

Bath & North East Somerset Council

MEETING:	Development Management Committee	AGENDA ITEM NUMBER	
MEETING DATE:	16th November 2016		
RESPONSIBLE OFFICER:	Mark Reynolds – Group Manager (Development Management) (Telephone: 01225 477079)		
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 Group Manager, Development Management 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.

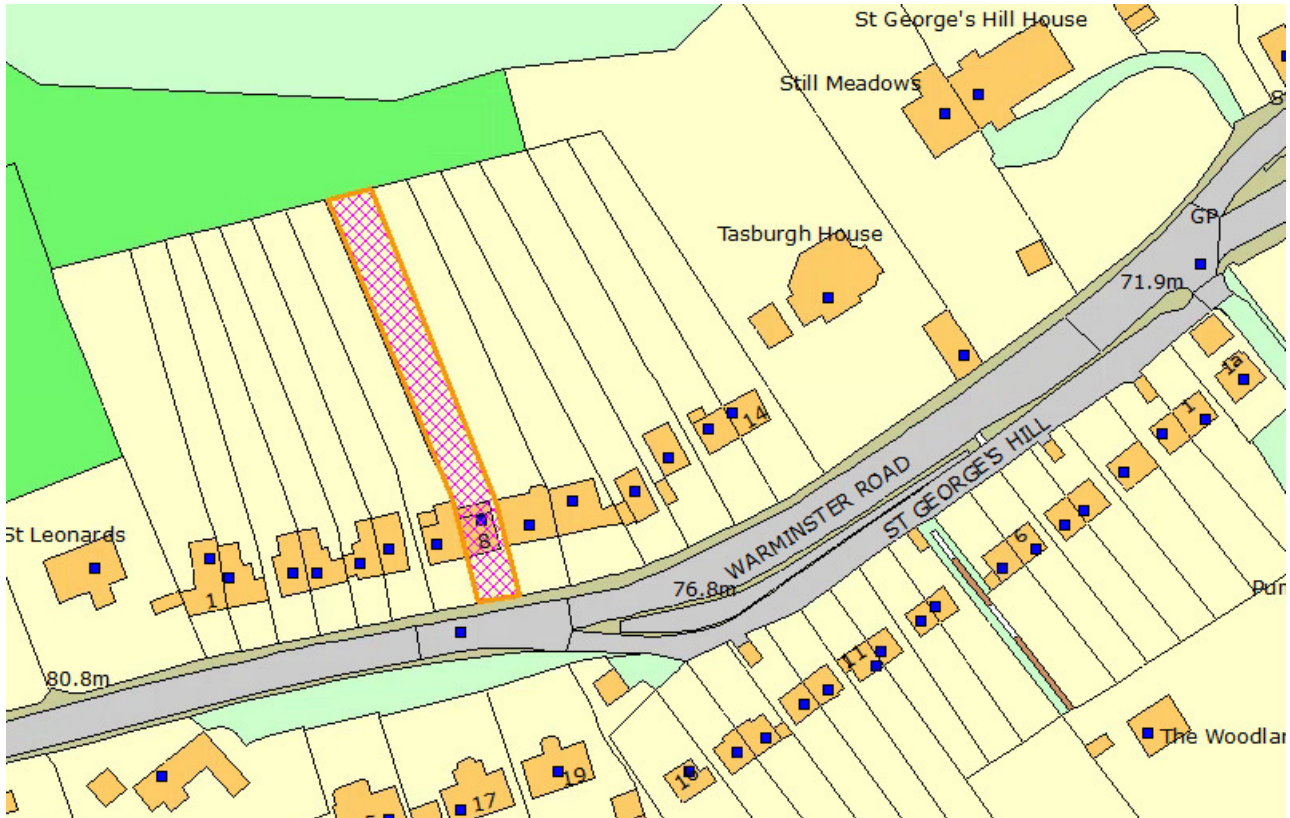
- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting 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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001	16/00792/FUL 18 November 2016	Mr J Paddy 8 Warminster Road, Bathampton, Bath, Bath And North East Somerset, BA2 6SH Erection of two-storey rear extension with first floor rear balcony	Bathavon North	Nikki Honan	PERMIT
002	16/03069/FUL 23 September 2016	Mr Robert Marcuson Workshop, 239A London Road East, Batheaston, Bath, BA1 7RL Conversion and extension of existing industrial building to create a Live Work Unit.	Bathavon North	Alice Barnes	PERMIT

