

# Bath & North East Somerset Council

|                            |   |                          |  |
|----------------------------|---|--------------------------|--|
| MEETING:                   | <b>Development Management Committee</b>   | AGENDA<br>ITEM<br>NUMBER |  |
| MEETING<br>DATE:           | <b>16th November 2016</b>   |                          |  |
| RESPONSIBLE<br>OFFICER:    | Mark Reynolds – Group Manager (Development<br>Management) (Telephone: 01225 477079) |                          |  |
| TITLE:                     | <b>APPLICATIONS FOR PLANNING PERMISSION</b>   |                          |  |
| WARDS:                     | ALL   |                          |  |
| BACKGROUND PAPERS:         |   |                          |  |
| <b>AN OPEN PUBLIC ITEM</b> |   |                          |  |

## 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.

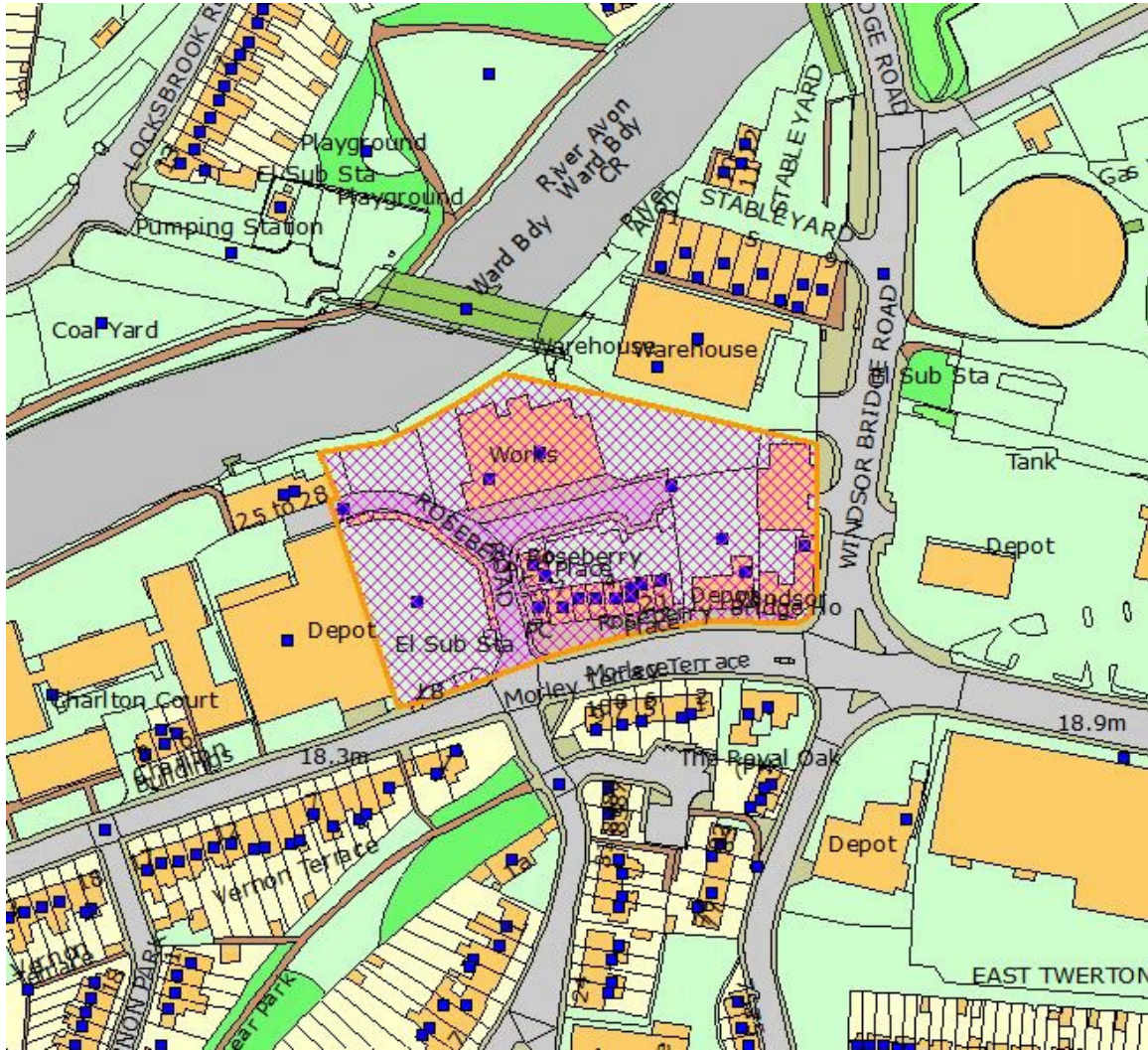
## INDEX

| ITEM NO. | APPLICATION NO. & TARGET DATE:    | APPLICANTS NAME/SITE ADDRESS and PROPOSAL  | WARD:        | OFFICER:       | REC:    |
|----------|-----------------------------------|--|--------------|----------------|---------|
| 01       | 16/03114/ERES<br>30 November 2016 | Deeley Freed (Penhalt) Limited<br>Proposed Development Site, Roseberry Road, Twerton, Bath,<br>Approval of Reserved Matters in relation to outline application 15/01932/EOUT (Phase 1 of the development comprising 171 flats, local needs shopping unit, and associated development)    | Westmoreland | Tessa Hampden  | APPROVE |
| 02       | 16/01435/FUL<br>31 May 2016       | J R Properties Ltd<br>Parking Area Rear Of 4A, York Place, London Road, Walcot, Bath<br>Erection of a building comprising 4no. residential apartments.   | Walcot       | Tessa Hampden  | PERMIT  |
| 03       | 16/01436/LBA<br>19 May 2016       | J R Properties Ltd<br>Parking Area Rear Of 4A, York Place, London Road, Walcot, Bath<br>External alterations to include the erection of a building comprising 4no. residential apartments.   | Walcot       | Tessa Hampden  | CONSENT |
| 04       | 15/04085/FUL<br>18 November 2016  | Mr Vernon Stokes<br>Holly Farm, The Green, Farmborough, Bath, Bath And North East Somerset<br>Erection of 2 no. new dwellings to the rear of the plot and conversion of existing barn and cowshed to create 2 no. dwellings with associated works. (Resubmission)                        | Farmborough  | Sasha Berezina | PERMIT  |
| 05       | 15/04179/LBA<br>18 November 2016  | Mr Vernon Stokes<br>Holly Farm, The Green, Farmborough, Bath, Bath And North East Somerset<br>Internal and external alterations to include erection of 2 no. new dwellings to the rear of the plot and conversion of existing barn and cowshed to 2 no. dwellings with associated works. | Farmborough  | Sasha Berezina | CONSENT |

|    |                                 |   |                   |               |        |
|----|---------------------------------|---|-------------------|---------------|--------|
| 06 | 16/04284/FUL<br>28 October 2016 | Farmborough Community Shop<br>Management Committee<br>Farmborough Memorial Hall, Little<br>Lane, Farmborough, Bath, Bath And<br>North East Somerset<br>Erection of community shop | Farmboroug<br>h   | Alice Barnes  | PERMIT |
| 07 | 16/03652/FUL<br>26 October 2016 | Mrs R Dymond-Hall<br>Applegate Stables , Shockerwick Lane,<br>Bathford, Bath, BA1 7LQ<br>Erection of additional livery stables and<br>a rural workers accommodation unit          | Bathavon<br>North | Nicola Little | REFUSE |
| 08 | 16/04282/FUL<br>28 October 2016 | Ms Lynette Porter<br>101 Wellsway, Keynsham, Bristol, Bath<br>And North East Somerset, BS31 1HZ<br>Erection of an extension to form 2no 1<br>bedroom flats.                       | Keynsham<br>East  | Nicola Little | PERMIT |

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

**Item No:** 01  
**Application No:** 16/03114/ERES  
**Site Location:** Proposed Development Site Roseberry Road Twerton Bath



**Ward:** Westmoreland                      **Parish:** N/A                      **LB Grade:** N/A  
**Ward Members:** Councillor Colin Blackburn Councillor June Player  
**Application Type:** Reserved Matters App with an EIA  
**Proposal:** Approval of Reserved Matters in relation to outline application 15/01932/EOUT (Phase 1 of the development comprising 171 flats, local needs shopping unit, and associated development)  
**Constraints:** Affordable Housing, Agric Land Class 3b,4,5, Air Quality Management Area, Article 4, Bath Enterprise Area, British Waterways Major and EIA, British Waterways Minor and Householders, Contaminated Land, Flood Zone 2, Flood Zone 3, Forest of Avon, Sites with Planning Permission, Hotspring Protection, LLFA - Flood Risk Management, MOD Safeguarded Areas, Railway, River Avon and Kennet & Avon

|                      |   |
|----------------------|---|
|                      | Canal, Site Of Special Scientific Interest (SI), SSSI - Impact Risk Zones, World Heritage Site, |
| <b>Applicant:</b>    | Deeley Freed (Penhalt) Limited  |
| <b>Expiry Date:</b>  | 30th November 2016  |
| <b>Case Officer:</b> | Tessa Hampden   |

## **REPORT**

Reason for referring this to committee

This application has been referred at the request of the Group Manager, due to the fact that the outline was considered by planning committee, and due to the overall size of the application site.

### Site description and proposal

The application relates to a site located on Roseberry Road in Bath, which forms the corner of Windsor Bridge Road and the Lower Bristol Road. The northern boundary is formed mainly by the River Avon which is designated as a Site of Nature Conservation Interest (SNCI). The Environment Agency flood maps indicate that parts of the application site lie in Flood Zone 2 and parts in Flood Zone 3a. The site currently comprises a number of buildings many of which are vacant but a number are occupied by industrial/commercial uses.

The site is outside, but close to the Conservation Area, and within the wider World Heritage Site. To the west of the site is the three storey grade II listed Charlton Buildings. The topography of the site is generally flat with a slight fall from the south to the north, towards the river. The site is within the City's Enterprise Area.

The application seeks the approval of Reserved Matters in relation to outline application 15/01932/EOUT. This is relation to Phase 1 of the development comprising 171 flats, local needs shopping unit, and associated development. Phase 2 relates to the office part of the development which does not form part of this application. The application seeks approval in relation to scale, layout, appearance, and landscaping. The access to the site was approved at outline stage.

Revised plans have been submitted during the course of this planning application to address a number of concerns raised by officers and third parties.

### Relevant planning history

15/01932/EOUT - Approved - 10 August 2016 - Mixed-use regeneration comprising the erection of six buildings to accommodate up to 175 flats, flexible business employment floorspace (Use Class B1) (up to 4,500 sq m gross), local needs shopping (up to 1,350 sq m gross) together with all associated development including demolition of existing buildings, site remediation, construction of new access roads and riverside walkway/cycle path, landscaping and tree planting.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Arboricultural Officer - no objections

Landscape Officer - supports the scheme

Ecological Officer - no objection subject to additional condition

Archaeology - no objection - covered by condition on outline planning application

Urban Design - Raises some concerns with the overall scheme but recognises the revisions made. However, the scale of eastern elements along Windsor Bridge Road is still considered to be too large.

Highway Development Officer - following additional information no objection

Conservation Officer

Concern has previously been expressed regarding the height and bulk of the proposed development in this transition 'zone' between the larger scale of BWR to the west and the primarily domestic scale of built form elsewhere adjoining the site. It is considered to have a poor visual relationship in views from the river and harm the setting of the conservation area and the World Heritage Site roof-scape views, particularly from the valley slopes to the south. The objection to the design of the scheme is therefore sustained, including the detailed design now submitted for Phase 1 which is considered to harm the setting of the heritage assets and conflict with the OUV's of the World Heritage Site. Any identified benefits derived from the scheme are not considered to outweigh the harm caused.

Drainage -no objection

Environment Agency - no objection

Historic England - In summary

The height, bulk and design of this application could be improved to provide a better transition between the taller building lines along Lower Bristol Road and the residential character beyond. The impact on the World Heritage Site Outstanding Universal Value is likely to be limited. While the site has some potential to impact on the way in which Bath's urban 18th century landscape interacts and draws in the surrounding countryside and wider suburbs, this is minimised by the existing built form. Views out towards the green surrounding countryside from within the city core create a distinctive garden city, but in this direction the Twerton residential development erodes this quality. Any potential impact is therefore likely to be in specific views back from within the estate towards the central Georgian core of the WHS. In particular views from Kelston View are of interest.

Canals and Rivers Trust - no objection

Wessex Water - no objection

Crimes Advisor -no objection

National Planning Casework unit - no comments

Bath Preservation Trust - In summary whilst the Trust welcomes the principle of mixed use development in this location, the Trust has objected to the outline application for this site and the subsequent amended scheme. Whilst the Trust acknowledge that work has been done in the design development of this scheme, they continue to object to elements of this proposal, specifically: the height of the Windsor Bridge nodal building, the predominance of set-back roofs and thus overall, the development will have an adverse impact on the views to this area within the World Heritage Site, intrude on the visual homogeneity of the domestic urban grain in this area and set an unwelcome precedent for very large buildings in this sensitive location. The committee consider that the 7-8 actual storey height of the nodal building as being inappropriate for this site. In design terms, the sawtooth roofs provide welcome roof articulation the note the active frontages to the Windsor Bridge streetscape. Generally supportive of Building C; which is appropriate in this setting, and the tall 5 storeys also sits comfortably in its location close to the river and visually divorced from the context the Lower Bristol Road.

Building A South and Building B - concerned about the overall impact of these bulky, boxy buildings in this sensitive riverside location with the World Heritage city. Do not support the flat step back roof form as it does not respond to or reference the local townscape vernacular and fails to respect local distinctiveness. Concerned about some of the proposed materials, in particular the use of 'coursed block work cladding'. Material details should not be left to condition. There appears to be an excessive amount of render proposed and we would suggest that this should be reduced,

The proposed scheme, by virtue of height, bulk, design and appearance of Building A (South and North) and Building B, harms the setting and views of multiple designated heritage assets. This development would neither preserve nor enhance the character and appearance of the conservation area, and would fail to enhance the distinctiveness of the local townscape. We believe that the special qualities of the World Heritage Site would be compromised by such development.

