking on Deanhill Lane to act as a 'Park and Stride' facility for the school.

The school is currently a two form entry school with a capacity of 420 places. However, during 2011, 2012 and 2013 the school took in an additional 'bulge' of 30 children per year resulting in the current school capacity reaching 510 places. The additional capacity is currently being provided by the existing temporary classroom, a converted store building and the recently approved log cabin (13/02765/REG03). The proposed school building would provide an additional 6 classrooms which, alongside the recently approved extension to the existing buildings (13/01744/REG03), will enable the school to have a permanent three form entry increasing the capacity to 630 places.

### **PLANNING HISTORY**

The school has been subject to a number of planning application. The most relevant applications are noted below:

09/04872/REG03

Planning permission granted in July 2010 for the demolition of the old Key Stage 2 building and the erection of a new Key Stage 2 building adjacent to the existing Key Stage 1 building.

11/03177/REG03

Planning permission granted in September 2011 for the provision of a temporary classroom to meet an unexpected growth in reception pupil numbers. Temporary permission granted for 5 years to enable monitoring of trends and the future needs of the school.

13/01744/REG03

Planning permission granted October 2013 for extensions to the Key Stage 1 and Key Stage 2 buildings to provide additional facilities and accommodation for up to 30 pupils. This classroom is required, alongside the current proposals for an additional 6 classrooms, as part of the schools plans to expand to a 3 form entry. Contributions of £10,000 were secured towards traffic management works including a 'Park and Stride' facility.

13/02765/REG03

Planning permission granted in October 2013 for the erection of a log cabin to be used as a classroom for up to 30 pupils to accommodate the additional intake due to higher numbers of pupils in the area. This accommodation is intended to be temporary until the additional accommodation has been provided in the form of the currently proposed development. Thereafter it will be retained for other standard education learning purposes. Contributions of £10,000 were secured towards traffic management works including a raised table and parking restrictions.

02/00826/REG03

A planning application was withdrawn in July 2002. This proposed a new access road with drop-off bays through the school grounds with revisions to the car parking, but was withdrawn following concerns about conflicts with sustainability objectives and the impact upon the open setting of the school.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

A number of representations and consultation responses have been received and are summarised below. Full details of responses are available on the Council's website.

### **HIGHWAYS OFFICER**

Objection - Comments received prior to submission of amended plans

The proposals represent a 24% increase on the current 510 pupil numbers. There would clearly be an increase in traffic generation, and whilst the Transport Assessment would suggest that there would be no significant impact, I would disagree. Broadmoor Lane is already heavily congested at school peak times, and I believe this would be made worse by such a significant increase in the capacity of the school, to the extent that there would be very serious safety hazards as a result.

Even if the Park and Stride facility was fully utilised by parents, the TA advises that there would still be demand for an additional 12- 13 vehicles to be parked on-street. Furthermore, evidence suggests that parents will try and get as close as possible to the school to drop-off and pick-up their children.

The Travel Plan is generally acceptable, but should include additional cycle parking/storage and provide details to parents within an admissions pack. Additional surveys should also be undertaken.

Survey data in the Travel Plan indicates a reduction in parent car travel, but a new 6 classrooms would result in additional parents driving to and from the school. Whilst the reduction in car travel may continue there will be a period where demand for parking would still be a noticeable increase on the existing, with consequent additional conflicts with pedestrian movements, vehicular movement and with residents.

The existing voluntary one-way system is not endorsed by the traffic and highways teams. Our suggestion is a secure on-site drop-off facility configured to ensure access and egress would be via the east, in order to minimise the length of Broadmoor Lane used by school traffic.

The current mitigation is insufficient to address the impact of the additional traffic. I would therefore recommend the application be refused on highways grounds for the following reason:

The proposed extension would result in an increase in vehicular, pedestrian and cycle movements on the surrounding highways where congestion associated with the school already causes highway safety hazards and would be further exacerbated by the proposal, to the detriment of the safety of all highway users. 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.

If minded to set aside objections, contributions of £60,000 to secure further highway and traffic management works are recommended alongside conditions regarding updated travel plans, a construction management plan, operational statements and the provision of cycle and scooter parking/storage.

#### FLOOD RISK MANAGEMENT AND DRAINAGE

No objection, subject to condition.

#### ARBORICULTURE

No objection, subject to conditions.

#### ECOLOGY

No objection.

#### SPORT ENGLAND

Sport England does not wish to comment on this particular application.

#### CRIME PREVENTION DESIGN ADVISOR

Comments only:

- Inadequacy of existing chain link fence;
- Lack of natural surveillance;
- Details of fence and gate lacking;
- Recesses and outward opening doors increase risk of attack;
- Canopies can encourage anti-social behaviour;

- Limited surveillance of kitchen door;
- Lighting and access control system should be used;
- Windows and glazing should meet security standards;
- Concerns over use of interview/withdrawal rooms;
- Use of acoustic fencing increases the risk of crime;
- Security of the whole school site is very high standard.

#### CHARLCOMBE PARISH COUNCIL

- The Parish is directly affected by the application;
- Additional pupil numbers will exacerbate an already fraught traffic situation;
- Parish residents using Broadmoor Lane during the school drop-off and collection times already experience difficulty;
- The Parish Council wishes to understand the likely impact of the proposed parking spaces in Deanhill Lane and Westbrook Park;
- It seems premature to propose a significant expansion of WASPS before the schooling provision for Ensleigh have been established;
- Any school at Ensleigh might be able to take additional pupils catered for by the expansion of WASPS.

#### THIRD PARTIES/NEIGHBOURS

23 Letters of objection have been received prior to the receipt of the amendment plans. The main points raised have been summarised and grouped into categories below:

##### Highways

- Additional school capacity will significantly increase traffic using Broadmoor Lane and local road network at peak times;
- Existing traffic/parking situation on Broadmoor Lane is dangerous;
- Broadmoor Lane is heavily parked and too narrow for two cars to pass;
- Parts of Broadmoor Lane are without a pavement forcing pedestrians into the busy road;
- Additional traffic will add to congestion, reduce air quality and increased the risk of accidents;
- Adverse effect upon the accessibility of homes on Broadmoor Lane;
- Concern about impact of traffic and parking on Lansdown Lane, Vernslade, Symes Park and Brookfield Park;
- Concern about increased numbers of children crossing busy roads;
- Concerns about flaws in the travel plan;
- Concerns about flaws in travel survey data;
- Proposed 'park-and-stride' does not address the fundamental problems caused by the volume of traffic to the school;
- There is inadequate parking provision and existing parking restrictions are ignored;
- Reports of 'near-miss' events not record in accident data;
- A drop-off/collection area within the school grounds is a possible solution;
- Restricted access for emergency vehicles;
- A new lane from Broadmoor Lane leading to Vernslade through the school is a possible solution;
- There is need for a proper crossing point on Broadmoor Lane;
- Universal admission policy will result in parents travelling across the city to attend the school;
- School has failed to address previous highways safety concerns, including failure to comply with travel plan conditions.

#### Education provision

- Cannot the school places be provided elsewhere?
- Other solutions should be found to provide school places;
- LEAs decision to approve the school's expansion should not outweigh any planning objection, most especially the highways safety concerns;
- It is not clear whether the expansion has properly taken into account future housing developments;
- Concern about impacts of expansion on school standards.