**REPORT OF THE GROUP MANAGER, DEVELOPMENT MANAGEMENT ON
APPLICATIONS FOR DEVELOPMENT**

Item No: 001
Application No: 16/00792/FUL
Site Location: 8 Warminster Road Bathampton Bath Bath And North East Somerset
BA2 6SH



Ward: Bathavon North **Parish:** Bathampton **LB Grade:** N/A
Ward Members: Councillor M Veal Councillor Alison Millar Councillor Geoff Ward

Application Type: Full Application

Proposal: Erection of two-storey rear extension with first floor rear balcony

Constraints: Affordable Housing, Agric Land Class 1,2,3a, British Waterways Major and EIA, British Waterways Minor and Householders, Forest of Avon, Greenbelt, Hotspring Protection, Housing Development Boundary, MOD Safeguarded Areas, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones,

Applicant: Mr J Paddy

Expiry Date: 18th November 2016

Case Officer: Nikki Honan

REPORT

This application was brought to the Development Management Committee on 19th October 2016 and deferred for reconsideration at the next Committee 16th November 2016 so Members could visit the site.

This application has been referred to the Development Management Committee due to the objection received from Bathampton Parish Council which is contrary to the Officer recommendation. These comments are summarised within the Representation Section of this report.

Planning permission is sought for a two storey rear extension with rear balcony at 8 Warminster Road, Bathampton.

The application property is a semi-detached house on the northern side of Warminster Road. The application site is set into the hill to appear two storeys on the front and three storeys on the rear (two storeys of accommodation with undercroft at lower ground floor level). The rear gardens face north and enjoy panoramic countryside views. The current house includes a rear balcony.

The site is within the Green Belt.

Planning History:

The property has no relevant planning history.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

FIRST CONSULTATION:

22.02.16-14.03.16

Bathampton Parish Council:

1. The extension is too overbearing for the location. Applications for two storey extensions to other houses in the row have been refused for this reason.
2. The extension will be intrusive and overlook neighbouring gardens, and will particularly adversely affect Number 7.
3. The extension will not fit within the existing building line of the rear extensions of the other houses.

The Council would have no problem with a single storey extension at lower ground floor level, which would be more in keeping with the other houses.

Neighbours:

2no. neighbours, the neighbours either side of the application site, have objected to the application raising the concerns summarised below:

- Resultant tunnel view
- Overbearing
- Intrusive
- Boundary wall will block light to sitting room and balcony
- Blocks private views from balconies and upper floors
- Harmful to privacy through balcony overlooking gardens
- A single storey extension in line with ours would be supported

- Alternative options are available without harming the amenity of neighbours, as other extensions have tried hard to avoid harming neighbour amenity
- Two storey extension with balcony is poor design
- A precedent could be set for inappropriate development
- Pre application process was not followed
- The rear of the properties face north therefore light is at a premium
- Questions how the proposed extension will match the host dwelling as claimed by the applicant.
- Request planning officer site visit
- The proposed lower ground floor plans show usable floorspace but this is relatively small undercroft. The planning application makes no reference to excavation or structural due diligence in the design. The application makes no mention of access and management of any excavation works.
- The proposed lower ground wall running along the boundary with no.7 does not allow sufficient clearance for safe maintenance
- Opaque glass has no real bearing as people will still have a view from the balcony into our property
- Proposed development is disproportionate to the main house.
- Disagree the development is not 'overwhelming'
- Development is poorly conceived and not cost effective
- A redesign is encouraged, which could meet the applicant's needs and be more environmentally sensitive

Canal and Riverside Trust:
No comments

SECOND CONSULTATION:
29.06.16-13.07.16

Bathampton Parish Council:

Bathampton Parish Council continues to object to the proposed extension. The changes to the design in no way address the Council's objections, which were:

The extension is too overbearing for the location. Applications for two storey extensions to other houses in the row have been refused for this reason.

The extension will be intrusive and overlook neighbouring gardens, and will particularly adversely affect Number 7.

The extension will not fit within the existing building line of the rear extensions of the other houses.

Bathampton Parish Council has looked at the revisions and still feels that they do not address the concerns and previous reasons for objecting.