Bath Heritage Watchdog - object can be summarised as follows

Of particular concern is what is the nodal building' on the junction of Windsor Bridge Road. No justification for a structure of this height, scale and mass in this location. It is overbearing and inappropriate for this relatively low rise location and fails to conform to the Councils own Building Heights Strategy. The architectural treatment lacks character and local distinctiveness. When taken with the other structures proposed for this location and the western continuation of the Bath Western Riverside scheme there is likely to be a severe negative effect on views across and in and out of the World Heritage Site, a detrimental impact on the setting/views of numerous heritage assets, the Conservation Area and on residential amenity.

Building A exhibits a mix of flat roof and a number of pitched elements which will, from certain angles, looks a jumbled mess. It is not cohesive of the Bath pattern. There is still a lack of horizontal detail and the mix of windows sizes is out of character for the location.

Building A South and Building B-boxy, slab-like repetitive units out of character for the location. Not supportive of the green wall at all.

Building C - question the appropriate for the location.

Concerns with material used and level of detail. Materials should not be left to condition but fully detailed beforehand.

By virtue of height, scale, mass, generally poor design, in particular Buildings A North and South and Building B. The proposals will have a detrimental impact on numerous heritage assets, local distinctiveness and character, erode the Conservation Area and harm the qualities of the World Heritage Site. It thus is contrary to Policies B1, B4 and CP6 of the core strategy and saved Policies BH1, BH2 and BH6, D2 and D4 of the saved local plan, as well as relevant policies in the National Planning Policy Framework (NPPF). In its current form it should be refused.

## **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: The Core Strategy and Saved Policies in the B&NES Local Plan (2007)

Core Strategy Policies which apply are

- CP2: Sustainable construction
- CP3 Renewable energy
- CP5 District heating
- CP6 Environmental Quality
- CP7 Green Infrastructure
- CP9 Affordable housing
- CP10 Housing Mix
- CP13 Infrastructure Provision
- DW1 District-wide spatial Strategy
- B1 Bath Spatial strategy
- B3 Twerton and Newbridge Riverside Strategic Policy
- B4 World Heritage Site and its setting

The saved policies of the Bath and North East Somerset Local Plan which apply are

- IMP.1 Planning obligations
- GDS1 Site Allocations and development requirements
- BH1 World Heritage Site
- BH2 Listed Buildings and their settings
- BH3 Demolition of a listed building
- BH5 Locally important buildings
- BH6 Conservation area
- BH7 Demolition in Conservation Areas
- BH12 Archaeological remains
- BH13 Archaeological remains in Bath
- BH22 External lighting
- ET1 Employment land overview
- SC.1 Settlement classification
- D2 General Design and public realm considerations
- D4 Townscape considerations



T1 Over arching access policy  
T3 Promotion of walking and use of public transport  
T17 Land safeguarded for major road improvement schemes  
T24 General development control and access policy  
T26 On-site parking and servicing provision  
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  
ES15 Contaminated land  
NE10 Nationally important species and habitat  
NE11 Locally important species  
NE12 Landscape features  
NE14 Flood Risk  
HG.1 Meeting the District Housing requirement  
S4 Retail development proposals outside of identified shopping centres

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:

- Policy SD1 - Presumption in favour of sustainable development
- Policy CP2 - Sustainable Construction
- Policy CP3 - Renewable Energy
- Policy SCR1 - On-site renewable energy requirement
- Policy SCR5 - Water Efficiency
- Policy SU1 - Sustainable Drainage Policy
- Policy D1 - General Urban Design Principles
- Policy D2 - Local Character and Distinctiveness
- Policy D3 - Urban Fabric
- Policy D4 - Streets and Spaces
- Policy D5 - Building Design
- Policy D6 - Amenity
- Policy D10 - Public Realm
- Policy NE2 - Conserving and Enhancing the Landscape and Landscape Character
- Policy NE2A - Landscape Setting of Settlements
- Policy NE3: Sites, Species and Habitats
- Policy NE5: Ecological Networks
- Policy CP7 - Green Infrastructure
- Policy NE1 - Development and Green Infrastructure
- Policy PCS2 - Noise and Vibration
- Policy LCR7B - Broadband
- Policy ST1 - Promoting Sustainable Travel
- Policy ST7 - Transport Requirements for Managing Development
- Policy CP13 - Infrastructure Provision
- Policy SB10 - Roseberry Place

- Policy B3 - Twerton and Newbridge Riverside

Other Material Policy includes

City of Bath World Heritage Site Setting SPD (2013)  
Bath Building Heights Strategy (2010)  
Planning Obligations (2015)

NATIONAL PLANNING POLICY FRAMEWORK (NPPF) (published March 2012) is material and the National Planning Practice Guidance is taken into account.

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

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

### **OFFICER ASSESSMENT**

Principle of development

The principle of development was established under planning reference 15/01932/EOUT. The residential and retail use put forward within Phase 1 were considered to be in line with adopted and emerging policy and this proposal, in land use terms can therefore be considered to be compliant with the Development Plan.

It was previously concluded that the development site could accommodate up to 175 flats, and up to 1,350 sq m gross local needs shopping within this phase of the development.

Character and appearance

The reserved matters application follows the design approach put forward as indicative at outline stage. The design has however been developed and refined since this time. Further revisions have been put forward during the application process in response to officer and third party comments. Detailed discussions have also taken place with regards to materials and the plans have been updated to reflect this.

The site currently comprises a number of small scale industrial and commercial buildings, a number of which are vacant and have fallen into a poor state of repair. The buildings are generally of little architectural merit and there is no objection to their loss. The poor state of the site and the lack of quality built form means that the site generally detracts from the visual amenities of the immediate area, but due to the small scale of the buildings that make up the site, the site overall has a limited impact upon the wider area. However, the Lower Bristol Road is one of the key routes into the city centre and the site presently does not contribute positively to the public realm. There is the scope to enhance this route

and this is recognised as a key objective within the relevant policies of the Core Strategy and the emerging Placemaking Plan.

Although the outline application did not seek permission for scale, layout, landscaping or the appearance of the proposals, the indicative design at that stage did provide a level of detail which allowed officers to test the appropriateness of the height of the buildings, which needed to be made to conclude whether the site was of a suitable size to accommodate the quantum of development proposed. Whilst the scale put forward was considered to be on balance acceptable, the impact of the development needed to be fully considered in relation to the detailed design proposal. The articulation of the buildings and materials for example were considered to be key factors in reducing the perceived bulk on a number of the buildings and to ensure that their impact upon the immediate and wider area were considered to be acceptable. The assessment of the overall height and scale of the buildings will therefore be repeated in this report and will take account of the refinements and clarification of materials.

The character of this area is varied, and has been subject to substantial change and alteration in recent years and as such differs in character from that of the Georgian city. There is nonetheless, for part, an established low rise character of the surrounding townscape with a proportion of established domestic scale residential buildings. The recent development in this area including the Unite student scheme has respected and referenced the existing historic built form.

Bath Building Height Strategy is a key tool in determining the appropriateness of the heights of new buildings within Bath. The application site falls within the area defined as the 'valley floor'. For this area it explains that building shoulder height should be four storeys and one additional setback storey within the roofscape is likely to be acceptable.

It goes on to state that one additional storey may be acceptable along Lower Bristol Road except where it is in close proximity to existing two to three storey residential areas. One additional storey may also be appropriate fronting public space and marking key locations such as corners or gateways and mixed use centres. However the strategy explains that it may be necessary for the height to be less than four storeys in response to heritage assets, residential amenity and to prevent intrusion in views. The application has been assessed in the context of this document as well as all other material considerations.

The proposal puts forward a mixture of roof forms, including pitched, flat and saw tooth roofs. This variation in the roofscape aids in integrating the development with the surrounding area, and this lack of homogeneity along the roof form aids in breaking up the buildings and reducing their dominance particularly when viewed from key areas such as the valley slopes to the South.

The heights of the building along Lower Bristol Road frontage are considered to be acceptable and are considered to broadly accord with the Building Heights Strategy. The set back above the four storey shoulder height helps to ensure that the buildings do not appear overly dominant in the immediate context or from wider views. Although there are domestic scaled buildings near the site, they are considered to be sited as such to ensure that the overall character of the area is not harmed by the development proposed. The character of the area at this point of Lower Bristol Road is partly defined by the relatively recently developed student complex and the protected listed buildings. The heights of the

building proposed are considered to be acceptable in this context and are not considered to harm the setting of the listed building.

Building A South, on the Lower Bristol Road frontage incorporates a number of design features which are included to visually break up the massing of the building. Breaks on the parapet line in strategic locations ensure the buildings read more vertically, adds interest, and further reduces the perceived bulk. The materials are also used purposefully to break up the massing of these buildings with vertical strips running down the length of the building from the roof. The panels of metal cladding create visual interest and break down façades into smaller groups and create interest. Bath stone fronts the majority of the public realm in this location with render more so to the rear. Additional natural stone has replaced render initially proposed at street level. Building A South also proposes a green living wall which will soften the development as you turn into the site. This will provide a visual reference to the green corridor which links through the site. This is considered to be an appropriate pallet of materials in this context.

Building A North, which faces the Lower Bristol Road and Windsor Bridge Road proposes a 4 storey building increasing to 6 storeys on the Windsor Bridge. Council Officers, Historic England and third parties have raised concerns with regards to the height of this building. This relates to concerns with the prominence of this from the immediate and wider views.

Building A North is clearly a significant form, particularly at the northern end. Whilst this is 6 storeys, it should be noted that the floor to ceiling height is greater at ground floor due to the proposed commercial use at ground floor level. The submission explains that this modifier is to accentuate the location of the planned major pedestrian/cycle crossing point adjoining it. This is given some weight but there is a degree of concern regarding the height of this element of building A North. Further visuals and a model have been supplied to assist in the assessment of this part of this scheme.

It is noted that this building faces Windsor Bridge Road where the Western Riverside Development comprises buildings of a greater scale. The Bath Western Riverside (BWR) Supplementary Planning Document notes that buildings along Windsor Bridge Road could vary between three to eight storeys. Although the development is outside of the BWR area, the application can be judged partly in the context of the adjacent BWR. As with the above buildings, design mechanism have been included to reduce the perceived massing of this building, including an appropriate material palette. Additional natural stone has replaced render initially proposed on the north elevation of this building and a street level on the east elevation. This building includes a saw tooth design which also aids in breaking up this building, reducing the impact of the development when viewed from more distance views. This building will be observed in the context of the overall Roseberry Place development which will change the identity of the site and provide a much improved active relationship with the public realm. Building A North needs to viewed in this context rather than solely in isolation.

At the Lower Bristol Road, Building A North set back features have been designed into the scheme which breaks up the building line and the visual bulk of the building. A green roof has been included on the single storey projection of the retail unit to improve its relationship with the public realm and for the future occupiers when looking out over the scheme from inside the building. Although there is some concern with regards to the

height of the northern section of this Building A North, given the context in which it sits in relation to BWR and with regards to the overall regeneration benefits brought about by this development as a whole, a balanced view has been taken and this part is considered to be acceptable.

Adopted and emerging policy recognises the need to provide a defined and active edge to Lower Bristol Road and Windsor Bridge Road to enhance this key entrance into the city. The development is considered to successfully define the Lower Bristol Road and Windsor Bridge Road by proposing a strong building form. Building A South, and A North have been designed to ensure that an active frontage is presented to Windsor Bridge Road and Lower Bristol Road. The buildings comprise an appropriate level of front doors and clear glass to these main streets to achieve this active frontage and have a successful relationship with the public realm. The outline application included a planning condition which restricted the percentage of window space on the retail unit allowed for advertisements. This will ensure that this active frontage is retained in perpetuity.

Building C is also of an increased height but as a central focal building within the site, this need not be harmful. This is set within the site away from the main Lower Bristol Road frontage and the river edge and the submission explains that it has been designed to reflect the area's industrial past. The building links to the landscaped deck which allows the scheme to benefit from more discrete parking. The overall scale and form of this building is considered to be acceptable within this location.

Detailed discussions have been held with regards to the materials for this building. The submission explains that to retain texture and to give this building presence over the other buildings, coursed block cladding has been proposed with simple detailing. The agent has submitted quartzite samples for this part of the development and these are considered to be an appropriate material for this focal building. To bring further continuity the concept of strips of metal that break up the elevation is emphasized on this building.

Building B located to the rear of the site, away from the Lower Bristol Road is considered to be of an acceptable scale when viewed in the context with the surrounding development. It provides an appropriate frontage to the pedestrian cycle path. The render proposed to the rear of the site is considered to be acceptable. This again links to the landscape deck area which has been modified during this application process to include more soft landscaping/planters. The landscaped deck also includes a gym pod and outdoor gym equipment which is available for all occupiers of the development. This will provide an active and interesting space within the heart of the development.

The legibility of pedestrian routes through the scheme is considered to be a positive attribute to this scheme. The key pedestrian routes and public spaces are well defined and car parking appears as a subservient feature within the development. The proposals, through the siting of the buildings and the landscaping scheme open up views and perceptions of the river corridor by connecting green space inside and outside of the site. The drawings demonstrate that the development connects to the riverside enhancing the walking and cycling route. The green link providing legibility from Linear Park to the pedestrian and cycle link in the site and the river corridor beyond is welcomed.

A detailed landscaping scheme has been submitted and updated during the application process in response to officer's comments. Full details of the planting has been submitted

and these are considered to be acceptable. Full details of the hard landscape surface areas have also been submitted and agreed which will aid in a high quality finish to the development. A programme of implementation will be required to ensure that the soft landscaping ties in appropriately with the ecological management plan.