#### Amenity considerations

- Position of proposed building is disadvantageous to properties on Vernslade and Lansdown Lane;
- Building will have a negative impact upon visual amenity of residents opposite the school;
- Proposed building will be overbearing on properties adjacent to the school and the on opposite side of Lansdown Lane;
- Impact of noise upon occupiers of Lansdown Lane;
- Development on the playground will mean increased usage of the other playground adjacent to properties on Vernslade leading to increased noise and disturbance;

#### Character and appearance

- The openness of the site enhances the local character;
- The idea that Lansdown Lane needs a landmark building is preposterous;
- The scale and massing of the building is completely out of context which is further emphasised by its prominent position;
- The building has a detrimental impact upon the character of the local area;
- The proposed screening and tree planting is inadequate;

#### Other matters

- Concerns about loss of playground;
- Concerns about the impact upon water drainage and risk of flooding;
- Concern about impact of construction traffic;
- Queries as to why new block is positioned away from the two existing blocks?

4 Further letters of objection have been received following the submission of the revised plans including the proposed drop-off and collection area. The additional points raised were:

- Concern about introduction of 2 lane road to the rear of properties along Lansdown Lane;
- Drop-off lane will have a detrimental impact upon the outlook of properties on Lansdown Lane;
- Concern that inconsiderate parents will not respect 5minute rule for the drop-off;
- Concern about the introduction of traffic to both sides of properties on the west of Lansdown Lane;
- Noise impact and loss of tranquillity;
- Proposed expansion is unnecessary;

- New suggestion shows some sense, but limited numbers and unmanaged elements mean queues will inevitably form onto Lansdown Lane causing more disruption;
- Reiteration of concerns about highways safety including inconsiderate drivers, parking chaos, lack of pavements and the mixing of children and vehicles using Broadmoor Lane;
- Still no suggestions for making Broadmoor Lane safer;
- Concerns over access for emergency vehicles;
- Drop-off will cause mayhem at the entrance to Broadmoor Lane;
- Suggested one-way system from Broadmoor Lane to Vernslade.

Any further representations received in relation to the revised plans will be report to committee in an update report.

## **POLICIES/LEGISLATION**

At the meeting of the Council on the 18th October 2007, the Bath and North East Somerset Local Plan (including minerals and waste policies) was adopted. The following policies are material considerations:

D.2:	General Design and public realm considerations
D.4:	Townscape considerations
CF.2:	Provision of new or replacement community facilities
SR.1A:	Protection of playing fields and recreational open space
ES.5:	Foul and surface water drainage
ES.12:	Noise and vibration
NE.4:	Trees and woodland conservation
NE.10:	Nationally important species and habitats
NE.11:	Locally important species and habitats
BH.1:	World Heritage Site
BH.2:	Listed buildings and their setting
BH.6:	Development affecting Conservation Areas
T.1:	Overarching access policy
T.3:	Promotion of walking and use of public transport
T.5:	Cycling strategy: improved facilities
T.6:	Cycling strategy: cycle parking
T.20:	Loss and provision of off-street parking and servicing
T.24:	General development control and access policy
T.25:	Transport assessments and travel plans
T.26:	On-site parking and servicing provision

At its meeting on 4th March 2013 the Council approved the amended Core Strategy for Development Management purposes. Whilst it is not yet part of the statutory Development Plan, the Council attaches weight to the amended Core Strategy in the determination of planning applications in accordance with the considerations outlined in paragraph 216 of the National Planning Policy Framework.

The above Local Plan policies, with the exception of policy BH.1, are proposed as saved policies within the submission core strategy.

National guidance in the National Planning Policy Framework (NPPF) is also a material consideration. The following sections are of particular relevance:

Section 4: Promoting sustainable transport

Section 7: Requiring good design  
Section 8: Promoting healthy communities  
Section 12: Conserving and enhancing the historic environment

## **OFFICER ASSESSMENT**

The main issues to consider are:

1. Is the principle of development acceptable?
2. What is the impact upon highways safety and sustainability?
3. What is the impact upon the character and appearance of the area?
4. What is the impact upon residential amenity?
5. What is the impact upon trees and woodland?
6. What is the impact upon ecology?
7. What are the benefits towards education provision associated with the proposed development?

## **PRINCIPLE OF DEVELOPMENT**

The proposed school building is a community facility which is well located in relation to the community it serves. The principle of development is therefore acceptable in accordance with policy CF.2 of the Local Plan.

The proposed building is situated on one of the existing school playgrounds and therefore results in the loss of recreational open space. However, the proposals include the addition of hard informal play areas around the perimeter of the new building and will enable the removal of the existing temporary classroom along the southern boundary of the school site. This area is to be returned to informal play space following the removal of the temporary classroom. This represents an area of replacement recreational open space of sufficient quantity, quality and community benefit to offset the loss of the open space.

The principle of development is therefore also acceptable in accordance with policy SR.1A of the Local Plan.

## **HIGHWAYS SAFETY AND SUSTAINABILITY**

Existing pedestrian access to the school is achieved via Broadmoor Lane or via the two pedestrian accesses on the raised pavement of Lansdown Lane. There is currently no vehicular access into the school grounds for parents during drop-off or collection times.

Broadmoor Lane is a relatively narrow road which is often heavily parked resulting in a further narrowing of the carriageway to the extent that it is often difficult for two vehicles to pass. This causes a particular issue during school drop-off and collection times due to the high volume of vehicular traffic and mixing with the high volume of vulnerable pedestrian traffic. Further to the west, Broadmoor Lane does have a pavement and pedestrians accessing the school are required to walk on the carriageway.

Concerns have been raised by the Highways Officer and by local residents about the existing highways safety situation on Broadmoor Lane and it is recognised that there are

already significant congestion and hazards associated with the school use. This impact extends beyond Broadmoor Lane and affects a number of other roads in the local highways network including, inter alia, Lansdown Lane, Vernslade, Symes Park and Deanhill Lane.

The proposed school building will enable the school to increase its capacity from the current 510 places to 630 places, an increase of 120 places. This increase in pupil places will inevitably result in an increase in the amount of traffic and parking in Broadmoor Lane and the surrounding streets worsening an already difficult situation.

The application originally suggested that the provision of short stay parking on Deanhill Lane to act as a 'Park and Stride' facility serving the school would address this. Whilst this would address some of the additional parking need as a result of the increased school capacity, it would not fully ameliorate the issues arising from a likely increase in the volume of traffic using Broadmoor Lane during school drop-off and collection times as a result of this development.

Following negotiations, the proposals have been revised to incorporate a 10 bay drop-off and collection area within the school grounds. This involves widening the access lane on the eastern part of site and rearranging the proposed staff car park to include a turning area.

The proposed area will enable vehicles to access the school grounds during drop-off and collection times via the school's eastern most entrance on Broadmoor Lane approximately 50m from the junction with Lansdown Lane. The provision of a 10 bay drop-off and collection area will relieve some of the pressure of short term parking on Broadmoor Lane. Furthermore, enabling traffic to enter the school grounds, turn and leave the site via Lansdown Lane means that less traffic will be directed westwards along the rest of Broadmoor Lane. This has the dual benefit of improving traffic flows along Broadmoor Lane as well as directing traffic away from parts of the carriageway which do not have pavements.

The proposed drop-off and collection area is therefore considered to have a beneficial highway safety impact. However, the potential downside of the proposed drop-off and collection area is that its provision may encourage more parents to travel by car when transporting their children to and from the school. This is a recognised downside of the proposed drop-off and collection area and runs counter to the sustainability objectives of the Local Plan policies, including policy T.1 which seeks to reduce the growth of vehicular traffic. This issue formed part of the reason the previous proposals for a drop-off and collection area were withdrawn in 2002 (reference: 02/00826/REG03).

However, policy T.1 also seeks to maximise the safety of all types of movement. It is considered that the circumstances are now materially different from 2002 as the highways safety situation has deteriorated and the proposal is to enable the school to expand further into a 3 form entry. Given the existing situation on Broadmoor Lane and the potential increase in traffic volumes, it is considered that the benefits to highway safety of the proposed drop-off and collection area outweigh the harm to the sustainability objectives of T.1.