Neighbours:

The two neighbours either side of the development have maintained their objections. Objections are summarised below:

- Visual relationship between proposed development and neighbouring properties is overbearing
- Superficial changes to first scheme

- Revised proposal does little to address the amenity issues raised as part of the first consultation
- Saddened the applicant/agent has not discussed the outstanding issues with the neighbours
- Density and scale unsuitable for this area
- Harmful to neighbour amenity
- Harmful to privacy by way of overlooking
- Harmful overshadowing
- Questions over structural due diligence of lower ground floor proposals, access for excavation work and distance between the lower ground floor walls of no.s 7 and 8 remain unanswered
- Dominance of second storey
- Large blank wall would make us feel hemmed in
- Harmful loss of light into our lounge, which is north facing
- The roof of the extension appears too high which increases the impact beyond a second storey
- Sets a precedence for others when these houses can only support single storey extensions due to the land falling away to the rear of the properties which increases the overall scale and effect
- An existing small fence panel currently separates the balconies, which is not permanent and only extends 45 degrees from the centre of our lounge window
- Loss of private views is morally wrong
- Balcony forward of the building line and would increase overlooking to our main garden seating area and kitchen, regardless of balcony width
- Planning applications at numbers 2 and 5 have single storey extension have had conditions to ensure the roof is not used as a balcony to secure the amenity of nearby occupants
- High level balconies are contrary to policy D4.
- High level balconies where increased dominance and overlooking are of great concern to local residents
- Large window proposed on second floor of proposed extension will overlook our garden
- Would like to ensure any permission includes a condition to require hedging is maintained between properties
- Request for dimensioned information to show the fall of the land as plans imply a stepped footing which is not the case. We would like to see more detailed design information for the space between the new external wall and out property in order to facilitate the foundations, including building over the public sewer
- Amenable to discussions on alternative options
- All those involved in the decision making process should view visualisation images submitted showing the impact of the development
- Request the application is determined at committee, particularly in view of problems with planning and construction at no.2.
- Applications should be determined in a consistent manner as poor dominant design and amenity impact is irreversible

Canal and Riverside Trust:
No comments

FURTHER COMMENTS RECEIVED FOLLOWING CLOSE OF CONSULTATION:

Bathampton Parish Council:
Request Member site visit prior to determination of application

1 no. neighbour submitted further comments:

- Interpretation of the officer committee report
- Request a Member site visit prior to determination of application
- Query whether the Green Belt volume calculations include excavated lower ground floor space.

POLICIES/LEGISLATION

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

- Core Strategy (2014)
- Saved Policies in the B&NES Local Plan (2007)
- Joint Waste Core Strategy (2011)

RELEVANT CORE STRATEGY POLICIES

The B&NES Local Plan policies that are replaced by policies in the Core Strategy are outlined in Appendix 1 of the Core Strategy. Those B&NES Local Plan policies that are not replaced and remain saved are listed in Appendix 2 of the Core Strategy

The following policies of the Core Strategy are relevant to the determination of this application:

CP.6: Environmental Quality
CP8: Green Belt

RELEVANT LOCAL PLAN POLICIES

The following saved policies of the Bath and North East Somerset Local Plan (2007) are also relevant to the determination of this application:

D.2: General Design and public realm considerations
D.4: Townscape considerations
NE.5: Forest of Avon
NE.13A: Bath Hot Springs
GB.2: Visual amenities in the Green Belt

RELEVANT PMP POLICIES

At the Council's Cabinet meeting on 2nd December 2015 the draft Placemaking Plan was approved for consultation purposes and also approved for Development Management purposes. However, currently the Plan has limited weight in the determination of planning applications. The following policies are relevant:

GB.1: Visual Amenities of the Green Belt
UD.1: General Urban Design Principles
UD.2: Local Character and Distinctiveness
UD.3: Urban Fabric

UD.4: Streets and Spaces
UD.5: Building Design
UD.6: Amenity
PS8: Bath Hot Springs

The Existing Dwellings in the Green Belt Supplementary Planning Document (2008) has been considered in the determination of this planning application.

National Planning Policy Framework (March 2012) and the National Planning Practice Guidance (March 2014) can be awarded significant weight.

OFFICER ASSESSMENT

Site Context:

8 Warminster Road is a semi-detached house on the northern side of Warminster Road. The application site is set into the hill to appear two storeys on the front and three storeys on the rear (including undercroft). The rear gardens face north and enjoy panoramic countryside views. The application site includes a rear balcony. The application site is washed over by the Green Belt.

There are other examples of rear extensions in the area. Adjoining property no.7 has a single storey rear extension with skylights above and raised rear balcony. No. 9 has a raised rear balcony and extension incorporating lower ground floor addition with conservatory above on the eastern side of the balcony.

Proposed Development:

The application incorporates a two storey rear extension with rear balcony. The lower ground floor of the extension is proposed to project rearward by 5.5m. The upper ground floor level extension has a rear projection of 3m, with a hipped roof above to match the hipped roof of the host dwelling. The upper ground floor level has a further rear projection of 2.5m to incorporate a rear balcony.