Policy B1 of the Core Strategy in relation to previously developed land, promotes the need with the Enterprise Area to create new areas of attractive and productive townscape and much improved relationship between the city and its river. The recommendations in the building heights strategy clearly need to be balanced against all other material considerations that may influence building height. Although there are some concerns with heights of part of the scheme, the overall improvement in the townscape and the visual benefits brought about by the regeneration of the scheme are considered to outweigh these concerns. The improvement with the relationship to the river adds further weight to this argument. The development is considered to transform the identity of this site

There is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. In considering whether to grant planning permission for development which affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Here for the reasons considered above it is considered that the setting of the listed building is preserved.

There is a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. Here it is considered that for the reasons outlined above, the setting of the adjacent Conservation Area is preserved.

Further, it is considered that the development will not result in harm to the setting of the wider World Heritage Site. The comments of all third parties, internal and statutory consultees have been given full consideration as part of this assessment.

#### Highway safety

The access junction details in relation to this scheme were approved at outline stage and are covered by the relevant conditions on that application. Details of the car parking provision are also separately covered by a condition.

The existing length of Roseberry Road and a secondary spur cul-de-sac to the rear of Roseberry Place is all existing adopted highway. Part of this existing public highway underlies the proposed area for the landscape deck to the front of Buildings B and C. As such, none of these works including the underlying car park could be commenced until such time as the affected public highway is formally stopped up and the Order to this effect confirmed. The agents have confirmed that the required Stopping-Up Order has been submitted to the Secretary of State and is in the process of being determined.

The submission demonstrates that as well as alterations to existing adopted highway, the scheme proposes other areas offered for highway adoption. A separate 'S278 Works - Highway Adoption Plan has been submitted to the Highway Development Team. This shows that the whole of the paved works extending north from the A36 junction to the

Phase 2 land is being offered for adoption, including the pedestrian/cycle linkage and the paved area on the west side of Building C. The road running eastwards to serve the car park and the service yard on the Phase 1 land is not proposed for adoption, or the pedestrian/cycle route to the north of Building B with its eastern connection to Windsor Bridge Road. The detailed treatment and paving mix within the internal area for adoption, which includes a part of the existing Roseberry Road is a matter for separate highway technical approval linked to the Section 278 Agreement/works.

In relation to car parking the levels for the overall site and each use were approved at outline stage and a condition attached to the permission to secure this. The submitted proposed block plan shows access to an underground car park under the landscape deck. The basement area shows two blocks of 36 and 40 spaces respectively with internal division. The internal division is intended to separate the retail parking zone from the residential parking zone. Further temporary residential parking will be provided on part of the Phase 2 land adjacent. Permanent parking will be provided on phase 2 land when this comes forward for development.

The application demonstrates that the full residential parking allocation for the 171 flats is provided at Phase 1, noting the previously agreed rate of 0.49 space/dwelling so effectively 85 spaces. Drawing 15123/L403/E shows the extent of the Phase 1 residential parking that is retained on site during the execution of the Phase 2 works.

Conditions 34 of the outline application specifically states that

"Prior to each phase of the development hereby approved being occupied an allocation plan for the associated car parking spaces (including disabled spaces, car club and electric car charge points) shall be submitted to and approved in writing by the Planning Authority. The car parking spaces shall be provided in accordance with the plan during that phase. A total of at least 172 parking spaces shall be provided within the curtilage of the site to serve the completed development, unless otherwise agreed in writing by the Local Planning Authority having regard to reserved matters details".

There is thus the opportunity to review and comment on this in more detail when the applicant provides more information to discharge this condition. However additional information has been submitted during this application process to provide further clarification.

The agent has explained that during the construction of phase 2 (approximately 14-month duration) the temporary car park on the phase 2 land will reduce from 50-34 spaces. The loss of 16 spaces will be compensated by off-site provision. On completion of the Phase 2 development, the 50 space car park will be re-instated and laid out on a permanent basis.

Off-site provision of 16 of the 50 spaces lost in the temporary car park is accepted provided the alternative location is close and convenient to residents. A site up to a mile away as initially sited by the applicant will not be convenient and is unlikely to be used given the potential availability of closer on-street parking in nearby residential streets.

The agent has explained that the legally-binding Development Agreement between the applicant and purchaser of the Phase 1 development requires the total residential parking

provision to be maintained at all times, including during the build-out of Phase 2. This is in line with the planning condition outlined above.

In view of the fact that this reserved matters application relates to only Phase 1, and that the above matter concerning the protection of the allocated residential parking for the flats constructed in this phase can be dealt with separately (Phase 2 Reserved Matters and CMP) officers are content that a final solution does not need to be agreed now in considering 16/03114/ERES.

All highway matters and points of clarification relating to Phase 1 have been resolved and no objection is raised to this reserved matters application on highway grounds.

#### Landscaping/Arboricultural

The tree protection measures for the existing riverbank trees have been secured under condition 13 of the outline planning application. The details have been submitted in relation to this and are considered to be appropriate. In terms of the replacement planting on site, this is considered to be acceptable.

The Green Infrastructure (GI) improvements are considered to be a positive element to this scheme exceeding the requirements of the policy. This will ensure that the GI links are strengthened from Linear Park, through the site, along the riverside edge.

#### Ecological Issues

The proposals submitted in relation to landscaping strategy and provisions of bat mitigation are in accordance with the previously approved ecological commitments and landscaping requirements. Satisfactory details have also been submitted in relation to proposed bat mitigation conditions attached to the outline planning application.

Detailed landscaping and planting proposals have been submitted, which are considered to be ecologically acceptable. With regards to bat mitigation requirements and any necessary light spill screening, some phases of planting will need to be in place prior to occupation. A programme of implementation for the landscaping works has not been submitted and careful consideration must be given to ensure that the riverside planting and planting around the bat house are in place prior to occupation. There is a requirement of conditions attached to the outline planning application which will secure the programme of planting and this can therefore secure the timing of the planting to ensure that the development is ecologically acceptable.

Details required for condition 17 which relates to the Ecological and Landscape Plan are yet to be submitted and will need to be approved for respective phases prior to commencement of development.

With regard to lighting design, a lux plan and "Illumination Impact Profile" document has been submitted, as required by the outline permission requiring details of lighting design to be submitted with each phase of reserved matters application. Data for existing light levels on site and in the surrounding area is provided, and lux level modelling is provided along the river adjacent to the proposed development, at heights of up to 3m. The model is based on maximum light usage and predicts very low light spill (zero to 0.25 lux) along



the majority of modelled area, meeting the requirements of the relevant condition in this respect.

The exceptions to predicted light levels below 0.25 lux are:

1. a light spot on the nearside bank at the eastern edge of the site (adjacent to the bridge). This predicts that at a height of 1.74m above the water, lux levels exceed 0.5 lux and predicted at 1 to 2 lux on the near side bank and edge of the water, above a height of 2m above the ground / water.
2. predicted light levels onto the river at the middle point of the development (nearest to the river) are 0.25-0.5lux at 1-3m height above the water. This is compliant with the requirements of the condition but if it could be reduced further for example through planting then this will improve the conditions for bats.
3. The majority of the bat house flight route linking it to the river is modelled at predicted light spill levels of 0.25 - 0.5 lux from ground level up to a height of 3m. Again although compliant with the requirements of the condition, this area would benefit from being as dark as possible. Further reductions in predicted light levels through additional planting would be expected.

At outline application stage, the applicant committed to use of specialist or coated glazing if required to further reduce light spill. This option is therefore presumably still available if considered necessary.

The proposed planting should provide the necessary further levels of darkness and should be capable of further reducing light spill at the eastern edge of the site, where it exceeds 1 lux. This is also given that the light level modelling is based on maximum lights usage and the screening effects of planting were not factored in. On balance it is considered that the submitted lighting details are acceptable.

An additional condition is proposed to be attached to the consent for reserved matters, requiring details of a proposed scheme of post-occupation light level checks. This should provide details of proposals to measure light levels and assess light spill once the site is occupied, especially around the bat house and onto the river and river banks - to enable comparison with predicted light levels and to propose and implement remedial measures if required.

Subject to the above, and the condition below, there is no objection to the reserved matters application and this is considered to be ecologically acceptable.

#### Flood Risk

No further matters have arisen during this reserved matters application. The Environment Agency has raised no objection to the development subject to the compliance with the planning conditions attached to the outline application.

#### Residential amenity

The proposed development sits opposite a number of residential units but is separated by the Lower Bristol Road. This degree of separation ensures that amenity of these occupiers is safeguarded.

The proposed residential development will be affected by noise from road traffic. The impact of this noise has been identified and assessed by the noise consultant in the Environmental Noise Report. Any future development should therefore demonstrate that sound attenuation measures are included to safeguard against external noise. This was secured through the inclusion of a condition.

There will be plant associated with the local needs food store and office buildings which will create potential for noise disturbance. The Environmental Noise Report has identified appropriate plant noise criteria which will afford a reasonable degree of protection from noise to nearby residents. A condition was also included on the outline permission to ensure that this is adhered to.

The general operation of the local needs food store, in particular the deliveries which will take place in the service yard area, will have the potential to cause noise disturbance. In order to mitigate this potential disturbance, the timing of deliveries and the opening hours of the shop, have been controlled a planning condition.

The overall design and layout of the units will ensure that the future occupiers of the development will benefit from a satisfactory level of privacy and overall the scheme is considered to result in appropriate living conditions for future occupiers.

Overall therefore, the proposed development is not considered to result in any undue harm to the residential amenity of the neighbouring occupiers and will result in satisfactory living conditions for the future occupiers of the development.

#### Affordable Housing Statement

This has been submitted with the application submission. This will need to be agreed prior to the commencement of development. However, there are no objections to the principles of this which provide a policy compliant scheme. This is a unique model for Bath in that it will provide 30% of affordable units at a discount market rent. The principles were agreed at the outline stage and were detailed in the S106 agreement. The units will be pepperpotted throughout the site and will be tenure blind.

#### Environmental Impact Assessment (EIA)

The original outline application was the subject of an EIA. The reserved matters relating to phase 1 of this development has been assessed in the context of the original EIA and it is concluded that they do not give rise to new or materially different significant effects on the environment from those assessed under the original application. Accordingly no further assessment of effects or mitigation is required.

#### Planning balance

The development will transform the identity of this site, providing much needed housing as well as economic benefits delivered through the complementary small scale shop. The

development will meet a key aim of the Core Strategy regenerating a large brownfield site within the city. Whilst concerns have been raised in the assessment with regards to the height of a small element of the scheme, the benefits brought about by the regeneration of this derelict site ensure that overall the visual amenities of the area are preserved.

Third party comments and consultee responses have been fully considered but for the reasons as stated above, the application is recommended for approval.

## **RECOMMENDATION**

APPROVE

## **CONDITIONS**

### **1 Post occupation light spill assessment (Bespoke trigger)**

Within 12 months of first occupation, details of a proposed Scheme of Operational Light Spill Levels Assessment levels shall be submitted to the Local Planning Authority and approved in writing. The scheme shall provide details of proposals to measure light levels and assess light spill once the site is occupied, with particular reference to areas around the bat house, and connecting the river and the bat house, and onto the river and river banks, producing data that enables comparison with predicted light levels in the approved "Illumination Impact Profile" dated June 2016 by Deeley Freed. The scheme shall also include proposals for any necessary remedial measures which shall be implemented and operated accordingly thereafter.

Reason: to demonstrate operational compliance with the approved lighting design and predicted light spill, to protect the ecological value of the River Avon and to provide dark corridors for bats

### **2 Green walls/roof management (Pre occupation)**

The development hereby approved shall not be occupied until a programme for the installation of the planting and maintenance scheme for the green wall and roof have been submitted to and approved in writing by the Local Planning Authority. This part of the development must be maintained as approved, unless otherwise approved by the Local Planning Authority.