The application has also been submitted with an updated Travel Plan which suggests a range of soft measures to try and reduce the level of car use by parents and staff accessing the school. The Travel Plan also includes a commitment to provide an additional racking for 20 scooters to supplement its existing cycle and scooter parking. The Travel Plan has been generally welcomed by the Highways Officer and should provide some benefit in terms of reducing car travel.

The Highways Officer has requested conditions requiring the submission of revised Travel Plans. The majority of the measures in the travel plan fall outside the control of the Local Planning Authority and could not be enforced as conditions of any planning permission. The weight afforded to these measures is therefore limited. However, the school has committed to updating its Travel Plan.

Even after taking into account the proposed drop-off and collection area and the measures in the Travel Plan there is still likely to be a residual impact upon the local highway network due to the increased volume of traffic associated with the increased school numbers. Contributions of £60,000 have therefore been sought for the following highways works:

1. Traffic Regulation Order and on-site works to extend the proposed Park & Stride facility;
2. Parking restrictions on Vernslade and Broadmoor Lane;
3. A controlled crossing on Broadmoor Lane;
4. Traffic calming measures on Broadmoor Lane (west);
5. Traffic Regulation Orders associated with the Traffic management on Lansdown Lane and parking restrictions;
6. Safe routes to school provision to provide equipment to support a walking bus.

The proposed contributions would fund these additional measures to help mitigate the impact upon the local highways network to the benefit of highways safety. This is in addition to the £20,000 contributions already secured through applications 13/02765/REG03 and 13/01744/REG03 to fund a raised table and the proposed 'Park and Stride' facility.

Paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The Highways Officer has maintained an objection to the increased capacity provided by the proposed building. However, it is considered that, although the proposed school building will result in an increase in traffic using the local highway network, the proposed mitigation, in the form of the drop-off and collection zone, park-and-stride facilities and the £60,000 contributions towards additional highways works, will prevent this impact from being severe.

The Highways Officer has recommended that the western kerblines of the access should be amended to discourage exit movements to the west. This can be secured through the submission of a revised drawing.

## CHARACTER AND APPEARANCE

The area surrounding the school predominately comprises 20th century residential development. The surrounding residential buildings are primarily constructed of Bath Stone or Reconstituted Bath Stone with tiled roofs.

The proposed teaching block is positioned in the south-east corner of the school grounds adjacent to Lansdown Lane. The surrounding topography means that the proposed building would sit significantly above the level of the road and would be clearly visible within Lansdown Lane.

Although visible, the proposed building would be set back between 6 - 11m from the site's boundary and is single storey with a ridge height of 4.8m. Furthermore, the proposed building retains adequate spacing around it and will be partially screened by the proposed acoustic fence, landscaping and new tree planting along the eastern boundary.

The proposed building will only be partially visible from elevated views from the AONB Kelston Hill ridge and Cotswold Way which allow sweeping views of Weston.

It is therefore considered that the massing and scale of the building is acceptable and that it would not appear unduly prominent within the street scene.

The proposed development does not pick up many of the local context cues from the surrounding buildings. However, due to its siting, single storey scale and its role as a public building there is scope to depart from the local context established by the surrounding built form. It is considered that the proposed design and materials create a well-proportioned and characterful building, of an appropriate scale, which will not harm the character or appearance of the area or the Outstanding Universal Values of the World Heritage Site.

## RESIDENTIAL AMENITY

Although elevated by the level of the land, the proposed building is single storey in scale and positioned a reasonable distance from the site's boundaries. The proposed building is therefore considered not to appear overbearing or result in any loss of light or outlook from any adjoining occupiers.

There are likely to be noise and disturbance impacts arising from the use of the playground which lies adjacent to no. 14 Vernslade. However, these impacts must be seen in the context of the existing situation in which the use of the playground already gives rise to some degree of noise and disturbance. The potential increase in the use of this playground is unlikely to give rise to any significant increase in the noise and disturbance to no. 14 Vernslade, or any other adjoining occupiers, over and above the existing situation. The potential impact is further mitigated by the provision of new play areas around the perimeter of the proposed building and in the place of the existing temporary classroom which will reduce the need to use the remaining playground.

The introduction of drop-off and collection area would introduce additional car movements to the rear of properties on the west side of Lansdown Lane, nos. 41 - 55. However, these properties are already served by a rear access lane and so the presence of car movements near to their rear boundaries is not unusual. The submitted operational

statement states that the proposed drop-off and collection area will only be accessible between 0745 - 0930hrs and 1500 - 1830hrs. The use of the drop-off and collection area for these limited hours, when seen in the context of the existing rear access lane serving no. 41 - 55 Lansdown Lane, is considered not to have any significant adverse impact upon the amenities of these adjoining occupiers.

It is therefore considered that the proposals do have any significant impacts upon the amenities of any adjoining occupiers and accords with policy D.2 of the Local Plan.

## TREES AND WOODLAND

The proposals to erect the new teaching block and the associated works involve the removal of a number of existing trees on the site. Whilst attractive and contributing towards the green setting, none of the trees to be removed are of particular merit. The proposal includes replacement planting and a landscaping condition is considered necessary to compensate for the loss of these trees.

The submitted arboricultural method statement provides assurances that retain trees on the site will be protected and has been accepted by the Council's Arboricultural Officer. However, the drop-off and collection area has since been included in the proposals resulting in a loss of a small number of additional trees. A revised arboricultural method statement and tree protection plan is therefore required and can be secured by condition.

The proposal is therefore considered to accord with policy NE.4 of the Local Plan.

## ECOLOGY

Parts of the school grounds hold significant ecological value. However, the proposed building is located away from this area on the existing tarmac playground. Ecological assessments and surveys have been completed to the satisfaction of the Council's Ecologist and the proposal has no significant ecological impacts.

## EDUCATION PROVISION

Paragraph 72 of the NPPF states that Local Planning Authorities should give great weight to the need to create, expand or alter schools.

The Primary and Secondary School Organisation Plan 2013 - 2017 identifies a shortfall of 37 school places in the North West Bath planning area in 2015, rising to 38 in 2016.

The proposed school building would enable the school to permanently increase its yearly intake by 30 places, thereby making a significant contribution towards addressing the identified shortfall in school places in North West Bath.

This is considered to be a major benefit of the scheme and is afforded great weight in accordance with the NPPF.

## OTHER MATTERS

Concerns have been raised about the potential conflicts arising between construction traffic and vulnerable pedestrians using the site. The application has included details of how the construction operation will be undertaken on the site including details of a contractor's compound to be erected during the build. A construction management plan has also been submitted and compliance with this can be secured by condition. This will ensure that access for all users during the construction phase would be appropriately managed.

Queries have also been raised about why the proposed building is located separate from the existing Key Stage 1 and Key Stage 2 buildings on the school grounds. The application explains that this is partly an operational school management choice to use the 6 classroom block exclusively for Year 0 and Year 1 pupils whilst accommodating the older children within the existing school blocks.

Concern has also been raised about water drainage and the risk of flooding. The site falls within flood zone 1 which is classified as being at low risk of flooding. Details of how the surface water drainage will be provision can be secured by condition.

## CONCLUSION

The principle of the development is acceptable in accordance with policies CF.2 and SR.1A of the Local Plan.

The proposed building enables the school to expand its capacity resulting in an increase in pupil numbers. This will exacerbate an already challenging highways situation on Broadmoor Lane and surrounding streets. However, the inclusion of a drop-off and collection zone and a 'Park and Stride' facility, alongside the soft measures identified in the Travel Plan, will relieve some of the pressure on the Broadmoor Lane. The additional highways works, funded by the £60,000 contributions, will further mitigate the impacts of the development providing beneficial improvements to pedestrian and vehicular safety on the surrounding highway network.