Following discussions with the applicant the upper floor level extension has been brought back from a rear projection of 3.4m to 3m, to bring it in line with the balcony of the adjoining property at no.7. The balcony has also been set back away from the neighbours, with an opaque glass screen on the eastern side.

Matching materials are proposed throughout the extension including reconstituted Bath stone walls, concrete roof tiles and PVC doors and windows.

The proposed design will sufficiently complement the design and materials of the host dwelling and is not significantly harmful to the character of the street scene in this rear location.

Considerable concerns have been raised by neighbours in terms of harmful impact on residential amenity. Although the proposed development interrupts views of the valley from the rear of the neighbouring properties, these private views cannot be taken into account in determining this planning application. The proposed extension will adjoin the boundary line of no.7. and will limit light to the living room and ground floor kitchen with skylights. A living room is common on a ground floor level where a 3m extension would be considered permitted development. The 3m rear projection of the rear extension is on

balance not considered significantly harmful to the amenity of the neighbours by overbearing or loss of light to justify refusal of the application.

The proposed balcony is now set back from no.7 by 2m and is not considered significantly harmful to the neighbours in terms of overlooking. Similarly, the balcony is set in away from no.9 with an obscure glass screen and is therefore not considered to lead to harmful overlooking of neighbours on this side.

Green Belt:

The proposed house extension lies within the Green Belt and therefore Policy CP8 of the adopted Core Strategy is relevant, which states the openness of the Green Belt will be protected from inappropriate development in line with the National Planning Policy Framework (NPPF).

The NPPF confirms new buildings are inappropriate in the Green Belt. As an exception, paragraph 89 allows:

"The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building"

The Council has produced a Supplementary Planning Document (SPD) to guide applicants on extensions in the Green Belt. Paragraph 7.1 confirms:

"For extensions which require planning permission, both National policy in PPG2 and Local Plan policy HG.15 allow some additions and alterations to be made to dwellings in the Green Belt providing that they do not represent disproportionate addition over and above the size of the 'original dwelling'"

The term 'original dwelling' refers to the dwelling as it was on 1st July 1948. This is the date when the Town & Country Planning Act came into force. If the dwelling was built after this date, 'original dwelling' should be taken to mean as originally built.

Paragraph 7.5 of the SPD document states:

"While each application will be considered on its own merit, and not all extensions may be acceptable, in many circumstances a well designed extension resulting in a volume increase of about a third of the original dwelling would be more likely to be acceptable."

There is no planning history for the site and it is understood the house has not been extended. The agent has confirmed the original volume of the house is 493.92m³ and the proposed extension is 151.84m³. This represents an increase of 30.74% which is within the SPD guidelines and not considered to represent a disproportionate increase on the original dwelling. The agent has confirmed the volume calculations include the excavated lower ground floor area.

The proposed two storey side extension will replace an existing raised balcony. Although the extension will increase the size and rear projection of the house, as it is attached to an existing house in a developed row and sits in a rearward location, the proposed development will not harm the openness of the Green Belt on this established building.

Planning History of Nearby Properties:

No.5 Warminster Road received planning permission (11/01710/FUL) for a single storey rear extension. This application first included a balcony above which was subsequently

omitted due to concerns of overlooking and loss of privacy. This balcony was to be set in next to the rear wing and directly face the neighbouring property at no.4.

A planning application was refused at no.2 (10/01415/FUL) due to the harm to amenity of the occupants of no.3 in terms of overlooking. Decking was proposed to run the full width of the house and wrap around to the side facing the neighbouring property. Permission has since been granted for a single storey rear extension with walkway/balcony (14/04050/FUL). The approved development was not built in accordance with plans however the works have since been regularised through a non material amendment application (16/03029/NMA).

Each application is considered on its own merits and the circumstances of this application are different to the application currently being considered. However these different applications have been taken into account.

Other Matters:

Neighbour comments have questioned the useable space of the lower ground floor and highlighted that the application does not include any excavation. It is for the applicant to submit accurate plans for planning consideration. Any unauthorised excavation would be subject to enforcement action. The structural integrity of the works will be required to go through the Building Regulations process and any party wall issues are a civil matter.

A neighbour has requested detailed structural information from the application. The applicant has submitted sufficient information to be able to determine the planning application. Detailed structural information should be exchanged at the discretion of the applicant and neighbour, and will need to comply with Building Regulations.

The proposed windows at first floor level will not overlook the rear gardens of neighbouring properties in a significantly harmful way above the existing upper floor rear windows to justify refusal of the application.