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

### **3 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 Plans list

26 Oct 2016 L421\_E BUILDING B ELEVATIONS SOUTH AND EAST  
 25 Oct 2016 L300 REV G PROPOSED BLOCK PLAN FLOOR 00  
 25 Oct 2016 L307 REV E PROPOSED SITE ROOF PLAN  
 25 Oct 2016 L400 REV E BUILDING A NORTH - SOUTH ELEVATION  
 25 Oct 2016 L401 REV E NORTH EAST ELEVATION  
 25 Oct 2016 L402 REV E NORTH NORTH ELEVATION  
 25 Oct 2016 L403 REV E NORTH WEST ELEVATION  
 25 Oct 2016 L410 REV E A SOUTH\_ELEVATIONS SE AND SW  
 25 Oct 2016 L411 REV E A SOUTH\_NORTH WEST ELEVATION  
 25 Oct 2016 L420 REV E BUILDING B ELEVATIONS NORTH AND WEST  
 25 Oct 2016 L430 REV E BUILDING C ELEVATIONS SOUTH AND WEST  
 25 Oct 2016 L431 REV E BUILDING C ELEVATIONS NORTH AND EAST  
 25 Oct 2016 L500 ERV C PROPOSED SECTIONS\_BUILDING A AA BB  
 07 Oct 2016 D1701/001 ENABLING WORKS SITE PLAN & TRAFIC MA  
 07 Oct 2016 L378 E PHASING PLAN - PHASE 2 WORKS CAR PARKING.  
 06 Oct 2016 PLAN 9 ARTICULATED HGV ACCESSING FOOD STORE  
 20 Sep 2016 037-002 K RIVERSIDE PLANTING PROPOSALS  
 20 Sep 2016 037-201 F PLANTING PLAN GROUND LEVEL  
 20 Sep 2016 037-202 E PLANTING PLAN LANDSCAPE DECK  
 20 Sep 2016 037-210 D SOIL PROFILE PLAN GROUND LEVEL  
 20 Jun 2016 15123\_L301\_E PROPOSED SITE PLAN FLOOR 01  
 20 Jun 2016 15123\_L302\_E PROPOSED SITE PLAN FLOOR 02  
 20 Jun 2016 15123\_L303\_E PROPOSED SITE PLAN FLOOR 03  
 20 Jun 2016 15123\_L304\_E PROPOSED SITE PLAN FLOOR 04  
 20 Jun 2016 15123\_L305\_E PROPOSED SITE PLAN FLOOR 05  
 20 Jun 2016 15123\_L306\_E PROPOSED SITE PLAN FLOOR 06  
 20 Jun 2016 15123\_L350\_C GYM FLOOR PLAN  
 20 Jun 2016 15123\_L351\_C GYM ELEVATIONS AND SECTIONS  
 20 Sep 2016 037-302 C HARD LANDSCAPE PLAN GROUND LEVEL  
 20 Sep 2016 037-304 C SURFACE FINISHES LANDSCAPE DECK  
 20 Sep 2016 L300 F PROPOSED BLOCK PLAN FLOOR 00  
 19 Sep 2016 037-405\_B WILLOW REVETMENTS  
 19 Sep 2016 037-412\_A TIMBER BENCH - STANDARD  
 19 Sep 2016 037-412\_A TIMBER BENCH - STANDARD  
 19 Sep 2016 037-413\_A TIMBER BENCH - SMALL CUBE  
 19 Sep 2016 037-415\_A CYCLE STAND  
 19 Sep 2016 037-430\_B LOW STONE WALL & STEPS  
 19 Sep 2016 037-441\_D FENCING TO SERVICE YARD  
 20 Jun 2016 15123\_L501\_B PROPOSED SECTIONS BUILDING A CC DD  
 20 Jun 2016 15123\_L502\_B PROPOSED SECTIONS BUILDING B EE FF  
 20 Jun 2016 15123\_L503\_B PROPOSED SECTIONS BUILDING C GG HH  
 20 Jun 2016 E-0001 REV 02 LIGHTING LAYOUT  
 20 Jun 2016 15123\_L001\_B SITE LOCATION PLAN

2 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.

3 You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: [www.bathnes.gov.uk/cil](http://www.bathnes.gov.uk/cil)

#### **4 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.

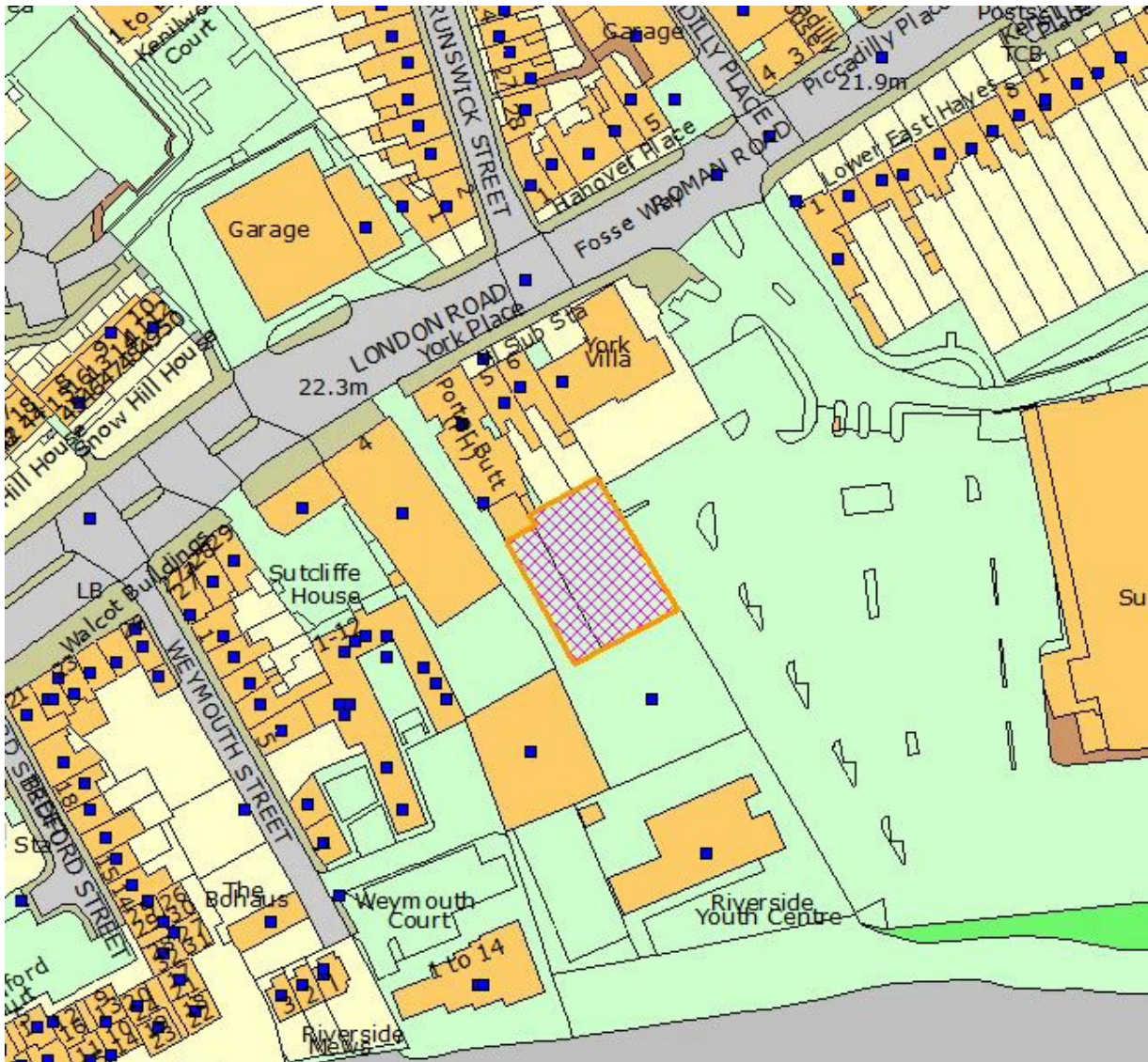
Please note all conditions should be read fully as these headings are intended as a guide only.

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](http://www.planningportal.co.uk) or send it direct to [planning\\_registration@bathnes.gov.uk](mailto: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.

5 No work should be undertaken as part of Phase 1 to remove any part of the existing public highway affected by the submitted Stopping-Up Order until this is formally confirmed. A copy of the request and plan sent to DfT should be provided, whilst the formal response from DfT accepting and confirming the stopping-up (or otherwise) will need to be submitted

Phase 1 works to existing public highway within the site to be retained will be subject to separate detailed Technical Approval under a Section 278 Agreement Any new highway to be offered for adoption will need to meet the Council's specification, so will also be subject to Technical Approval as part of a separate Section 38 Agreement

**Item No:** 02  
**Application No:** 16/01435/FUL  
**Site Location:** Parking Area Rear Of 4A York Place London Road Walcot Bath



**Ward:** Walcot                      **Parish:** N/A                      **LB Grade:** N/A  
**Ward Members:** Councillor Lisa Brett Councillor Fiona Darey  
**Application Type:** Full Application  
**Proposal:** Erection of a building comprising 4no. residential apartments.  
**Constraints:** Affordable Housing, Agric Land Class 3b,4,5, Air Quality Management Area, Article 4, Conservation Area, Flood Zone 2, Flood Zone 3, Forest of Avon, Hotspring Protection, LLFA - Flood Risk Management, MOD Safeguarded Areas, SSSI - Impact Risk Zones, Tree Preservation Order, World Heritage Site,  
**Applicant:** J R Properties Ltd  
**Expiry Date:** 31st May 2016

|                                    |
|------------------------------------|
| <b>Case Officer:</b> Tessa Hampden |
|------------------------------------|

## **REPORT**

Reason for referring this application to committee

The application has been referred to planning committee at the request of Local Ward Cllr Lisa Brett who objects to the application on the grounds of overdevelopment, public safety and highways grounds. Cllr Davis has determined that this should be heard at committee due to the highway safety concerns.

Site description and proposal

The site is within the curtilage of the listed property on London Road (Richer Sounds) at 4a York Place. This was formerly the Porter Butt Public House and the grounds formed part of its beer garden. They remain in the same ownership as the listed building and as the proposals partially attach to a wall which itself is attached to a listed building, the development also requires listed building consent. A parallel listed building application is being considered. The site is also within the City of Bath Conservation Area and the wider World Heritage Site. Further, the site lies within Flood Zones 2 and 3 and the area to the east of the development site contains trees subject to Tree Preservation Orders.

The application site has been the subject of previous applications with the latest being refused and dismissed at appeal. The appeal was dismissed as the Inspector considered that the development as proposed would fail to preserve the character and appearance of the conservation area or the setting of the listed buildings. The application has been resubmitted in an attempt to address these concerns.

Relevant planning history

DC - 16/01436/LBA - Pending (also being considered at planning committee) - - External alterations to include the erection of a building comprising 4no. residential apartments.

DC - 13/00701/FUL - Refused - 15 April 2013 - Erection of 3no new dwellings on land to the rear of York Place (resubmission). - Appeal dismissed

DC - 12/04363/FUL - Withdrawn - 21 December 2012 - Erection of 3no new dwellings on land to the rear of York Place

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Arboricultural Officer - no objection

Conservation Officer - no objection subject to conditions

Environment Agency - no objection subject to conditions

Drainage - no objection subject to conditions

Cllr Lisa Brett - objects on the grounds of overdevelopment, public safety and highways grounds. There already exist significant problems with HGVs delivering to Richer Sound, Multi York and TR Hayes manoeuvring in the access road blocking access to the

Riverside Youth & Community Centre. This often results in drivers having to dangerously reverse out onto the busy London Road. The proposed properties and their forecourt are at the narrowest part of the access road to Riverside. There will be no room for vehicles, particularly HGVs, to do U turns so as to exit safely.

1 general comment and 3 objections have been received. These can be summarised as follows:

- highway safety issues including conflict with HGVs
- impact upon local businesses
- inadequate parking
- noise and disruption to future residential occupiers
- disruption during construction
- impact upon listed buildings and conservation area
- loss of privacy
- overbearing impact
- overdevelopment of the site
- flooding issues

## **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
- Adopted Neighbourhood Plans

## **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:

- DW1 - District wide spatial strategy
- B1 - Bath spatial strategy
- B2 - Central Area strategic policy
- B4 - The World Heritage Site and its Setting
- CP2 - Sustainable construction
- CP6 - Environmental quality
- CP10 - Housing mix

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  
SC.1 - Settlement classification  
BH.2 - Listed Buildings and their Setting  
BH.6 - Conservation Areas  
HG.4: Residential development within the urban areas and R.1 settlements  
NE.4: Trees and woodland conservation  
NE.14: Flood risk  
T.24: General development control and access policy  
T.26: On-site parking and servicing provision

Policies within the Draft Placemaking Plan (December 2015) with limited weight in the determination of planning applications:

SU1 Sustainable Drainage  
D1 General Urban Design Principles  
D2 Local Character & Distinctiveness  
D3 Urban Fabric  
D4 Streets and Spaces  
D5 Building Design  
D6 Amenity  
D7 Infill and Backland Development  
D8 Lighting  
H1 Historic Environment  
NE2 Conserving and Enhancing the Landscape and Landscape Character  
NE3 Sites, Species and habitats  
NE6 Trees and woodland conservation  
PCS2 Noise and vibration  
PCS5 Contamination  
LCR1 Safeguarding local community facilities  
ST1 Promoting Sustainable Travel  
ST7 Transport requirements for managing development  
National Planning Policy Framework (March 2012) and the National Planning Practice Guidance (March 2014) can be awarded significant weight.

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

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

## **OFFICER ASSESSMENT**

Principle of development

The development is within the built up area of Bath where new residential development can be considered to be acceptable in principle subject to compliance with the relevant policies of the Development Plan.

### Character and appearance

Revised plans have been submitted during the application process to overcome concerns raised by officers and subsequently to ensure that the requirements of the Environment Agency are met.

The scheme previously dismissed at appeal put forward a series of three dwellings which ran in a terrace parallel to the London Road. There were concerns that this resulted in a scheme that would appear physically disjointed from the surrounding historic environment context and visually isolated. This application has responded to those concerns by siting the semi detached pair perpendicular to the listed buildings of London Road, sited close to the existing residential units. This more closely follows the pattern of the traditional historic development in this local area which is of distinct groupings of buildings addressing the road frontage with linked structures which decrease in height and scale away from the road frontage. The bulk of the building has been reduced and the scale proposed is now considered to be appropriate. This is considered to present a form that appears subservient to the listed buildings.

The architecture closely reflects the more artisan Georgian architecture characteristics of the City with use of Bath ashlar and rubble stone, vertically proportioned window openings and the shallow double-hip roof form. The sloping roof elements of the side wings are less characteristic, but in street scene views will not cause harm. Use of powder coated aluminium for the windows is considered acceptable in this peripheral location in the Conservation Area, where there are a mix of architectural styles and materials that create the more utilitarian nature of many of the buildings in the lane.

The drawings propose external staircases but these have been revised to propose a more lightweight structure. The metal railings are considered to be appropriate and do not detract from the overall character and appearance of the proposed building.

The close views in the lane, and this part of the City of the Bath Conservation Area will not be harmed by the new development which will continue the tight knit built frontage character further towards the river and the Youth Centre. Due to its height and siting the development will respect the setting of the wider World Heritage site.

There is a duty placed on the Council under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 when considering whether to grant listed building consent for any works to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Here it is considered that the setting of the listed buildings will be preserved.

There is a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. Here it is considered that the overall character and appearance of this part of the City of Bath Conservation Area is preserved.

Further, there is not considered to be any undue harm to the setting of the wider World Heritage Site.