However, whilst not severe, it is accepted that there will be a residual impact upon the local highway network due to the likely increase in traffic volumes accessing the school during peak times.

The proposal does not harm the character or appearance of the surrounding area or the World Heritage Site and does not harm the amenities of adjoining occupiers. There are no significant ecological impacts and the proposal includes replacement planting to compensate for the trees lost.

The primary benefit of the scheme is to enable the provision of an additional 30 school places per year. This represents a substantial proportion of the identified shortfall in primary school places in North West Bath.

It is considered that the benefits of providing these additional school places outweigh the residual impacts of the increased traffic volumes upon the local highway network.

The proposal is therefore considered to comply with policies D.2, D.4, CF.2, SR.1A, ES.5, ES.12, BH.1, BH.2, BH.6, T.1, T.3, T.5, T.6, T.20, T.24 and T.26 of the Bath and North East Somerset Local Plan and guidance in the National Planning Policy Framework.

## **RECOMMENDATION**

Authorise the Development Manager of Planning and Transport Development to PERMIT subject to condition(s)

## **CONDITIONS**

0 Subject to the receipt of satisfactory drawings showing the alterations to the western kerbline of the access, AUTHORISE THE DEVELOPMENT MANAGER TO PERMIT SUBJECT TO THE FOLLOWING 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 take place until a revised arboricultural method statement with tree protection plan identifying measures to protect the trees to be retained, has been submitted to and approved in writing by the Local Planning Authority. The final method statement shall incorporate a provisional programme of works; supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and certificates of completion. The statement shall include proposed tree protection measures during site preparation (including clearance and level changes ), during construction and landscaping operations. The statement should also include the control of potentially harmful operations such as widening of the access road, no dig construction methods for new walls and steps, path and bank regrading, temporary parking; the position of service runs and soakaways, storage, handling and mixing of materials on site, burning, location of site office and movement of people and machinery.

Reason: To ensure that no excavation, tipping, burning, storing of materials or any other activity takes place which would adversely affect the trees to be retained.

3 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.

4 No development shall be commenced on site until a soft landscape scheme has been first submitted to and approved in writing by the Local Planning Authority showing details of all trees, hedgerows and other planting to be retained; finished ground levels; a planting specification to include numbers, density, size, species and positions of all new trees and shrubs; and a programme of implementation.

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

5 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.

6 Prior to the commencement of the development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority and shall include details of deliveries (including storage arrangements and timings), contractor parking, traffic management. Thereafter, the development shall only be carried out in accordance with these approved details.

Reason: To ensure the safe operation of the highway.

7 Prior to the occupation of the building hereby approved, the drop-off and collection area, and the associated access alterations, shall be provided in accordance with drawing number 2948\_L\_011 Revision G. The drop-off and collection area shall thereafter be permanently retained.

Reason: In the interests of highways safety and to relieve the traffic pressure on Broadmoor Lane.

8 Prior to the occupation of the building hereby approved, details of the provision for covered and secure cycle and scooter parking/storage shall have been submitted to and approved in writing by the Local Planning Authority. The covered and secure cycle and scooter parking/storage shall be provided in accordance with the approved details prior to the occupation of the building hereby approved.

Reason: In the interests of sustainable development.

9 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.

10 Provision shall be made within the site for the disposal of surface water, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to construction.

Reason: In the interests of flood risk management.

11 Prior to the commencement of the development, a revised Operational Statement shall be submitted to and approved in writing by the Local Planning Authority and shall include details of the means of control of the accesses, the allocation criteria for on-site parking spaces, management of the car, cycle and scooter parking/storage areas, taxi access and provision for off-site parking monitoring.

Reason: To ensure the safe operation of the highway.

12 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:**

0 2948\_A\_150D  
2948\_L\_050F  
2948\_L\_051F  
2948\_L\_100H  
2948\_L\_170B  
2948\_L\_171B  
4950 PL-AL(90)001  
4950 PL-AL(90)002  
2948\_L\_011G  
2948\_L\_012F  
4950 PL-SL01

**DECISION MAKING STATEMENT**

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

**Item No:** 04  
**Application No:** 13/05531/FUL  
**Site Location:** 153 Newbridge Hill Newbridge Bath BA1 3PX



**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:** Erection of new dwelling on land at the rear of 153/155 Newbridge Hill (resubmission)  
**Constraints:** Article 4, Conservation Area, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, World Heritage Site,  
**Applicant:** Ms Amy Fry  
**Expiry Date:** 17th February 2014  
**Case Officer:** Rebecca Roberts



## **REPORT**

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

The application has been referred to the Committee due to the request of the Ward Councillor. Cllr Brinkhurst who supports the development.

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

The application site relates to an area of land located to the rear of numbers 153 and 155 Newbridge Hill within the built up area of Bath. The land formally formed part of the rear gardens of these properties and was separated from these dwellings when they were formed into flats approximately 30 years ago. The access to the site is via the original driveway relating to No 153 Newbridge Hill. Planning permission was granted in 1988 for the construction of a vehicular access and the use of the site as a parking area for 3 cars.

The site is located within the designated City of Bath Conservation Area and the wider World Heritage Site.

The application seeks planning permission for the erection of a single dwelling with associated parking.

### **RELEVANT PLANNING HISTORY**

13445-1 Erection of a bungalow and detached double garage. Refused 22nd 1987

13445-2 Construction of vehicular access and provision of 3 hardstanding spaces. Approved 15th June 1988

08/03352/FUL - RF - 10 November 2008 - Erection of new three bedroom bungalow on existing vacant plot of no 153A

11/03393/FUL - RF - 24 November 2011 - Erection of new single family dwelling on land at the rear of 153/155 Newbridge Hill. APPEAL DISMISSED 3 July 2012.

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

CLLR LORAIN BRINKHURST - Support application. New home will compliment local houses and also make excellent use of a piece of land that has been derelict for 30 years. Following the recent permission of a dementia nursing home a few yards along the road, application should be approved. Dwelling is not as big as the nursing home and will not even be visible from the road. Pleased to see local residents have supported the application. New build will enhance the local environment.

HIGHWAY DEVELOPMENT - Given the fact that the site has lawful use for parking, no objections are raised subject to the inclusion of conditions on any planning permission. Existing parking area is not currently being used by any properties on Newbridge Hill, and therefore the use of the permitted parking area, in connection with a new dwelling, would not displace parking onto the public highway.

BATH PRESERVATION TRUST - concerned about the effect this building will have on the rear gardens of both the Newbridge Hill and the Apsley Road houses as they add much to the character of the area. Whilst the benefit of these rear gardens are in the majority

confined to those who live in the buildings which overlook this garden it is felt that, in combination with the recently approved care home in the garden of 169 Newbridge Hill, that permitting this application will lead to a damaging precedent and a gradual erosion of the character of this area. Furthermore, it is felt that the use proposed would be considerably more intensive than an incidental residential building.