A neighbour has requested a condition is attached to ensure a hedge is maintained between no.8 and no.7. Such a condition is not considered reasonable in this case. It is envisaged the neighbours can agree hedging privately, or any concerned parties plant hedging for their own screening rather than this forming part of the planning application.

A neighbour has stated the proposed development would build over a public sewer. If so, the applicant should contact Wessex Water to discuss the application and seek permission as required.

Conclusion:

Following planning officer site visits to the application site and both neighbours either side of the application site, the proposal is considered proportionate to the scale of the main dwelling, finished in suitable and sympathetic materials and by reason of the siting and orientation of the property the works will not harm the appearance of the street and character of the wider area. It is not considered harmful to the openness of the Green Belt and is not a disproportionately large addition on the host dwelling. Although the proposed development will limit private views and lead to some reduction in light for neighbouring occupants, the north facing extension is not considered significantly harmful to the amenity of nearby residents such to warrant the refusal of the application.

For the reasons stated above this application is recommended for approval, subject to the inclusion of conditions.

RECOMMENDATION

PERMIT

CONDITIONS

1 Standard Time Limit (Compliance)

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

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

2 Materials (Compliance)

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

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

3 Removal of Permitted Development Rights - No Windows (Compliance)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no windows, roof lights or openings, other than those shown on the plans hereby approved, shall be formed in the development hereby permitted at any time unless a further planning permission has been granted.

Reason: To safeguard the amenities of adjoining occupiers from overlooking and loss of privacy in accordance with Policy D.2 of the Bath and North East Somerset Local Plan.

4 Plans List (Compliance)

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

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

PLANS LIST:

1 The development shall be carried out strictly in accordance with the details shown on the following drawings/documents:

001, 002, 003, 004 - received 19.02.16

005D, 006D - received 29.06.16

2 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/revised proposals was taken and consent was granted.

3 Condition Categories

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

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

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

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

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

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

Where approval of further information is required you will need to submit a conditions application and pay the relevant fee, details of the fee can be found on the "what happens after permission" pages of the Council's Website. You can submit your conditions application via the Planning Portal at www.planningportal.co.uk or send it direct to planning_registration@bathnes.gov.uk. Alternatively this can be sent by post to The Planning Registration Team, Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

4 Sewers

The applicant is advised to contact the water authority to confirm if a sewer is affected by the proposed development and if permission is required from the water authority to build near or relocate a sewer

Item No: 002
Application No: 16/03069/FUL
Site Location: Workshop 239A London Road East Batheaston Bath BA1 7RL



Ward: Bathavon North **Parish:** Batheaston **LB Grade:** N/A
Ward Members: Councillor M Veal Councillor Alison Millar Councillor Geoff Ward

Application Type: Full Application

Proposal: Conversion and extension of existing industrial building to create a Live Work Unit.

Constraints: Affordable Housing, Agric Land Class 3b,4,5, Flood Zone 2, Flood Zone 3, Forest of Avon, HotSpring Protection, Housing Development Boundary, LLFA - Flood Risk Management, MOD Safeguarded Areas, SSSI - Impact Risk Zones,

Applicant: Mr Robert Marcuson

Expiry Date: 23rd September 2016

Case Officer: Alice Barnes

REPORT

Reason for reporting application to committee

The application is being referred to the committee at the request of Councillor Alison Millar.

The application has been referred to the chair who has requested that the application is considered by the committee.

At the meeting of the 19th October the members voted to defer the application until the meeting of the 16th November in order to conduct a site visit.

Description of site and application

Number 239A is located on the eastern side of Batheaston village. It is accessed from the main road which runs through the village. It is located within the housing development boundary and outside the Conservation Area. The existing garage is set back behind number 239 and is set back from London Road East. The rear elevation backs onto the boundary wall with Bannerdown Road. The existing building is a single storey building. It has not been used for some time but has previously been used as a garage. There are currently no restrictions on the use of the property. Number 239 is currently used as a physiotherapy centre.

The site currently comprises a disused garage/workshop. This is an application for the conversion and extension of existing industrial building to create a Live Work Unit. The application includes a patio area and car parking to the front with vehicle access from London Road East. A roof extension will be added to the building increasing the height of the building by 1.3m to 1.9m.

Relevant History

DC - 10/01203/FUL - PERMIT - 28 March 2011 - Change of use from car sales to shop (Use Class A1) (number 239)

DC - 13/02832/FUL - PERMIT - 21 October 2013 - Change of use from shop (Use Class A1) to Fitness Consultants (Use Class D1) (number 239)

DC - 13/05209/FUL - RF - 5 February 2014 - Erection of a dwelling following demolition of existing garage/workshop. (Resubmission)

DC - 13/01811/FUL - RF - 26 June 2013 - Erection of a dwelling following demolition of existing garage/workshop.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Highways: This is a conversion of an existing industrial unit (that has the potential to generate several vehicle movements per day) to a residential property with a B1 work element also. There is unlikely to be an increase in the total number of vehicle movements generated by the site, and the principle of a residential unit at this location is considered to be acceptable.