#### Flooding/drainage

The site falls within flood zone 2 and 3a and a site specific flood risk assessment (FRA) has therefore been submitted. The Environment Agency have assessed this and are satisfied that the FRA demonstrates that the development will not increase flood risk and the development will be safe through its lifetime.

The proposed residential use falls within the 'more vulnerable' flood vulnerability classification set out within the National Planning Practice Guidance (NPPG). Accordingly, the NPPG advises that development is only appropriate if the sequential and exceptions tests are met. The aim of the sequential test is to steer development to areas which are at a lesser risk of flooding. Although the previous application was refused on lack evidence to pass these tests, the Inspector dealing with the previous appeal did not fully consider the flooding issues, commenting that the only issue was character and appearance. Notwithstanding this, the developer has complied with the requirements of national policy, and alongside the FRA submitted information to demonstrate that the sequential and exception tests can be passed.

Based upon national planning guidance the area of search applicable for the consideration of alternative sites has been defined based upon local circumstances and the nature of the proposal. Officers are satisfied with the search parameters and the approach taken. The methods and outcomes of the sequential test have been considered by the officers and it is considered to be suitable for the development proposed. The sequential test can therefore be considered to be passed.

The Exception Test forms two parts both of which must be passed for the proposal to be considered acceptable. These are as follows:

- a) the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and
- b) a site-specific flood risk assessment has demonstrated that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible; will reduce flood risk overall.

In terms of the wider sustainability benefits, the economic, social and environmental benefits should be considered. The agent explains that this scheme will deliver four residential units within a sustainable location. This will deliver houses which will contribute to the districts 5 year land supply. The site is in close proximity to local services, such as shops and public houses and will contribute to supporting these services. The site is also within walking distance to the city centre, which provides the opportunity to build new dwellings where the occupiers would not be reliant on private transport. Further, the proposals utilise previously developed land to deliver the above benefits. The proposals are also considered to make a more efficient use of the land.

In light of the above, it is considered that the proposals will provide economic, social and environmental benefits to the wider community which are sufficient to outweigh the flood risk.

In terms of the second strand to the test, as stated above, the Environment Agency have reviewed the FRA and have provided no objection subject to the inclusion of conditions. It is considered necessary for a Flood Warning and Evacuation Plan to be submitted and approved prior to the occupation of the development, and this can be secured through condition.

In light of the advice received, it is considered that the proposed development will be safe for its lifetime and will not increase flood risk elsewhere. The Council's Drainage and Flood Risk Team have also reviewed the development and raised no objection subject to conditions. The proposal is therefore considered to meet both parts of the exception test and is acceptable in flood risk terms.

#### Highway safety

A number of third parties have raised concerns with regards to highway safety. Revised plans have been submitted during the application to address concerns raised by the Highway Development Officer. The area now included within the layout includes the whole of the car park area to the south of the application site and bounded by the curtilage to the Riverside Youth Centre on its south side.

The revised plan shows one dedicated parking space for each residential apartment, and a further two spaces indicated as private parking for the apartments but serving as shared visitor provision. As such, the overall residential parking provided is 6 spaces, which is below the maximum standard in the Schedule to Policy T.26 in the Local Plan requiring 8 spaces, or two per unit. The same layout shows 8 spaces provided for staff/ customer parking for Richer Sounds, which effectively replicates the parking provision available now. The maximum demand and utility of the residential parking spaces is likely to occur in the evening and overnight, when the adjacent spaces allocated for Richer Sounds will be empty. As such, it is accepted that residents/visitors could and would make use of these then if all the 6 spaces allocated for residential use were occupied. Given this, and the sustainable location of the site, the level of parking is considered to be acceptable. The revised parking layout and residential/retail allocation split as shown is thus accepted

There is also a waiting area provided to cater for delivery vehicles to the retail premises, whilst the access created from York Place to the car parking area will provide the manoeuvring space necessary to turn any large vehicle to allow egress to the A4 London Road in forward gear. The posts and a chain link to this car park would need to be removed to allow unimpeded vehicle access for residents and retail customers, and also turning access for a refuse vehicle collecting from the refuse storage areas proposed. The availability of this turning space can be secured through condition.

Subject to the inclusion of conditions, the proposed development is not considered to result in any undue harm to highway safety.

#### Residential amenity

Whilst the buildings will be set to the rear of the dwellings on London Road, the development is sited a sufficient distance from these neighbouring properties to ensure that the development will not have a significant overbearing impact or result in a significant loss of light for these occupiers. Further due to the distance and the appropriate siting of windows and openings, the development is not considered to result in any undue overlooking or loss of privacy. Screening will be provided on the stair areas which will ensure that the privacy is safeguarded.

Arboricultural Officer

No trees of arboricultural merit exist within the site and there is no objection to the proposed tree removals indicated. In comparison to the previously refused scheme, the building has been reoriented and placed it away from the eastern boundary and away from the protected Silver Birch growing in the adjacent supermarket carpark. These trees will be provided with physical protection during construction activities by virtue of the existing boundary wall.

Conclusion

For the reason set out above, the proposals are considered to be acceptable and the application is therefore recommended for approval. The development is considered to preserve the setting of the listed buildings, this part of the Conservation Area and the wider World Heritage Site. Further, the development is not considered to result in harm to highway safety or residential amenity and is considered to be acceptable on flood risk grounds.

## **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 Floor levels (Compliance)**

The development hereby permitted shall be constructed with Finished Floor Levels set at a minimum 22.81mAOD.

Reason To reduce the risk of flooding to the proposed development and future occupants.

### **3 Flood resilience measures (Pre-commencement)**

No development approved by this planning permission shall take place until such time as a scheme detailing flood resilience measures to be incorporated in the construction of the

development has been submitted to, and approved in writing by, the local planning authority in consultation with the Environment Agency.

The scheme shall be fully implemented prior to occupation and subsequently maintained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason: To reduce the risk of flooding to the proposed development and future users.

#### **4 Flood Warning Evacuation Plan (Pre-occupation)**

No occupation of the development shall commence until a Flood Warning Evacuation Plan has been submitted to and approved in writing by the Local Planning Authority. This plan shall address the matters required pursuant to section 10 of the National Planning Policy Framework and the National Planning Practice Guidance. Thereafter the approved Flood Warning Evacuation Plan shall be implemented in perpetuity.

Reason: To limit the risk of flooding by ensuring the provision of satisfactory means of flood management and incident response on the site in accordance with paragraph 17 and section 10 of the National Planning Policy Framework.

#### **5 Drainage strategy (Pre-commencement)**

No development shall commence, except ground investigations and remediation, until a complete surface water drainage strategy has been submitted to and approved in writing by the Local Planning Authority.

Details of what to include in the drainage strategy can be found on page 37 onwards of the West of England Sustainable Drainage Developer Guide. This Guide also specifies the required surface water flood risk standards.

[http://www.bathnes.gov.uk/sites/default/files/sitedocuments/Planning-and-Building-Control/Planning-Policy/LDFGeneral/bd6457\\_woe\\_developer\\_guide\\_complete\\_72dpi.pdf](http://www.bathnes.gov.uk/sites/default/files/sitedocuments/Planning-and-Building-Control/Planning-Policy/LDFGeneral/bd6457_woe_developer_guide_complete_72dpi.pdf)

Reason: To ensure that an appropriate method of surface water drainage is installed and in the interests of flood risk management in accordance with Policy CP5 of the Bath and North East Somerset Core Strategy. This is a condition precedent because it is necessary to establish a viable method of surface water drainage prior to any initial construction works which may prejudice the surface water drainage strategy

#### **6 Materials - Submission of Schedule and Samples (Bespoke Trigger)**

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

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policies 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.

#### **7 Hard and Soft Landscaping (Pre-occupation)**

No occupation shall commence until a hard and soft landscape scheme has been submitted to and approved in writing by the Local Planning Authority showing details of all trees, hedgerows and other planting to be retained; a planting specification to include numbers, size, species and positions of all new trees and shrubs, details of existing and proposed walls, fences, other boundary treatment and surface treatment of the open parts of the site, and a programme of implementation.

Reason: To ensure the provision of an appropriate landscape setting to the development in accordance with Policies D.2 and D.4 of the Bath and North East Somerset Local Plan.

### **8 Hard and Soft Landscaping (Compliance)**

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

Reason: To ensure that the landscape scheme is implemented and maintained in accordance with Policies D.2 and D.4 of the Bath and North East Somerset Local Plan.

### **9 Highways - Parking (Compliance)**

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

Reason: To ensure sufficient parking and turning areas are retained at all times in the interests of amenity and highways safety in accordance with Policy T.24 of the Bath and North East Somerset Local Plan.

### **10 Highways - Construction Management Plan (Pre-commencement)**

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

Reason: To ensure that safe operation of the highway and in the interests of protecting residential amenity in accordance with Policies T.24 and D.2 of the Bath and North East Somerset Local Plan. This is a condition precedent because any initial construction or demolition works could have a detrimental impact upon highways safety and/or residential amenity.

### **11 Refuse storage (Bespoke trigger)**

No development of the external refuse storage shall commence until details have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details and shall be carried out prior to the occupation of the development hereby approved.

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.

## **12 Screening (Pre occupation)**

The development hereby approved shall not be occupied until the details of the external screening on the proposed raised surfaces have been submitted to and approved in writing. The development shall thereafter be undertaken in accordance with the approved details and shall be carried out prior to the occupation of the development hereby approved. The screening shall be retained though the life of the development.

Reason: In the interests of the appearance of the development and the surrounding area, and the residential amenity of the neighbouring occupiers 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.

## **13 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:**

|               |           |                                    |
|---------------|-----------|------------------------------------|
| 0 27 Jul 2016 | 14-040-20 | PROPOSED ELEVATIONS                |
| 27 Jul 2016   | 14-040-10 | PROPOSED PLANS                     |
| 27 Jul 2016   | 14-040-11 | SITE SECTION AND PLANS             |
| 24 Mar 2016   |           | EXISTING SITE & SITE LOCATION PLAN |

### **Condition Categories**

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

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

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

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



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

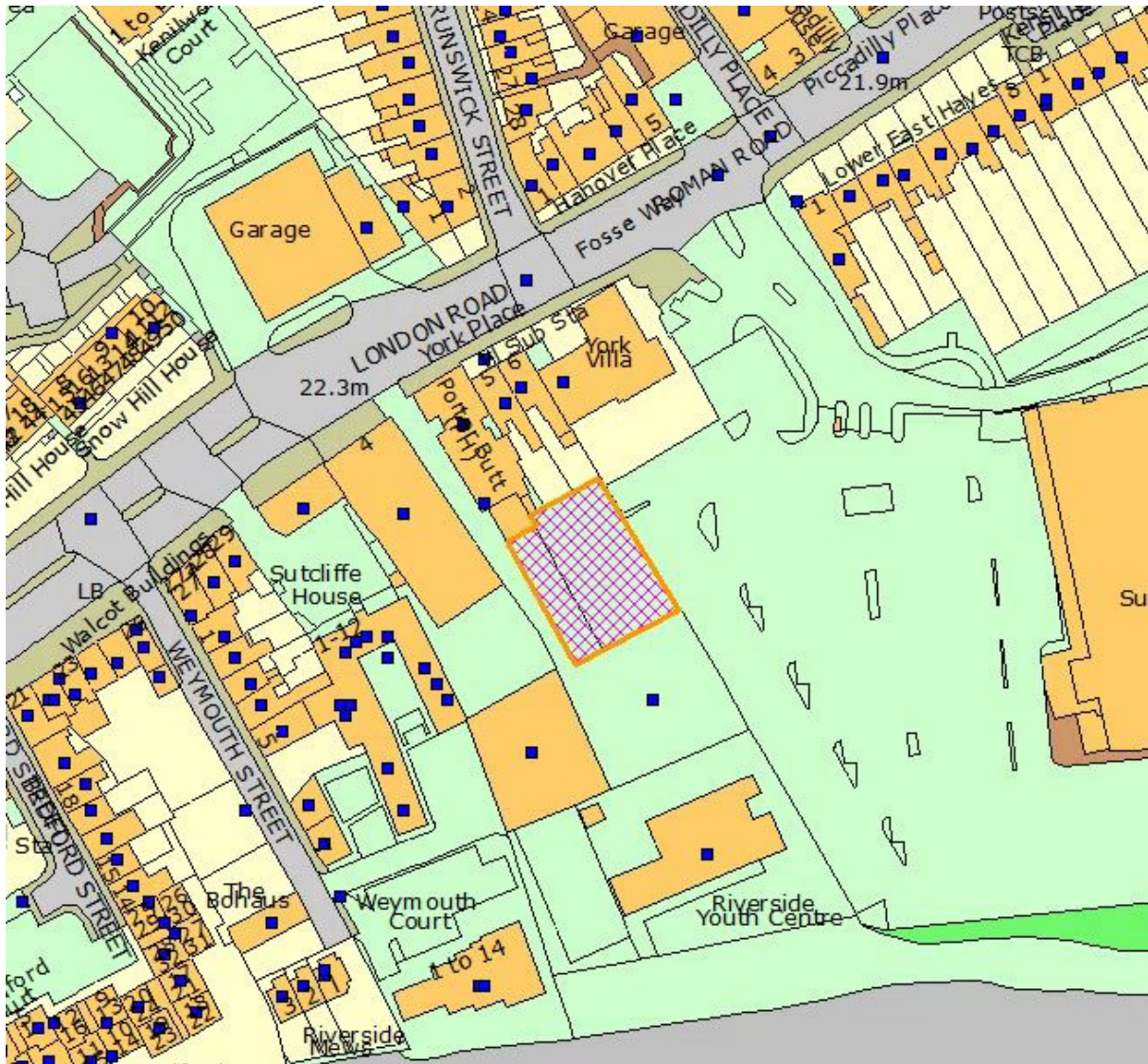
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You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: [www.bathnes.gov.uk/cil](http://www.bathnes.gov.uk/cil)

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.