#### **OTHER REPRESENTATIONS -**

8x support comments and 19 x objections summarised as:

- Recently been planning permission granted for development in a conservation area at 169 Newbridge Hill - despite a very large number of objections
- The proposal makes sensible use of a currently unused plot
- Design fits well with the plot
- More than adequate parking
  
- No reason why the reasons for the refusal would have changed.
- Will in turn set a precedent for further development in the rear gardens of the properties along Newbridge Hill.
- Proposed dwelling would deprive us of the quiet privacy we have come to value.
- Is a quite green corridor of gardens not waste land as described in the application
- The application at the nursing home is irrelevant as each case should be based on its own merits and nursing care is needed, additional dwellings are not
- Increased surface run-off
- No reason why it cannot be returned to a garden
- Large gardens give a delightful sense of space

#### **POLICIES/LEGISLATION**

At the meeting of the Council on the 18th October 2007, the Bath and North East Somerset Local Plan (including minerals and waste policies) was adopted. The following policies are material considerations:

BH1 Impact of development on World Heritage Site and its setting

BH6 Conservation Areas and their settings

HG4 Residential development in the R1 settlements

HG12 Residential development including the conversion of non residential buildings

D.2 General design and public realm considerations

D.4 Townscape considerations

NE5 Forest of Avon

T.24 - General development control and access policy

T.26 - On-site parking and servicing provision

At its meeting on 4th March 2013 the Council approved the amended Core Strategy for Development Management purposes. As it is not yet part of the statutory Development Plan the Council attaches limited weight to those policies to which there remains unresolved objections. More significant weight is attached to those which the Inspector did not highlight possible unsoundness in ID.28 and ID.30 in the determination of planning applications in accordance with the considerations outlined in paragraph 216 of the National Planning Policy Framework. The following Policies are relevant:

DW1 - District-wide spatial Strategy

B1 - Bath Spatial Strategy (will replace HG.4)

B4 - The World heritage Site and its setting (will replace BH.1)

CP2 - Sustainable construction

National Planning Policy Framework (March 2012) can be awarded significant weight in this case.

## **OFFICER ASSESSMENT**

**PRINCIPLE OF DEVELOPMENT:** The application site is within the built up area of Bath and as such there is no 'in principle' objection to new residential development at this location, subject to the development being compliant with the relevant policies of the Local Plan.

An application for a dwelling on this site was refused in 2009 for the following reasons:

- The proposal by virtue of its size, scale, setting and form and inappropriate design would seriously detract from the appearance and character of the surrounding area which is within the designated Conservation Area and the World Heritage Site of Bath. This development is therefore contrary to Policies D.2, D.4, BH.1 and BH.6 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted October 2008.

- The proposal by virtue of its scale, design, setting and relationship with adjoining properties together with inadequate associated parking and turning provisions and vehicular movements would have a detrimental impact on the amenities of existing and/or future occupants of the area contrary to Policy D.2 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted October 2008.

- The proposed inadequate parking and turning on-site facilities do not enable a vehicle to readily enter and leave the highway in forward gear which is essential to highway safety. Also it is likely to give rise to the on-street parking of additional vehicles attracted to the premises and thereby interrupt the free flow of traffic to the danger of road users in the area which is already congested with on-street parking. This is contrary to Policies T.24 and T.26 of the Bath and North East Somerset Local Plan (including mineral and waste policies) adopted October 2008.

An identical application was also refused by the planning committee in 2011 and subsequently dismissed at appeal by the Planning Inspectorate for the reason that:

- A new dwelling in this location would erode the open character of this aspect of the area and would result in a departure from the established and successful pattern of residential occupation of the surrounding area which would result in an incongruous and harmful form of urban development.

The development therefore needs to demonstrate that these reasons for refusal have been overcome.

The applicant has submitted an identical scheme which was previously refused on the basis that a building was permitted at the residential care home further along the street and so the inspector's comments no longer stand.

## CHARACTER AND APPEARANCE

Although the proposed dwelling will not be readily visible from the main street scene, it will be visible from the neighbouring properties and is within the City of Bath Conservation Area. The surrounding buildings take the form of significant three/ four storey properties together with two storey units behind. The building grain of the area is relatively strong, with the development following a regular building line with the houses on Newbridge Hill generally benefiting from long rear gardens. Although it is noted that the site has not formed the gardens of 153/155 Newbridge Hill for a significant period of time, visually the open space relates closely to these dwellings.

New development should generally respect the form and structure of surroundings areas in terms of patterns of streets, buildings and spaces. In this case, the proposed siting of the new dwelling would result in a secondary line of back land development behind the existing dwellings. This siting is not considered to reflect the existing pattern of development in this part of Newbridge. In visual terms the planning site forms the backdrop to the existing properties in Newbridge Hill and overall it is considered the development would not connect or respond well to the context of the local surroundings. In view of the setting of the proposed development it would appear unsympathetic and unrelated to the nearby properties and the distinctive setting and street form that presently exists.

Although the development proposes an acceptable level of outdoor amenity space, and in isolation would not appear cramped, it is seen in close context with the larger building of Newbridge Hill, and as such the development has the effect of the overall area appearing cramped and congested, and the current sense of local spaciousness would be damaged, resulting in harm to local visual amenity. The development is therefore contrary to policies D4 and BH6 of the adopted Local Plan.

Notwithstanding the above, the development proposes a contemporary design using high quality materials including slate and rubble stone. Elements of timber are also proposed and this is considered acceptable on a more contemporary development. Rather than try to mirror the surrounding development, the agent has proposed a standalone building with its own identity which intentionally does not try and copy the design of the surrounding buildings. However it is primarily the siting and scale of the development rather than its intrinsic design which is objectionable.

The approved building at the residential care facilities has a relationship with the main building, it was also demonstrated that there was a need for additional residential care facilities and this needed to be accommodated within the site. As it formed a transition between different built environments the structure was not considered to erode the open character of the residential pattern of development and the element of spaciousness that they create. Each case must be based on its own merits; the development does not set a precedent for development within this street or back land area.

The proposed site however sits within the heart of this open garden area whereby garden spaces are regular along the street as gardens back onto gardens, the proposed bungalow and garage would have a significantly greater impact than a domestic outbuilding and would clearly appear as a separate dwelling from the street scene. The inspector's comments are still considered relevant.

Therefore the proposal by virtue of its siting, scale and form would seriously detract from the appearance and character of the City of Bath Conservation Area, contrary to policy BH6 of the Local Plan.

## HIGHWAYS

Planning permission was granted in 1988 for the construction of a vehicular access and provision of 3 parking spaces. This parking area was not conditioned to relate to any particular property. Although the area is currently closed off by the padlocking of the gates, its use could be reinstated at any time.

The site plan annotates a single garage but does not include details of this therefore it cannot be considered.

The level of open parking on the site is sufficient for the dwelling, as proposed, and having regard to the sustainable location of the site, the garage parking is not essential to the needs of the dwelling. There is therefore no objection to the siting of the garage, as proposed.

The Design and Access Statement states that the existing parking area is not currently being used by any properties on Newbridge Hill, and therefore the use of the permitted parking area, in connection with a new dwelling, would not displace parking onto the public highway. The layout plan shows the repositioning of the entrance gates for the access to a point further into the site, to ensure that vehicles can pull clear of the highway, which is a welcomed change to the existing access layout.

Having regard to the above, no highway objections are raised subject to a number of conditions being attached to any permission granted.

**RESIDENTIAL AMENITY:** The previous applications raised concerns both with regards to the impact upon the residential amenity of the existing occupiers of the neighbouring properties and the living conditions of the future occupiers of the development.

An 'overlooking' diagram has been submitted by the agent to demonstrate that the occupiers of the proposed development would benefit from a satisfactory level of privacy which would not be compromised in particular by the views of the occupiers of the upper flats at 153 and 155 Newbridge Hill. The orientation of the proposed dwelling and siting of the windows are as such that the occupiers of the surrounding dwellings would not have a direct view into the habitable rooms of the proposed dwelling. However this diagram does not show that there are numerous windows in the rear elevation and the section drawing only indicates the area of least impact. Therefore a large portion of the garden will be partially overlooked by the occupiers of these properties at a distance of approximately 15m and there will be a sense of overlooking from the banks of windows. However, this not dissimilar to many gardens in built up areas, and given the separation distances it is not considered to be significantly harmful to the living conditions of the future occupiers of the development.