As with the existing site layout, there are times when vehicles accessing the site may have to reverse towards / from London Road East, however, the site should result in a reduction in traffic movements and there is sufficient space on London Road East to ensure that manoeuvres can be undertaken without impacting the local traffic flow.

Environmental Health: No objection but the business should be restricted to B1.

Ecology: There is known bat activity in the vicinity and it is reasonably likely that bats may use some buildings in this area for roosting.

The roof materials and open light construction of this building does not provide conditions that would make the building or its roof attractive for roosting bats, although it is likely that bats fly around the site. There is negligible risk of a significant or maternity roost being present and from submitted photographs and aerial photos I consider the risk of roosting by crevice dwelling bats is also extremely low, especially given the range of alternative more suitable potential roost locations nearby. There is a possibility that the building may be used by nesting birds. Whilst I consider the risk of bats using the building for roosting to be negligible, it can never be completely eliminated, therefore a condition requiring precautionary working methods and pre-commencement checks would be appropriate.

Batheaston Parish Council: Reject.

1.Design is not in character with this area - recognising that Bannerdown Road has recently been altered.

2 The proposed new roof line is not acceptable - it is creating a structure not in character with this area.

3 This application does not satisfy policies D2 and D4

Councillor Alison Millar: It is not in keeping with the area and is right next to a listed property and is too large for the size of the plot.

Representations: Four representations have been received objecting to the application for the following reasons;

The increased height is not appropriate in this location.

The existing industrial building makes negligible impact when viewed from Bannerdown Road or London Road East and is flanked by old cottages which do much to enhance the environment. The current proposed increase in height would be to the detriment of both the building line and the houses on either side.

The proposal states it will be in keeping with the boxes on the opposite side of the road which are inappropriate.

Extensions to adjacent properties have been restricted.

The building has not been disused it has been used to house classic cars. The building is still viable as a business.

The working hours of a business will protect neighbours from unwanted noise at evenings and weekends.

The proposed design will increase the height of the building.

The proposed building will adjoin a Grade II listed property.

The building is out of character with the neighbouring properties.

The increase in height will be overbearing to neighbouring properties.

The design should match the neighbouring properties.

The building will turn the neighbouring dwellings into terraced properties.
There is no need for the building to be a two storey.
A boundary wall should be constructed to separate the dwelling from neighbouring properties.
No information has been submitted with regards to the gas pipe and drainage.
A patio will be constructed which will be higher than the neighbouring garden resulting in overlooking and noise disturbance.
There is a pedestrian right of way across the site.
Neighbouring properties should not be damaged during construction.
The properties could be let to tenants who would show little regards for neighbour amenity.
Applications have been previously refused at this site.
The workshop has deliberately been left in a state of disrepair.
The tenant of the adjacent gym could use the building.
The building will result in a loss of light and overlooking to nearby properties.
The party wall act will need to be utilised.
The site is too small to accommodate a dwelling.
Bats have been seen at the building

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

The proposed design is a clean and simple update of the current building.
There is a range of styles and materials used in the neighbouring properties, there is no one dominant style.
The applicants have made a good job of maintaining their other building on London Road, having renewed the roof shortly after they purchased it.
A green roof will soften the appearance of the building.

POLICIES/LEGISLATION

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

Core Strategy
Saved Policies in the B&NES Local Plan (2007)
Joint Waste Core Strategy

The following policies of the Core Strategy are relevant to the determination of this application:

CP6 - Environmental Quality
RA1 - Development in the village meeting the listed criteria

The following saved policies of the Bath and North East Local Plan, including minerals and waste policies, adopted October 2007 are also relevant to the determination of this application.

D.2: General design and public realm considerations

D.4: Townscape considerations
ET.3: Core employment sites.
Bh.2: Listed buildings and their settings
T.24: General development control and access policy
T.26: On-site parking and servicing provision

National Policy

The National Planning Policy Framework adopted March 2012
National Planning Practice Guidance 2014

At the Council's Cabinet meeting on 2nd December 2015 the draft Placemaking Plan was approved for consultation purposes and also approved for Development Management purposes. However, currently the Plan has limited weight in the determination of planning applications.