**Item No:** 03  
**Application No:** 16/01436/LBA  
**Site Location:** Parking Area Rear Of 4A York Place London Road Walcot Bath



**Ward:** Walcot                      **Parish:** N/A                      **LB Grade:** N/A  
**Ward Members:** Councillor Lisa Brett Councillor Fiona Darey  
**Application Type:** Listed Building Consent (Alts/exts)  
**Proposal:** External alterations to include the erection of a building comprising 4no. residential apartments.  
**Constraints:** Affordable Housing, Agric Land Class 3b,4,5, Air Quality Management Area, Article 4, Conservation Area, Flood Zone 2, Flood Zone 3, Forest of Avon, Hotspring Protection, LLFA - Flood Risk Management, MOD Safeguarded Areas, SSSI - Impact Risk Zones, Tree Preservation Order, World Heritage Site,  
**Applicant:** J R Properties Ltd  
**Expiry Date:** 19th May 2016  
**Case Officer:** Tessa Hampden

## **REPORT**

Reason for referring this application to committee

The application has been referred to planning committee at the request of Local Ward Cllr Lisa Brett who objects to the application on the grounds of overdevelopment, public safety and highways grounds. Cllr Davis has determined that this should be heard at committee due to the highway safety concerns.

Site description and proposal

The site is within the curtilage of the listed property on London Road (Richer Sounds) at 4a York Place. This was formerly the Porter Butt Public House and the grounds formed part of its beer garden. They remain in the same ownership as the listed building and as the proposals partially attach to a wall that is attached to a listed building, the development also requires listed building consent. A parallel planning application is being considered. The site is also within the City of Bath Conservation Area and the wider World Heritage Site.

The application site has been the subject of previous applications with the latest being refused and dismissed at appeal. The appeal was dismissed as the Inspector considered that the development as proposed would fail to preserve the character and appearance of the conservation area or the setting of the listed buildings. The application has been resubmitted in an attempt to address these concerns.

Relevant planning history

DC - 16/01435/FUL - Pending consideration (also referred to committee) Erection of a building comprising 4no. residential apartments.

DC - 13/00701/FUL - Refused - 15 April 2013 - Erection of 3no new dwellings on land to the rear of York Place (resubmission). - Appeal dismissed

DC - 12/04363/FUL - Withdrawn - 21 December 2012 - Erection of 3no new dwellings on land to the rear of York Place

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Arboricultural Officer - no objection

Conservation Officer - no objection subject to conditions

Environment Agency - no objection subject to conditions

Drainage - no objection subject to conditions

Cllr Lisa Brett - objects on the grounds of overdevelopment, public safety and highways grounds. There already exist significant problems with HGVs delivering to Richer Sound, Multi York and TR Hayes manoeuvring in the access road blocking access to the Riverside Youth & Community Centre. This often results in drivers having to dangerously reverse out onto the busy London Road. The proposed properties and their forecourt are

at the narrowest part of the access road to Riverside. There will be no room for vehicles, particularly HGVs, to do U turns so as to exit safely.

1 general comment and 3 objections have been received. These can be summarised as follows:

- highway safety issues including conflict with HGVs
- impact upon local businesses
- inadequate parking
- noise and disruption to future residential occupiers
- disruption during construction
- impact upon listed buildings and conservation area
- loss of privacy
- overbearing impact
- overdevelopment of the site
- flooding issues

## **POLICIES/LEGISLATION**

### Obligatory Considerations

The Council has a statutory requirement under Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant listed building consent for any works to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

With respect to any buildings or other land in a conservation area the Council has a statutory requirement under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that conservation area.

Relevant Considerations to what listed building works will or will not be acceptable under the Obligatory Considerations

The National Planning Policy Framework (NPPF) is national policy in the conservation and enhancement of the historic environment which must be taken into account by the Council together with the related guidance given in the Planning Practice Guidance (PPG).

The Council must have regard to its development plan where material in considering whether to grant listed building consent for any works. The Council's development plan comprises:

- Bath & North East Somerset Adopted Core Strategy
- Saved policies in the Bath and North East Somerset Local Plan (2007)
- West of England Joint Waste Core Strategy (2011)
- Stowey Sutton Neighbourhood Plan

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

- CP6 - Environmental quality
- B4 - The World Heritage Site

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 the application.

- BH.2 - Listed buildings and their settings
- BH.6 - Development within or affecting conservation areas

Policies within the Draft Placemaking Plan (December 2015) with limited weight in the determination of planning applications:

- D1 General Urban Design Principles
- D2 Local Character & Distinctiveness
- D3 Urban Fabric
- D4 Streets and Spaces
- D5 Building Design
- D6 Amenity
- H1 Historic Environment

## **OFFICER ASSESSMENT**

### Character and appearance

Revised plans have been submitted during the application process to overcome concerns raised by officers and subsequently to ensure that the requirements of the Environment Agency are met.

The scheme previously dismissed at appeal put forward a series of three dwellings which ran in a terrace parallel to the London Road. There were concerns that this resulted in a scheme that would appear physically disjointed from the surrounding historic environment context and visually isolated. This application has responded to those concerns by siting the semi detached pair perpendicular to the listed buildings of London Road, sited close to the existing residential units. The scheme will be attached to a wall that is attached to the listed building but this is not considered to harm the historic fabric of the listed structure. This more closely follows the pattern of the traditional historic development in this local area which is of distinct groupings of buildings addressing the road frontage with linked structures which decrease in height and scale away from the road frontage. The bulk of the building has been reduced and the scale proposed is now considered to be appropriate. This is considered to present a form that appears subservient to the listed buildings.

The architecture closely reflects the more artisan Georgian architecture characteristics of the City with use of Bath ashlar and rubble stone, vertically proportioned window openings and the shallow double-hip roof form. The sloping roof elements of the side wings are less characteristic, but in street scene views will not cause harm. Use of powder coated aluminium for the windows is considered acceptable in this peripheral location in the Conservation Area, where there are a mix of architectural styles and materials that create the more utilitarian nature of many of the buildings in the lane.

The drawings propose external staircases but these have been revised to propose a more lightweight structure. The metal railings are considered to be appropriate and do not detract from the overall character and appearance of the proposed building.

The close views in the lane, and this part of the City of the Bath Conservation Area will not be harmed by the new development which will continue the tight knit built frontage character further towards the river and the Youth Centre. Due to its height and siting the development will respect the setting of the wider World Heritage site.

The Council has a statutory requirement under Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant listed building consent for any works to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The development as proposed is considered to achieve this aim.

With respect to any buildings or other land in a conservation area the Council has a statutory requirement under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that conservation area. The development as proposed is considered to achieve this aim.

The application is recommended for approval.

## **RECOMMENDATION**

CONSENT

## **CONDITIONS**

### **1 Time Limit - Listed Building Consent (Compliance)**

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

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

### **2 Plans List (Compliance)**

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

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

## **PLANS LIST:**

|             |           |                                    |
|-------------|-----------|------------------------------------|
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| 27 Jul 2016 | 14-040-10 | PROPOSED PLANS                     |
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Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: [www.bathnes.gov.uk/cil](http://www.bathnes.gov.uk/cil)

### **Condition Categories**

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**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.

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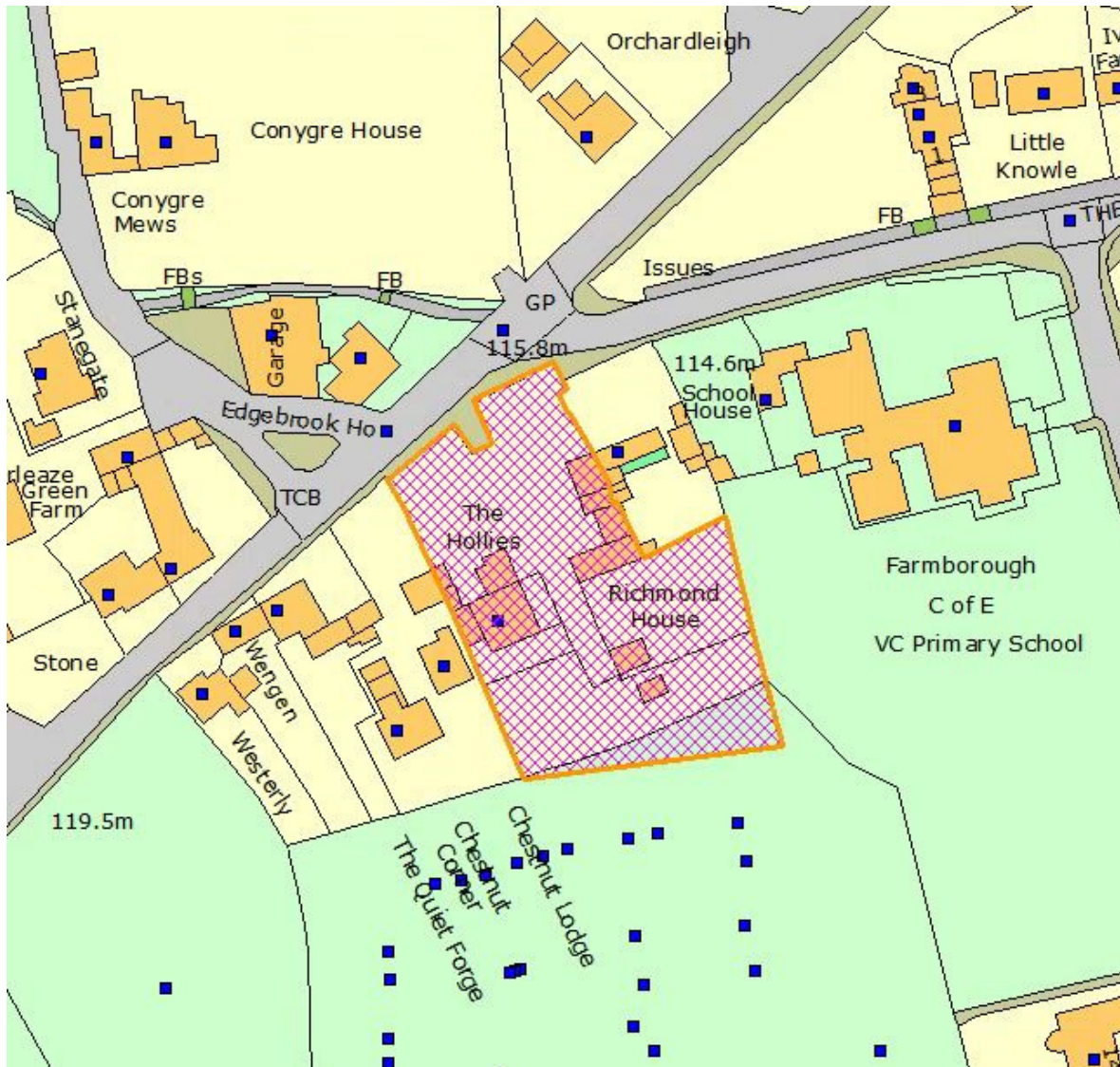
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In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework.



**Item No:** 04  
**Application No:** 15/04085/FUL  
**Site Location:** Holly Farm The Green Farmborough Bath Bath And North East Somerset



**Ward:** Farmborough                      **Parish:** Farmborough                      **LB Grade:** N/A  
**Ward Members:** Councillor S Davis  
**Application Type:** Full Application  
**Proposal:** Erection of 2 no. new dwellings to the rear of the plot and conversion of existing barn and cowshed to create 2 no. dwellings with associated works. (Resubmission)  
**Constraints:** Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenfield site, Housing Development Boundary, Listed Building, SSSI - Impact Risk Zones,  
**Applicant:** Mr Vernon Stokes  
**Expiry Date:** 18th November 2016  
**Case Officer:** Sasha Berezina



## **REPORT**

### **REASON FOR REFERRING TO COMMITTEE**

Farnborough Parish Council - Objected in principle and the officers are minded to approve. The Chair's decision was that it should be determined by the committee.

### **DETAILS OF LOCATION AND PROPOSAL**

The application site comprises Grade II listed Holly Farmhouse, a Grade II listed Barn and attached dairy, a number of modern ancillary outbuildings and an open grassed paddock to the rear, which currently contains a wooden stable.

The existing access to the site is located immediately south west of the junction of The Street with the A39, and is currently of single vehicle width.

To the west lies a detached dwelling Chestnut Lodge, and to the east the site shares its boundary with Grade II listed Richmond House (set to the rear of the dairy building in the north-east corner) and the playing fields/recreation space at the rear of Farnborough Primary School. Permission was recently granted for the erection of 38 new houses at the field to the south of the development site, and their construction is nearing completion.

The site contains numerous mature trees which positively contribute to the setting of listed buildings and are prominent in public views. It also falls within a Special Scientific Interest Zone that has potential for presence of protected species.

Permission is sought for erection of 2no new dwellings with associated garaging to the rear of the farm house/barns and conversion of the existing dairy building and a stone barn to form further 2no dwellings.

### **PLANNING HISTORY**

DC - 14/04729/FUL - WD - 11 December 2014 - Erection of a storm porch on the east elevation

DC - 14/04730/LBA - WD - 11 December 2014 - External alterations to include the erection of a storm porch on the east elevation

DC - 14/05822/FUL - WD - 6 May 2015 - Erection of 2 no. new dwellings to the rear of the plot and conversion of existing barn and cowshed to create 2 no. dwellings with associated works.

DC - 15/00016/LBA - WD - 6 May 2015 - Internal and external alterations to include erection of 2 no. new dwellings to the rear of the plot and conversion of existing barn and cowshed to 2 no. dwellings with associated works.

DC - 15/04085/FUL - Pending - - Erection of 2 no. new dwellings to the rear of the plot and conversion of existing barn and cowshed to create 2 no. dwellings with associated works. (Resubmission)

DC - 15/04179/LBA - Pending - - Internal and external alterations to include erection of 2 no. new dwellings to the rear of the plot and conversion of existing barn and cowshed to 2 no. dwellings with associated works.