The north elevation of the dwelling is built in close proximity to the existing and proposed screening which separates the application site from the small rear courtyards of the adjacent flats. This screening will limit the light reaching the habitable windows on this elevation, but given that these are secondary north facing windows, this would not be

considered to significantly compromise the living conditions of the future occupiers. On balance therefore the proposed development is considered to result in satisfactory living conditions for its future occupiers.

Given the siting of the dwelling, which is in close proximity to the neighbouring dwellings and their gardens careful consideration needs to be given to the residential amenity of these occupiers. The adjacent ground floor flats only benefit from small rear gardens and as such their living space is sited particularly closely to the application site. However the lawful parking area is directly in front of the ground floor flat and a certain degree of noise and disturbance would be expected if this use were to be in operation on a regular basis. The proposal has pulled the parking area away from this rear garden and proposed a buffer between the parking area and the neighbouring garden. Further screening is proposed along the access way in the form of a boundary wall. This should ensure that the occupiers of the adjacent property do not suffer from undue noise and disturbance, from vehicles, including from the headlights, and pedestrians passing along the access. Given the existing screening and the orientation of the dwelling, there is not considered to be a significant level of loss of light from any screening proposed.

The proposed dwelling, due to the appropriate siting of windows, and the screening proposed is not considered to result in any significant overlooking or loss of privacy to warrant a reason for refusal.

The proposed dwelling due to the sloping topography has the potential to cause an increased sense of enclosure and increased sense of overlooking to the properties of Apsley Road, The gable end of the 'L'shaped property faces towards Apsley Road and 2 windows at first floor level are orientated this direction. However due to the change in topography the windows will overlook the roofscape of Apsley Road. These properties also benefit from long gardens which creates part of the regular pattern of residential development and an element of spaciousness, therefore the level of harm caused by the proximity of the application dwelling to the amenity space of neighbouring properties is not considered significant enough to warrant a reason for refusal

**OTHER ISSUES:** Concern has been raised regarding to the fact that this development would set a precedent for future developments in the gardens of the property in Newbridge. The context of this plot would appear to be different to that of the other rear gardens on Newbridge Hill, in terms of its detachment to the properties to which the land originally belonged and its established vehicular access to a separate plot.

No other significant planning issues have arisen as a result of this planning application. However it is considered that the application has not wholly overcome the previous reasons for refusal and this application is recommended for refusal.

## **RECOMMENDATION**

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

1 The proposal development by virtue of its size, scale and siting in this backland location would detract from the open and regular pattern of the existing built environment which would harm the character and appearance of the City of Bath Conservation Area. The

development is therefore contrary to policies D2, D4 and B6 of the Bath and North East Somerset Local Plan (including minerals and waste) adopted October 2007.

**PLANS LIST:**

1 This decision relates to drawing no's 1102 P01, 1102 P02 B, 1102 P05 B, 1102 P06 B, 1102 P07 A, 1102 P15 A, 1102 P16 A, 1102 P18 A, and 1102 P19 date stamped 21st December 2013.

**DECISION TAKING STATEMENT**

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. The Local Planning Authority acknowledges the approach outlined in paragraphs 188-192 in favour of front loading and operates a pre-application advice service. Notwithstanding active encouragement for pre-application dialogue the applicant did not seek to enter into correspondence with the Local Planning Authority. The proposal was considered unacceptable for the reasons given and the agent was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application, and having regard to this the Local Planning Authority moved forward and issued its decision.

**Item No:** 05  
**Application No:** 13/05340/FUL  
**Site Location:** Patone Huddox Hill Peasedown St. John Bath Bath And North East Somerset



**Ward:** Peasedown St John

**Parish:** Peasedown St John

**LB**

**Grade:** N/A

**Ward Members:** Councillor S F Bevan      Councillor N L R L Hartley

**Application Type:** Full Application

**Proposal:** Erection of 2no single storey dwellings and garages

**Constraints:** Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary,

**Applicant:** Mr Anthony Mann

**Expiry Date:** 4th February 2014

**Case Officer:** Victoria Griffin



## **REPORT**

**REASON FOR REPORTING APPLICATION TO COMMITTEE:** The application is being referred to Committee following a request from Councillor Kew and with the agreement of the Chair.

**PROPOSAL:** Erection of 2 no. single storey dwellings and garages

**SITE LOCATION:** Patone, Huddox Hill, Peasedown St John

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

The site comprises an elevated open space that rises up to Huddox Hill House, a large detached dwelling which is situated in mature grounds off the Bath Road along a private residential road. The site has a rural character which forms a pleasant and open piece of green space that forms a buffer between the modern development and open space to the south and the grounds of Huddox Hill House to the north.

This application seeks permission for the erection of two four-bedroom bungalows with detached double garages which would be sandwiched between the existing houses to the east and the open space of Huddox Hill. The access into the site utilises an existing driveway that serves a number of properties including the applicant's property "Patone". The proposed dwellings would be positioned side by side and are separated by modest garden and outdoor space around the buildings which would be bordered to the rear garden boundary by retaining walls.

Materials proposed include random coursed reconstituted cottage stone for walls with cast stone quoins, heads and cills, concrete interlocking roof tiles and UPVC windows and doors.

The site falls within the Forest of Avon designation and the Housing Development Boundary.

The application has been made following the submission of a pre-application enquiry which resulted in a negative officer assessment of the proposal. In 2008 the applicant obtained permission for a single dwelling to the eastern side of the land, close to the boundary with "Patone" which has now lapsed and has not been implemented.

### **PLANNING HISTORY:**

DC - 00/00302/FUL - PERMIT - 16 March 2000 - Porch to front elevation of dwelling

DC - 00/00390/OUT - PERMIT - 12 May 2000 - Erection of dwelling

DC - 05/03814/OUT - REFUSED - 20 January 2006 - Detached bungalow on land at Patone

DC - 06/01741/OUT - REFUSED - 28 June 2006 - Erection of detached bungalow/dwelling on land adjoining Patone (Resubmission)

DC - 06/04132/OUT - REFUSED - 8 February 2007 - Erection of bungalow and garage and formation of access

DC - 07/00758/OUT - APPROVE - 3 May 2007 - Erection of bungalow and garage and formation of access on land to the west of Patone (Resubmission)

DC - 08/01183/FUL - PERMIT - 23 May 2008 - Erection of new bungalow and garage on land to the west of Patone

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

Highways: Pre-application highways advice on this proposal raised the concern that the erection of two additional dwellings from a private driveway would raise the total number of dwellings to six, which obviously exceeds the five maximum normally considered acceptable. In principle I think this view is more than reasonable given I had not included Huddoxhill House, Springfield House or the Christadelphian Hall in my considerations at that time (as they take access from the initial length of the access only).

There is however no formal policy in this regard, and therefore I must consider the access on its merits and any implications the development might have for road safety. The access is of a reasonable width for much of its length, however it narrows as it passes the Christadelphian Hall, at a point where there is a stepped pedestrian access emerges. Road widths are however consistent with the requirements of Manual for Streets for both general access and emergency vehicle access.

The junction with Belle Vue Close is at an acute angle and is informally laid out as informal dropped-kerb footway crossing. There is however no casualty accident record for this junction, or the junction of Belle Vue Close with Bath Road.

Policy dictates that a "severe" impact will result from development if it is to be refused. I am unable to demonstrate that this will be the case and therefore will not be raising a highway objection in this instance.

The applicant should however be made aware that in terms of future maintenance, and ultimately to guard Bath & N.E. Somerset against the risk of a request from residents that the road be adopted by this authority, it may be considered appropriate to serve the Advanced Payment Code, however it is also possible that it would ultimately be exempted in accordance with the Highways Act.

There is therefore no highway objection subject to the following conditions being attached to any consent granted:

The garage hereby approved shall be retained for the garaging of private motor vehicles associated with the dwelling and ancillary domestic storage and for no other purpose without the prior written permission of the Local Planning Authority.