D.2 - Local character and distinctiveness
D.3 - Urban Fabric
D.5 - Building design
D.6 - Amenity
HE.1 - Safeguarding heritage assets
ST.7 - Transport requirements for managing development
ED.2B - Non-strategic industrial premises

OFFICER ASSESSMENT

The site currently comprises a disused garage/workshop. This is an application for the conversion and extension of an existing industrial building to create a Live Work Unit. The site is located behind an existing property used as a physiotherapy centre and is accessed from London Road East. The rear elevation of the workshop is visible from Bannerdown Road which runs to the rear of the site. This includes a stone boundary wall onto Bannerdown Road. The site is bordered by stone dwellings on both sides. Number 241 sits above the site and number 237 sits below. Number 237 is a Grade II listed property.

Planning history

Two applications have been refused on site for the demolition of the existing workshop and the construction of a new dwelling. One application proposed a traditional design and one proposed a contemporary design. Both properties were two stories in height and sited in a different position to the existing building. This application proposes the retention and extension of the existing building.

Principle of development

The proposed development will result in the loss of an employment use. Previous applications have been refused as they had not provided sufficient information that the loss of the employment use would be acceptable.

Policy ET.3 of the local plan relates to the loss of industrial floor space. It states that the loss of the accommodation will be considered against the following criteria;

- (i) Whether the site is capable of continuing to offer adequate accommodation for potential business or other similar employment uses; or
- (ii) Whether continued use of the site for business or other similar employment uses would perpetuate unacceptable environmental or traffic problems; or
- (iii) Whether an alternative use or mix of uses offers community benefit outweighing the economic or employment advantages of retaining the site in business or other similar employment uses.

The applicant has submitted a written statement regarding the use of the building. The existing building only provides a small amount of industrial floor space and whilst demand for larger premises is high, demand for premises the size of the application building is low. The building appears to have remained unoccupied from previous applications.

The existing building is in a poor condition. It is situated in a residential area outside of the city. Access to the property is poor for commercial vehicles, with a narrow and steep entrance leading to the property which limits the potential for tenants.

The submitted statement suggests that the building is not capable of offering adequate accommodation for a business. The building has been previously used as a garage which would have generated noise and traffic to the site. The use of the building is currently un restricted and therefore has the potential to create noise and disturbance to nearby properties.

Therefore the loss of the employment use is accepted.

The application site is located within the housing development boundary therefore the principle of residential development is accepted subject to compliance with all other policies within the local plan.

Design

The proposed plans have been revised to reduce the amount of glazing on the front elevation.

The existing garage is located between numbers 237 and 241. The surrounding site is characterised by a random patterns of development whereby the application site and its neighbours are accessed from London Road East and other nearby properties are accessed from Bannerdown Road. The site is surrounded by a variety of dwelling styles.

The existing building is a single storey property with a lean to roof. The existing building is sited along the boundary with Bannerdown Road and the roof is visible from the streetscene. The front of the building is set back from London Road East behind number 239. There is a parking area towards the front of the property. The neighbouring properties are traditional stone built properties, number 237 is Grade II listed. The existing building is currently disused and appears to have a neutral impact within the streetscene in that it does not appear to be visually prominent within the surrounding area.

The proposed development will partly refurbish the existing property. The main alteration to the built form is a roof extension that will increase the roof height by 1.3 -1.9m. Previous applications have included the provision of a new contemporary two storey dwelling. This

proposed design will retain the building in its existing footprint and is smaller than previous proposals. The roof extension is set back from the front of the building to retain a degree of subservience.

The proposed alterations will retain the existing structure and include an extension to the roof. The proposed extension will include a flat roof. The roof extension will be timber clad and include zinc finishes. The existing building will be refurbished with the addition of aluminium framed windows and Bath stone cladding. The amount of glazing has been reduced in the front elevation so that the solid to void ratio complements the style of nearby dwellings. The increase in the height of the building will still result in a building which is lower than the adjacent properties. The proposed alteration will improve the appearance of the existing building and are considered to enhance the appearance of the existing streetscene.

The two previous applications sought permission to demolish the existing building and construct a new building with different footprint and designs. This application will largely retain the existing structure which will be improved and the roof extension added. In this respect this application is significantly different in design to the previous applications.

The building would be set back from the road edge within London Road East and will not appear to be visually prominent within the streetscene. The rear of the property will be visible from Bannerdown Road which is characterised by a variety of dwelling styles. The Bath stone wall to the rear of the property will be retained. Currently the roof of the building is visible from Bannerdown Road and the additional height of the building is not considered to appear harmful to the streetscene.