DC - 16/00172/FUL - PERMIT - 11 March 2016 - Erection of a storm porch on the east elevation.

DC - 16/00173/LBA - CON - 11 March 2016 - External works for the erection of a storm porch on the east elevation.

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

Arboriculture - The outline arboricultural method statement will need to be modified and developed into a detailed arboricultural method statement incorporating the no-dig construction activities. Suggested conditions.

Landscape - no objections subject to appropriate landscape conditions

Environmental Health - no objection. Suggested noise and dust control informative.

Drainage Team - no objection, subject to condition. Application should be conditioned to state that a drainage strategy for the site detailing how the surface water will be managed needs to be seen and approved by the local planning authority. This needs to ensure that no flow of water from the development can flow out on to the highway or neighbouring land. This is to prevent an increase in flood risk away from the development.

Any connection of surface water into the Wessex Water sewer network needs to be agreed with Wessex Water. The inclusion of Sustainable Drainage methods would be beneficial for controlling water flows and improving water quality.

Ecology - following receipt of completed bat survey and report, no objection subject to conditions.

Highways - no objections subject to condition for retention of off-street parking. Requested payment towards speed reducing measures on this section of the A39 Bath Road.

Listed Buildings - supported the proposed courtyard approach to layout. Requested further detailed information in relation to treatment of ceilings, floors and walls considered as part of the listed building application

Farnborough Parish Council - Object in principle.

- The construction of two new dwellings and garage buildings to the rear of Grade II listed building is considered overdevelopment of the site that would adversely affect the visual and historic setting of the listed building, as well as its grounds and the neighbouring Grade II listed building.

- Adverse effect on the outlook from the listed building

- Highways safety concerns in relation to additional traffic

- Privacy issues with Richmond House

- Concerns over the impact on visually important trees at the front of the property.

Third party Comments - 5 letters of objections. Key planning-related concerns expressed:

- Highways safety implications at the point of access/entry onto the main A39 from the planned site;
- Overdevelopment of site;
- Recent 38 dwellings development at Lavender Grove is already intrusive, there is no need for more housing in Farmborough;
- visual impact of modern property would be detrimental to the existing listed buildings and out of character with the immediate surroundings

## **POLICIES/LEGISLATION**

The Council's Development Plan now comprises:

- Bath & North East Somerset Core Strategy (July 2014)
- Saved Policies from the Bath & North East Somerset Local Plan (2007)
- Joint Waste Core Strategy
- Relevant adopted Neighbourhood Plans

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 of the Core Strategy are relevant to the determination of this application:

DW1 - District Wide Spatial Strategy

RA2 - Development in Villages outside the Green Belt not meeting Policy RA1 Criteria

CP6 - Environmental Quality

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:

SC.1 Settlement Classification

HG.12: Conversion, change of use to residential

BH.2: Listed buildings are their settings

BH.4: Change of use of listed buildings

D.2 General Design and public realm considerations

D.4 Townscape considerations

T.24 General development control and access policy

T.26 On-site Parking and servicing provision

ES.5: Foul and surface water drainage

NE.4: Trees and woodland conservation

NE.10: Nationally important species and habitats

NE.11 Locally Important Species and their habitats

Policies within the Draft Placemaking Plan (December 2015) with limited weight in the determination of planning applications:

D.1 - D.7 & D.10: General Urban design principles: Local Character & Distinctiveness; Urban Fabric; Streets and Spaces; Building Design; Amenity; Lighting; Public Realm

H2: Local Character and Distinctiveness

HE1: Safeguarding heritage assets  
NE3: Sites, species and habitats  
NE6: Trees and woodland conservation  
ST7: Transport requirements for managing development

#### Planning (Listed Buildings & Conservation Areas) Act 1990

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

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

The National Planning Policy Framework (NPPF) and the supporting National Planning Practice Guidance (2014) also represents an important material consideration.

#### **OFFICER ASSESSMENT** PRINCIPLE OF DEVELOPMENT

For the purposes of development plan, Farmborough is currently classified as an RA2 village and the application site is located within its housing development boundary. Core Strategy policy RA2 provides that proposals for some limited residential development and employment will be acceptable in such location, if it is of scale, character and appearance appropriate to the village. The emerging Place Making Plan also envisages that windfall sites within the housing development boundary will come forward to contribute to the delivery of housing in rural locations across the district.

Policy HG.12 allows conversion of buildings for residential purposes provided that it is compatible with the character and amenities of adjacent established uses, taking into account the development itself together with any recent or proposed similar development; ensures that no significant harm is caused to residential amenity of current and/or future occupiers; and does not result in the loss of existing accommodation and preserves the mix of size, type and affordability of the accommodation in locality.

The saved Local Policy BH.4 (proposals for change of use of listed buildings) allows conversions of listed buildings when there is no realistic prospect or demonstrable need for continuation or reinstatement of the use for which the building was originally designed, and there is no adverse impact resulting from the proposed use on its character and setting.

#### LISTED BUILDINGS AND THEIR SETTING

The proposal entails conversion of two listed former agricultural buildings and will have an effect on the setting of Grade II listed Holly Farmhouse and Richmond House. The dairy is curtilage listed in relation to the principal farmhouse and the barn is listed in its own right.

The application site comprises an attractive cluster of rural vernacular buildings that, together with mature trees on the northern boundary, form a pleasant enclosure to the north of the listed buildings. The green space at the rear is accessed via this space and is delineated by a low boundary wall. The space immediately to the south of the listed barn is separated from the access track by a rubble stone wall.

Until recently, the space to the south was open agricultural land, however it now contains new residential development of 38 detached and semi-detached houses with garages. The layout of the new development is such that the boundary with the gardens runs alongside the paddock with the listed Farmhouse facing this boundary. As a consequence the farmstead has lost its landscape setting and there is a confused relationship between the existing farm buildings and the private area of the new suburban estate to the south.

The proposed new dwellings take reference from the historic character of the farmstead in terms of its layout, spacing, scale, design and materials. Courtyard plans are the most common forms of farmstead layout, where the working buildings are arranged around one or more yards. An L-shape development will visually enclose the south-east corner of the paddock, thus creating an additional definition and a courtyard area between the barn and the new housing to the south. The height and scale of the buildings would be proportionate to the nearby structures. Visually it will comprise a collection of segments that would reference the surrounding broken roofscape, the variation of architectural form and use of materials. In terms of spacing, the proposal will reflect the existing density and would provide sufficient amenity space for the future and existing occupiers.

The gardens of the existing listed buildings will remain as private areas with a distinct and separate character, screened from the new development by stone walls.

External materials include traditional local vernacular finishes such as lias rubble stone and quoins, lime render and timber cladding to walls, with clay and slate roofs, which complement the existing palette.

The converted barns would retain their subservient appearance and protect the sense of space between buildings in relation to the main farmhouse. Importantly, they will be put into a viable use, which is not taking place at the moment and as a result the buildings are quite dilapidated.

## RESIDENTIAL AMENITY

The development 'courtyard' layout is also considered to respond well to the surrounding development in terms of its impacts on the residential amenity. The layout ensures that the development integrates into the existing built up areas and provides appropriate public-to-private spaces correlation.

The new dwellings outlook would be to the north - towards the converted barn; to the west - over the playing field, to the east - over the new walled garden of Holly Farmhouse, and to the south - over the north-west end of the new housing development.

In relation to the adjacent Richmond House, the nearest element of the new development (blank gable end of the garage) would be set 9m away from the boundary with its rear

garden, and there would be sufficient distance of separation (over 39m) between the new houses and this neighbour. Furthermore, the proposed orientation would further obliterate any opportunity for harmful overlooking between the sites. In terms of the relationship of Richmond House and the converted barns there would be no change to the existing.

The separation distances between the new houses and the converted barn, as well as the Farmhouse and its newly created walled garden would be sufficient enough to avoid loss of privacy between the new occupants.

In relation to the new 38-dwellings development, south elevation of Plot 3 would face the rear garden and the gable end of the corner dwelling, which will be some 16.5m away. The gable end of this house does have a small first floor window but it serves a stair landing, so there will be no loss of privacy. South elevation of Plot 4 would be mainly facing the garage of the adjacent house and the oblique views of the house and garden would be further obscured by the proposed planting on both sides and the roof of the garage to Plot 4.

Given the design, scale, massing and siting of the proposed development, the scheme would not cause significant harm to the amenities of the existing and future occupiers through loss of light, overshadowing, overbearing impacts, loss of privacy or other disturbance.

## HIGHWAYS SAFETY

The new development will be served by an existing access off A39 Bath Road with its existing access point widened and the width of 4.5m retained for a distance of 10m into the site from the back edge of the highway to allow two cars to pass. In response to earlier highway comments the previously proposed radius type bell-mouth access to the site has been amended to provide a dropped kerb access which will give pedestrians priority and is considered acceptable. The location of the refuse collection point is also considered acceptable.

The proposed number of parking spaces (12) is sufficient, noting that this is 8 more than the current car parking space provision within the site.

Highways officer stated that the proposed visibility splays are acceptable for the 30mph speed limit in this location. He did however express concerns in relation to higher recorded speeds of 37mph in this location. These higher speeds are in breach of the speed limit currently in force and it is understood that a traffic calming scheme to reduce vehicle speeds is being developed for this section of the A39 through Farmborough.

A request was made by Highways for Section 106 financial contributions towards the speed reducing measures. Community Infrastructure Levy replaced Section 106 contributions for many forms of infrastructure, although Section 106 agreements can still be used for site-specific mitigation measures and for affordable housing provision. Given that the contribution is requested towards the general speed calming measures in the village, the developer will be liable to payments towards this infrastructure via CIL and not Section 106.

## LANDSCAPING AND TREES

In terms of existing landscaping features, the open space and mature trees to the road frontage are important elements in terms of the relationship with the village, and the scheme takes these elements into account. The tree officer was satisfied that the outline arboricultural report addressed the key issues in relation to the significant trees on site. The detailed protection measures could be agreed via a condition, including the routing of above and below ground services, repollarding of the Willow and the expanse of the no-dig cellular confinement system.

## ECOLOGY

The ecology surveys carried out on site confirmed that three buildings on site are used for bats roosting. The site is also considered to have roost potential for hibernating bats. The proposal will therefore require an EPS licence and the LPA must be satisfied that the "three tests" of the Habitats Regulations will be met.

The bat report includes appropriate outline proposals for bat mitigation and compensation for the affected species. This includes provision of a purpose built bat loft as compensatory roost provision for greater and lesser horseshoe bats, above the garage.

A condition will be imposed to ensure that the development is carried out in accordance with the mitigation scheme and that the "third test" of the Habitats Regulations would thus be met, i.e. the conservation status of the affected species would be maintained. The other two tests" (no alternative solution, and imperative reasons of overriding public interest) are also considered met as the proposal would bring a viable use into the deteriorating buildings and it is considered that the development would be likely to obtain an EPS licence based on submitted plans. The final bat mitigation, compensation scheme, its implementation and a post completion report will be secured by conditions.

The proposals also have potential to affect other wildlife such as nesting birds, hedgehog and reptiles, especially during site clearance, and the nearby SNCI. Appropriate measures to avoid harm to the range of wildlife and habitats are recommended in the supporting reports, and a "CEMP" (Construction Environmental Management Plan) can be secured by condition.

## CONCLUSION

There are no in principle objections to the scheme. It is considered that the proposed scheme would preserve and enhance the setting of the listed buildings and as such the statutory duty in S66 of the Act will be observed when granting permission. There will be no significant harm caused to the residential amenities of the existing and future occupiers. The means of access and parking arrangements are acceptable and maintain highways safety standards. There would be no adverse harm to trees or ecology.

## 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 Arboricultural Method Statement and Tree Protection Plan (Pre-commencement)**

No development shall take place until a detailed 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 statement shall include proposed tree protection measures during site preparation (including clearance and level changes), during construction and landscaping operations. The statement shall incorporate a provisional programme of works; supervision and monitoring details by an Arboricultural Consultant and provision of site visit records to the Local Planning Authority. The statement should also include the control of potentially harmful operations such as 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 trees to be retained are not adversely affected by the development proposals in accordance with policy NE.4 of the Bath and North East Somerset Local Plan. This is a condition precedent because the works comprising the development have the potential to harm retained trees. Therefore these details need to be agreed before work commences.

## **3 Arboricultural Method Statement and Tree Protection Plan (Pre-commencement)**

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. A signed certificate of compliance shall be provided by the appointed arboriculturalist to the local planning authority on completion and prior to the first occupation of the dwelling.

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

## **4 Hard Landscaping Samples (Bespoke Trigger)**

No hard landscaping works shall commence until samples of surfacing materials and a sample panel of all paving to be used has been erected on site, approved in writing by the Local Planning Authority, and kept on site for reference until the development is completed. The development shall be undertaken in accordance with the approved details.

Reason: In the interests of the appearance of the development, the setting of listed buildings and the surrounding area in accordance with Policies BH.2, 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.

## **5 Implementation of Soft and Hard Landscaping (Pre-occupation)**



All hard and soft landscape works shall be carried out in accordance with the approved details (Drawing No63 (Proposed Landscape Plan) received 10 December 2015) or in accordance with the programme (phasing) agreed in writing with the Local Planning Authority. The works shall be carried out prior to the occupation of the relevant part of the development. 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 Sample Panel - Walling and Roofing (Bespoke Trigger)**

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

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policies 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.

### **7 Bin storage details (Bespoke Trigger)**

Detailed drawings of the proposed bin collection area for plots 1-4 shall be submitted to and approved by the Local Planning Authority prior to occupation of the development.

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.