Reason: To retain adequate off-street parking provision.

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

Reason: In the interests of amenity and highway safety.

Arboriculture: Based on a desk top study of the submissions, aerial photographs of the site and 2011 street view I have no objection to the loss of the few small scattered trees on the site. Furthermore the garage is too close to the proposed beech hedge to allow future growth and management.

Peasedown St John Parish Council: Support - no comments provided

Representations: Two objections received raising the following issues (summarised):

- loss of open space
- concern over extra traffic
- increase in noise and pollution
- road runs parallel to windows on side of house, noise and traffic would be intrusive to our garden
- lack of privacy
- loss of view
- concern over further development if this is to go ahead

## **POLICIES/LEGISLATION**

The following policies are a material consideration:

BH.15: Visually important open space

D.2: General design and public realm considerations

D.4: Townscape considerations

ES.12: Noise and vibration

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

T.24: General development control and access policy

T.26: On-site parking provision

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

Bath & North East Somerset Draft Core Strategy December 2010

At its meeting on 4th March 2013 the Council approved the amended Core Strategy for Development Management purposes. Whilst it is not yet part of the statutory Development Plan the Council attaches' substantive weight to the amended Core Strategy in the determination of planning applications in accordance with the considerations outlined in paragraph 216 of the National Planning Policy Framework.

National Planning Policy Framework - March 2012

The NPPF guidance in respect of the issues which this particular proposal raises does not conflict with the Local Plan policies set out above

## **OFFICER ASSESSMENT**

PRINCIPLE OF DEVELOPMENT:

Local Plan Policies SC.1 and HG.4 define Peasedown St John as an R.1 rural settlement, where residential development within the development boundary will be permitted if it is appropriate to the scale of the settlement in terms of the availability of facilities and employment opportunities and accessibility to public transport. The site lies within the Peasedown St. John housing settlement boundary where the principle of a residential development is considered to be acceptable.

Notwithstanding its siting within a sustainable location, Policy RA2 of the Draft Core Strategy advises that within the development boundary proposals for residential development will only be acceptable where they are of a scale, character and appropriate to the village.

#### IMPACT ON THE CHARACTER AND APPEARANCE OF THE AREA:

This piece of land forms a green buffer between the existing development to the south and the open, mature gardens of Huddox Hill House to the north. It is in an elevated position with clear open views to the south and beyond. Small gaps of green space such as this make a positive relief to the built up areas of the village and as such is considered to be a visually important piece of open space.

The site is closely associated with the ownership of 'Patone' (as indicated on the location plan submitted with the application) which is an existing dwelling situated in a line of three residential properties along this access road. The site is delineated by post and rail fencing with planting but has retained its open character which presently makes a positive setting to the immediate area.

The previous proposal that obtained permission in 2008 was for a large single dwelling. It is considered that the provision of two large detached dwellings on this site, side by side, with detached double garages would lead to an over-development of this small piece of land. In addition, the associated use of the site as two separate residential property's, subdivided garden areas and associated paraphernalia would contribute to the loss of space and the open rural character of the site.

It is considered that the situation of the proposed plots and the close proximity of the proposed dwellings and garages would result in the over-development of this modest piece of open space which would have an unduly cramped appearance that would significantly erode the open character of the site with its surroundings contrary to Local Plan policy BH.15.

#### RESIDENTIAL AMENITY:

The key issues in relation to amenity relates to the impact of the development on adjacent occupiers of nearby premises and the effects of the development on the proposed occupiers. The dwellings would be positioned side by side with the proposed site plan showing the outside amenity areas which are limited mainly to a small rear area for unit no.2 and a triangular shaped amenity space for unit no.1 that forms the entrance point to Huddox Hill. No specific details are provided on boundary treatments however it is indicated that retaining walls are proposed to the rear boundary. This in my opinion contributes to the erosion of the open character of the site and the significant loss of the

visual amenity of the site. Notwithstanding this point, noting the proximity of the nearest neighbours' it is considered that the proposal would not represent a significant loss of residential amenity to adjacent occupiers to justify an additional reason for refusal.

#### **OFFICER ASSESSMENT OF HIGHWAY ISSUES:**

In highway terms the access to the site is considered to be substandard, providing access to a number of buildings in residential and non residential use including Huddoxhill House, Springfield House and the Christadelphian Hall, which is situated close to the main road. Nevertheless this concern has not been translated into a highways objection as there is not considered to be a significant and severe impact to highway safety to justify a reason for refusal on this basis. This is based on the judgement of incidents in the area and the lack of any significant issue or concern being recorded. The access and driveway are also broadly consistent with the Manual for Streets guidance for access.

#### **CONCLUSION:**

The site is located within an area of open land which is considered to make a important contribution to this part of Peasedown St. John. The erection of two dwellings on the site would significantly erode the important contribution the land makes to the setting of Peasedown St. John which would be highly visible in the surrounding area. This would be contrary to policies D2, D4 and BH.15 of the Bath and North East Somerset Local Plan.

#### **RECOMMENDATION**

REFUSE

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

1 The site is located within an area of open land which is considered to make to be a visually important area of land within the settlement of Peasedown St. John. The development of two dwellings would seriously erode the important contribution the land makes to the setting and is considered to represent an over-intensive form of development for this site. This would be contrary to policies D2, D4 and BH.15 of the Bath and North East Somerset Local Plan (including waste and minerals policies) adopted October 2007.

#### **PLANS LIST:**

1 This decision relates to the following plans/documents:

Design & Access Statement and 13721-1 date received 11/12/13

#### **DECISION TAKING STATEMENT**

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. The Local Planning Authority acknowledges the approach outlined in paragraphs 188-192 in favour of front loading and operates a pre-application advice service. Notwithstanding active encouragement for pre-application dialogue the applicant did not seek to enter into correspondence with the Local Planning Authority. The proposal was considered

unacceptable for the reasons given and the agent was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application, and having regard to this the Local Planning Authority moved forward and issued its decision.

**Item No:** 06

**Application No:** 14/00064/FUL

**Site Location:** Sunday Cottage Access Road To Paglinch Farm Shoscombe Bath  
Bath And North East Somerset



**Ward:** Bathavon South

**Parish:** Shoscombe

**LB Grade:** N/A

**Ward Members:** Councillor Neil Butters

**Application Type:** Full Application

**Proposal:** Alterations to an existing ancillary outbuilding to form an ancillary garden studio and store.

**Constraints:** Agric Land Class 3b,4,5, Coal - Standing Advice Area, Forest of Avon, Listed Building,

**Applicant:** Mr & Mrs John and Gillian Davey

**Expiry Date:** 5th March 2014

**Case Officer:** Rebecca Roberts

## **REPORT**

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

The applicant is a Bath and North East Somerset Employee within the Planning and Transport Services Section

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

The application site is located within the Forest of Avon Landscape area to the south of Shoscombe hamlet on the BANES border and relates to a dwelling within the curtilage of a grade II listed Farmhouse but is now under separate ownership with an outbuilding/store within the curtilage for the application site.

Sunday Cottage forms part of a small group of buildings within the original farmstead of Paglinch Farm and is accessed by a private lane which continues on as a cycle path. At the gated entrance to the site there is a low monopitch outbuilding which is open on two sides and enclosed on the other two by coursed rubble stone and double roman roof tiles to match the host dwelling. Sunday cottage is set at a higher level than the outbuilding due to the sloping topography, but is closely located to the outbuilding, approx 4 metres and has a strong relationship as it is used as an ancillary store and workshop.

It is proposed to enclose the building and increase the ridge height of the building to form an ancillary studio and store area. The side gable will be constructed in coursed rubble stone to match the existing, the rear elevation will be finished in vertical timber cladding to reflect the former agricultural use of site. The ridge of the monopitch roof will be raised to reflect the pitch of the conservatory extension on the host dwelling. The ridge will be level with the eaves of the host dwelling and will use matching materials.