The proposed development is located adjacent to a stone built listed building. There is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to consider whether the development will affect a listed building or its setting. Here it is considered that the proposed development will not harm the setting of the adjacent Grade II listed building.

Highways

The highways officer has advised that the alterations will be unlikely to result in an increase of vehicle movements to and from the site. As with the existing site layout, there are times when vehicles accessing the site may have to reverse towards / from London Road East, however, the site should result in a reduction in traffic movements and there is sufficient space on London Road East to ensure that manoeuvres can be undertaken without impacting the local traffic flow. Therefore the proposed development will not have an adverse impact on traffic flow.

Amenity

Concern has been raised within the representations that the development will result in an increase in noise within the site. The existing industrial space is currently unrestricted and potentially could be used as an operation such as a garage at any time of the day. A dwellinghouse would be expected to result in a reduction in vehicle movements and would be less likely to include the use of machinery. Therefore the provision of a dwelling is not

considered to cause harm through unwanted noise. Any construction works can be controlled through the submission of a construction management plan.

The building is set between the properties of numbers 237 and 241. The increased height of the building will be visible to both properties. The building is located adjacent to the garage of number 240. Whilst it will be visible to number 240 and increase in height of 1.9 -1.3 m is not considered to appear overbearing to the occupiers of the property.

The building is set adjacent to the property of number 237. Again whilst the extension will be visible to number 237 the increase in height is not considered to result in a building which appears to be overbearing to the neighbouring property. The proposed patio will not alter the existing land levels and will be separated from number 237 by a close boarded fence so that the privacy of number 237 is maintained.

Other matters

The representations have suggested that bats are using the building.

The ecologist has advised that the roof materials and open light construction of the building does not provide conditions that would make the building or its roof attractive for roosting bats, although it is likely that bats fly around the site. There is negligible risk of a significant or maternity roost being present and from submitted photographs and aerial photos the risk of roosting by crevice dwelling bats is also extremely low, especially given the range of alternative more suitable potential roost locations nearby. There is a possibility that the building may be used by nesting birds. A condition requiring precautionary working methods and pre-commencement checks would be appropriate.

RECOMMENDATION

PERMIT

CONDITIONS

1 Standard Time Limit (Compliance)

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

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

2 Materials - Submission of Schedule and Samples

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

Reason: In the interests of the appearance of the development

3 Construction Management Plan (Pre-commencement)

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

Reason: Details are required prior to the commencement of the development to ensure the safe operation of the highway and to ensure that the construction of the development does not cause disruption to the highway. To ensure that the development does not occur during anti-social hours in the interests of residential amenity.

4 Ecology (Compliance)

Works must proceed only in accordance with the following measures for the protection of bats and birds:

- a careful visual check for signs of active bird nests and bats shall be made of the interior and exterior of the building and its roof, and any crevices and concealed spaces, prior to any works affecting these areas
- active nests shall be protected undisturbed until the young have fledged
- works to the roof and any areas with concealed spaces or crevices shall be carried out by hand, lifting panels or tiles (not sliding) to remove them, and checking beneath each one.
- If bats are encountered works shall cease and the Bat Helpline (Tel 0345 1300 228) or a licenced bat worker shall be contacted for advice before proceeding.

Reason: To avoid harm to protected species (bats and nesting birds)

5 Plans List (Compliance)

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

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

PLANS LIST:

1 Existing site plan LRE-ESP
Location plan LRE-LP
Proposed site plan LRE-PSP
Existing west elevation LRE-EE-02
Existing roof plan LRE-EP-02
Existing east elevation LRE-EE-03
Existing north elevation LRE-EE-04
Existing south elevation LRE-EE-04
Existing cross section LRE-EE-05
Existing ground floor plan LRE-EP-01
Proposed south elevation LRE-PE-01 revised
Proposed west elevation LRE-PE-02
Proposed east elevation LRE-PE-03
Proposed north elevation LRE-PE-04

Proposed ground floor plan LRE-PP-01 rev A
Proposed mezzanine plan LRE-PP-02 rev A
Proposed roof plan LRE-PP-03
Proposed cross section LRE_PE_05 _A

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, and expanded upon in a related case officer's report, a positive view of the submitted proposals was taken and consent was granted.

2 Condition Categories

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

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

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

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

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

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

Where approval of further information is required you will need to submit a conditions application and pay the relevant fee, details of the fee can be found on the "what happens after permission" pages of the Council's Website. You can submit your conditions application via the Planning Portal at www.planningportal.co.uk or send it direct to planning_registration@bathnes.gov.uk. Alternatively this can be sent by post to The Planning Registration Team, Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.