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

SHOSCOMBE PARISH COUNCIL - Support. No objections

CONSERVATION OFFICER - The outbuilding is set between two boundary wall structures and is set away from the historic asset. A large section of the timber clad elevation will be obscured by an existing boundary wall and garden fence. The proposed alterations will not detract from or cause harm to the fabric or the setting of the historic asset.

### **POLICIES/LEGISLATION**

#### **NATIONAL PLANNING POLICY FRAMEWORK:**

National Planning Policy Framework (March 2012) can be awarded significant weight however this proposes little change to the aspects of local policy that are relevant to this decision.

#### **LOCAL PLAN POLICY:**

At the meeting of the Council on the 18th October 2007, the Bath and North East Somerset Local Plan (including minerals and waste policies) was adopted. The following policies are material considerations

D2 - General Design and public realm considerations

D4 - Townscape considerations

NE1 - Landscape Character

NE5 - Forest of Avon



BH2 - Listed buildings and their settings  
of the Bath & North East Somerset Local Plan (including minerals and waste policies)  
2007.

#### **SUBMISSION CORE STRATEGY**

At its meeting on 4th March 2013 the Council approved the amended Core Strategy for Development Management purposes. Whilst it is not yet part of the statutory Development Plan the Council attaches weight to the amended Core Strategy in the determination of planning applications in accordance with the considerations outlined in paragraph 216 of the National Planning Policy Framework. The following policies should be considered: D.2, D.4, NE.5, BH.2 of the local plan are proposed as saved policies within the submission core strategy.

#### **OFFICER ASSESSMENT**

##### **CHARACTER AND APPEARANCE:**

The proposed works to the building will ensure the continued use of the building and its preservation as a former agricultural building associated with the nearby listed building.

All works proposed respect the original scale and size of the building and uses traditional materials associated with agricultural outbuildings. The structure will be screened on the south east elevation by the wall of the existing pill box and the fencing which divides the building from the oil tank and compound.

The building will be used as an ancillary building to the dwelling and preserves the existing relationship with Sunday Cottage and its aesthetic value to the original farmstead associated with the historic asset of Paglinch Farmhouse.

Due to the sloping topography the stepped nature and subservient character of the outbuilding will be preserved.

##### **AMENITY:**

The outbuilding is closely located to its host dwelling of Sunday Cottage and is set away from neighbouring properties, the building is situated within private land and will not affect access to the other properties. The works involved will not affect the amenity of neighbouring residential occupiers in terms of overlooking, loss of light or overbearing impact.

##### **CONCLUSIONS:**

The proposed works will preserve the character and appearance of the nearby listed building and will preserve the character and appearance of the outbuilding associated with Sunday Cottage within this rural location.

#### **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 All external walling materials to be used shall match those of the existing outbuilding in respect of type, size, colour, pointing, coursing, jointing, profile and texture.

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

3 All external roofing materials to be used shall match those of the existing outbuilding in respect of size, material, colour, texture and profile.

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

4 The garden studio/store hereby approved shall not be used other than for purposes ancillary to Sunday Cottage, Shoscombe

Reason: To safeguard the character/appearance of the development and the amenities of the surrounding area

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

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

#### **PLANS LIST:**

1 This decision relates to drawing no's 01, 02, 03, 04 Rev A, 05 Rev A, 06 Rev A, 07 Rev A, the block plan and site location plan date stamped 8th January 2014

#### **DECISION TAKING STATEMENT**

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Policy Framework. For the reasons given, a positive view of the submitted proposals was taken and permission was granted.

**Item No:** 07

**Application No:** 14/00065/LBA

**Site Location:** Sunday Cottage Access Road To Paglinch Farm Shoscombe Bath  
Bath And North East Somerset



**Ward:** Bathavon South

**Parish:** Shoscombe

**LB Grade:** N/A

**Ward Members:** Councillor Neil Butters

**Application Type:** Listed Building Consent (Alts/exts)

**Proposal:** Internal and external alterations to an existing ancillary outbuilding to form an ancillary garden studio and store.

**Constraints:** Agric Land Class 3b,4,5, Coal - Standing Advice Area, Forest of Avon, Listed Building,

**Applicant:** Mr & Mrs John and Gillian Davey

**Expiry Date:** 5th March 2014

**Case Officer:** Rebecca Roberts

## **REPORT**

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

The applicant is a Bath and North East Somerset Employee within the Planning and Transport Services Section

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

The application site is located within the Forest of Avon Landscape area to the south of Shoscombe hamlet on the BANES border and relates to a dwelling within the curtilage of a grade II listed Farmhouse but is now under separate ownership with an outbuilding/store within the curtilage of the application site.

Sunday Cottage forms part of a small group of buildings within the original farmstead of Paglinch Farm and is accessed by a private lane which continues on as a cycle path. At the gated entrance to the site there is a low monopitch outbuilding which is open on two sides and enclosed on the other two by coursed rubble stone and double roman roof tiles to match the host dwelling. Sunday cottage is set at a higher level than the outbuilding due to the sloping topography, but is closely located to the outbuilding, approx 4 metres and has a strong relationship as it is used as an ancillary store and workshop.

It is proposed to enclose the building and increase the ridge height of the building to form an ancillary studio and store area. The side gable will be constructed in coursed rubble stone to match the existing, the rear elevation will be finished in vertical timber cladding to reflect the former agricultural use of site. The ridge of the monopitch roof will be raised to reflect the pitch of the conservatory extension on the host dwelling. The ridge will be level with the eaves of the host dwelling and will use matching materials.

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

SHOSCOMBE PARISH COUNCIL - Support. No objections

CONSERVATION OFFICER - The outbuilding is set between two boundary wall structures and is set away from the historic asset. A large section of the timber clad elevation will be obscured by an existing boundary wall and garden fence. The proposed alterations will not detract from or cause harm to the fabric or the setting of the historic asset.

### **POLICIES/LEGISLATION**

The duty placed on the Council under S 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 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.

The National Planning Policy Framework sets out government advice concerning alterations to listed buildings, development in conservation areas and world heritage sites.

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

At the meeting of the Council on the 18th October 2007, the Bath and North East Somerset Local Plan (including minerals and waste policies) was adopted. The following policies are material considerations:

D2 - General Design and public realm considerations

D4 - Townscape considerations

BH2 - Listed buildings and their settings

of the Bath & North East Somerset Local Plan (including minerals and waste policies) 2007.

## **OFFICER ASSESSMENT**

### **CHARACTER AND APPEARANCE:**

The proposed works to the building will ensure the continued use of the building and its preservation as a former agricultural building associated with the nearby listed building.

All works proposed respect the original scale and size of the building and uses traditional materials associated with agricultural outbuildings. The structure will be screened on the south east elevation by the wall of the existing pill box and the fencing which divides the building from the oil tank and compound.

The building will be used as an ancillary building to the dwelling and preserves the existing relationship with Sunday Cottage and its aesthetic value to the original farmstead associated with the historic asset of Paglinch Farmhouse.

Due to the sloping topography the stepped nature and subservient character of the outbuilding will be preserved.

### **CONCLUSIONS:**

The proposed works will preserve the character and appearance of the nearby listed building and will preserve the character and appearance of the outbuilding associated with Sunday Cottage within this rural location.

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

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

**PLANS LIST:**

1 This decision relates to drawing no's 01, 02, 03, 04 Rev A, 05 Rev A, 06 Rev A, 07 Rev A, the block plan and site location plan date stamped 8th January 2014

**DECISION TAKING STATEMENT**

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Policy Framework. For the reasons given, a positive view of the submitted proposals was taken and consent was granted.