### **8 Retention of Parking (Compliance)**

The areas allocated for parking on submitted Drawing No 55 Rev D shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: To ensure sufficient parking and turning areas are retained at all times in the interests of amenity and highways safety in accordance with Policy T.24 of the Bath and North East Somerset Local Plan.

### **9 Highways - Construction Management Plan (Pre-commencement)**

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

compound arrangements. The development shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure that safe operation of the highway and in the interests of protecting residential amenity in accordance with Policies T.24 and D.2 of the Bath and North East Somerset Local Plan. This is a condition precedent because any initial construction or demolition works could have a detrimental impact upon highways safety and/or residential amenity.

### **10 Wildlife Protection and Enhancement (Pre-commencement)**

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

- (i) the final details of the bat mitigation scheme (which can take the form of an EPS licence application method statement if appropriate), which shall be in accordance with the mitigation and compensation proposals and recommendations contained in section 5 of the approved Bat Surveys report dated 8th August 2016 by Johns Associates;
- (ii) proposed method statements and all other necessary measures for the avoidance of harm during site preparation and construction works to nesting birds, reptiles and hedgehog and retained and adjacent habitats including prevention of harm to the nearby Conygre Brook SNCI;
- (iii) findings of any necessary further pre-commencement protected species survey or checks, or proposed submission of these in writing to the LPA when available;
- (iv) Details of proposed wildlife friendly planting including replacement fruit tree and habitat provision;
- (v) Details of proposed measures to enhance the value of the site for wildlife and provide biodiversity gain.

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

Reason: To prevent ecological harm and to provide biodiversity gain in accordance with policies NE.10 and NE.11 of the Bath and North East Somerset Local Plan.

### **11 Implementation of Wildlife Scheme (Pre-occupation)**

No occupation of the development hereby approved shall commence until a report produced by a suitably experienced ecologist confirming and demonstrating, using photographs where appropriate, implementation of the recommendations of the Wildlife Protection and Enhancement Scheme shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the implementation and success of the Wildlife Protection and Enhancement Scheme to prevent ecological harm and to provide biodiversity gain in accordance with policies NE.10 and NE.11 of the Bath and North East Somerset Local Plan.

### **12 Implementation of bat mitigation (Pre-occupation)**

No occupation of the development hereby approved shall commence until a copy of the EPS licence in relation to works affecting bats and their roosts, together with a copy of a report produced by a suitably experienced ecologist (licenced bat worker) confirming and demonstrating, using photographs where appropriate, satisfactory implementation of all necessary bat mitigation and compensation measures as detailed in the approved Bat Mitigation and Compensation scheme, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: to ensure satisfactory implementation of the approved bat mitigation and compensation scheme

### **13 External Lighting (Bespoke Trigger)**

No new external lighting shall be installed without full details of proposed lighting design being first submitted and approved in writing by the Local Planning Authority; details to include lamp specifications, positions, numbers and heights; details of predicted lux levels and light spill, and details of all necessary measures to limit use of lights when not required and to prevent light spill onto nearby vegetation and adjacent land; and to avoid harm to bat activity and other wildlife. The lighting shall be installed and operated thereafter in accordance with the approved details.

Reason: To avoid harm to bats and wildlife in accordance with policies NE.10 and NE.11 of the Bath and North East Somerset Local Plan.

### **14 Drainage (Pre-construction)**

Prior to construction drainage strategy for the site detailing how the surface water will be managed shall be submitted to and approved in writing by the local planning authority. The strategy needs to ensure that no flow of water from the development can flow out on to the highway or neighbouring land.

Reason: To prevent an increase in flood risk away from the development.

### **15 Plans List (Compliance)**

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

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

#### **PLANS LIST:**

|   |             |                      |  |
|---|-------------|----------------------|--|
| 1 | 03 Nov 2016 | Revised Drawing 11 E | PROPOSED BARN FLOOR PLANS AND ELEVATIONS |
|   | 03 Nov 2016 | Drawing 12 F         | PROPOSED BARN ELEVATIONS & SECTIONS      |
|   | 10 Sep 2015 | Drawing 13           | DETAIL SHEET 1 BARNS 1 AND 2             |
|   | 03 Nov 2016 | Revised Drawing 14 B | PROPOSED BARN DETAIL SHEET 2             |
|   | 03 Nov 2016 | Revised Drawing 15 B | PROPOSED BARN DETAIL SHEET 3             |
|   | 18 Oct 2016 | Revised Drawing 16 A | PROPOSED BARN DETAIL SHEET 4             |

|                          |   |
|--------------------------|---|
| 03 Nov 2016 Drawing 54E  | PROPOSED SITE SECTION                         |
| 10 Sep 2015 Drawing 55D  | PROPOSED SITE PLAN                            |
| 10 Sep 2015 Drawing 56   | SITE SURVEY                                   |
| 24 Sep 2015 Drawing 57 C | BARN SURVEY AS EXISTING ELEVATIONS            |
| 10 Sep 2015 Drawing 58B  | BARN 1 AND 2 EXISTING FLOOR PLANS AND SECTION |

|                                  |                                  |
|----------------------------------|----------------------------------|
| 10 Sep 2015 OS Extract 59        | SITE LOCATION PLAN               |
| 30 Jun 2016 Revised Drawing 60 E | PROPOSED FLOOR PLANS PLOTS 3 & 4 |
| 30 Jun 2016 Revised Drawing 61 E | PROPOSED ELEVATIONS PLOTS 3 & 4  |
| 18 Oct 2016 Revised Drawing 62 A | IMAGES PLOTS 3 & 4               |
| 10 Dec 2015 Revised Drawing 63   | PROPOSED LANDSCAPE PLAN          |

## 2 NOTES TO APPLICANT

### **Noise and dust control from construction of development - informative**

The applicant should take all relevant precautions to minimise the potential for disturbance to neighbouring residents in terms of noise and dust during the construction phases of the development. This should include not working outside regular day time hours, the use of water suppression for any stone or brick cutting and advising neighbours in advance of any particularly noisy works. The granting of this planning permission does not indemnify against statutory nuisance action being taken should substantiated noise or dust complaints be received. For further information please contact the Environmental Protection Team at Bath and North East Somerset Council.

### **Highways works**

The applicant is advised to contact the Highway Maintenance Team on 01225 394337 with regard to securing a licence under Section 184 of the Highways Act 1980 for the widening of the existing vehicular crossing as proposed. The new dwellings shall not be brought into use until the details of the access have been approved and constructed in accordance with the current Specification.

### **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](http://www.planningportal.co.uk) or send it direct to [planning\\_registration@bathnes.gov.uk](mailto: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 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.

**Item No:** 05  
**Application No:** 15/04179/LBA  
**Site Location:** Holly Farm The Green Farmborough Bath Bath And North East Somerset



**Ward:** Farmborough

**Parish:** Farmborough

**LB Grade:** II

**Ward Members:** Councillor S Davis

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

**Proposal:** Internal and external alterations to include erection of 2 no. new dwellings to the rear of the plot and conversion of existing barn and cowshed to 2 no. dwellings with associated works.

**Constraints:** Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenfield site, Housing Development Boundary, Listed Building, SSSI - Impact Risk Zones,

**Applicant:** Mr Vernon Stokes

**Expiry Date:** 18th November 2016

|                                     |
|-------------------------------------|
| <b>Case Officer:</b> Sasha Berezina |
|-------------------------------------|

## **REPORT**

### REASON FOR REFERRING TO COMMITTEE

Farnborough Parish Council - Objected in principle to the planning application, which also covers listed building works, and the officers are minded to approve. The Chair's decision was that it should be determined by the committee.

### DETAILS OF LOCATION AND PROPOSAL

The application site comprises Grade II listed Holly Farmhouse, a Grade II listed Barn and attached dairy, a number of modern ancillary outbuildings and an open grassed paddock to the rear, which currently contains a wooden stable. The proposal seeks to carry out internal and external works and alterations to dairy building and a stone barn in order to convert them into 2no independent units of accommodation.

### PLANNING HISTORY

DC - 14/04729/FUL - WD - 11 December 2014 - Erection of a storm porch on the east elevation

DC - 14/04730/LBA - WD - 11 December 2014 - External alterations to include the erection of a storm porch on the east elevation

DC - 14/05822/FUL - WD - 6 May 2015 - Erection of 2 no. new dwellings to the rear of the plot and conversion of existing barn and cowshed to create 2 no. dwellings with associated works.

DC - 15/00016/LBA - WD - 6 May 2015 - Internal and external alterations to include erection of 2 no. new dwellings to the rear of the plot and conversion of existing barn and cowshed to 2 no. dwellings with associated works.

DC - 15/04085/FUL - Pending - - Erection of 2 no. new dwellings to the rear of the plot and conversion of existing barn and cowshed to create 2 no. dwellings with associated works. (Resubmission)

DC - 15/04179/LBA - Pending - - Internal and external alterations to include erection of 2 no. new dwellings to the rear of the plot and conversion of existing barn and cowshed to 2 no. dwellings with associated works.

DC - 16/00172/FUL - PERMIT - 11 March 2016 - Erection of a storm porch on the east elevation.

DC - 16/00173/LBA - CON - 11 March 2016 - External works for the erection of a storm porch on the east elevation.

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

Ecology - following receipt of completed bat survey and report, no objection subject to conditions.

Listed Buildings - supported the proposed courtyard approach to layout. Requested further detailed information in relation to treatment of ceilings, floors and walls considered as part of the listed building application

Farmborough Parish Council (on parallel planning application) - Object in principle.

- The construction of two new dwellings and garage buildings to the rear of Grade II listed building is considered overdevelopment of the site that would adversely affect the visual and historic setting of the listed building, as well as its grounds and the neighbouring Grade II listed building.
- Adverse effect on the outlook from the listed building
- Highways safety concerns in relation to additional traffic
- Privacy issues with Richmond House
- Concerns over the impact on visually important trees at the front of the property.

Third party Comments - no comments on listed building application.

### **POLICIES/LEGISLATION**

The Council has a statutory requirement under Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant listed building consent for any works to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

With respect to any buildings or other land in a conservation area the Council has a statutory requirement under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that conservation area.

The National Planning Policy Framework (NPPF) is national policy in the conservation and enhancement of the historic environment which must be taken into account by the Council together with the related guidance given in the Planning Practice Guidance (PPG).

The Council must have regard to its development plan where material in considering whether to grant listed building consent for any works. The Council's development plan comprises:

- Bath & North East Somerset Adopted Core Strategy
- Saved policies in the Bath and North East Somerset Local Plan (2007)
- West of England Joint Waste Core Strategy (2011)
- Adopted Neighbourhood Plans

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

- CP6 - Environmental quality

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

- BH.2 - Listed buildings and their settings

Historic Environment Good Practice Advice in Planning Notes issued by Historic England



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 applications. The following policies are relevant:

- HE1 - Historic Environment

### **OFFICER ASSESSMENT**

Both buildings that are to be converted are attractive historic structures with distinct rural agricultural character individually and as a complex. They also greatly contribute to the setting of the principal listed farmhouse. The buildings are of substantial, sound and permanent construction, although their general state is currently deteriorating due to lack of ongoing use. As such, finding a viable use that would not harm their significance is necessary for their long term conservation.

With regards to the dairy building, the scheme proposes the conversion of the majority of it into a one bedroom, single storey dwelling. This involves some minor alteration externally and internally, but mainly to existing openings.

In relation to the listed barn, a party wall is introduced within the dairy to divide part of it off to form the kitchen for the barn conversion. An existing wide opening is filled with a simple glazed screen overlooking the parking area. Within the barn existing walls are used to form the entrance hall, staircase and landing; the main window in the living room is inserted into the 'carriage opening' with its existing pair of doors retained and refurbished. Similarly at first floor the windows are predominantly formed by re-using the existing openings. The original roof and first floor timber structure of the main barn are to be retained and repaired, and a detailed method statement is to be conditioned.

It is proposed to reuse some of the existing historic features of interest, such as relocating the internal sets and flag stones to form the front courtyard and reusing the hay racks within the building.

The proposal also seeks to provide a small sun room extension to the rear of the Barn, which will be constructed of glazed oak frames under a sedum roof. This has been designed as a clearly modern addition, subordinate in scale, and related to the character of the farmstead group avoiding domestic references.

The proposal has demonstrated that the buildings are capable of conversion without extensive alteration, rebuilding or otherwise significantly altering their original character. The proposed conversion approach is simple and seeks to preserve key and defining characteristics of the buildings, retaining their historic fabric and many features of interest. The scheme seeks to retain and utilise the existing planform, with the exception of subdivision within the dairy building to provide a kitchen for the Barn, limited number of additional internal partitions to provide bathrooms and minor historic stonework removal to provide door openings in place of windows. These alterations are not considered to be harmful to the overall character and special features of the listed structures.

The ecology surveys carried out on site confirmed that three buildings are used by bats roosting. A condition will be imposed to ensure that the development is carried out in accordance with the mitigation scheme and that the "third test" of the Habitats Regulations

would be met, i.e. the conservation status of the affected species would be maintained. The other two tests" (no alternative solution, and imperative reasons of overriding public interest) are also met and it is considered that the development would be likely to obtain an EPS licence based on submitted plans. The final bat mitigation, compensation scheme, its implementation and a post completion report will be secured by conditions.

Overall it is considered that the scheme would result in a sensitive conversion that would preserve the buildings' special character and features of interest, and as such the statutory duty in the S16 of the Act will be observed when granting consent.

## **RECOMMENDATION**

CONSENT

## **CONDITIONS**

### **1 Time Limit - Listed Building Consent (Compliance)**

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

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

### **2 Repair of the roof and floor structures of the Barn (Bespoke Trigger)**

A full survey and detailed schedule of works and method statement for the repair of the roof and floor structures of the Barn including rafters, trusses, purlins and floor joists shall be submitted to and approved in writing by the Local Planning Authority prior to these works commencing.

Reason: To safeguard features of special architectural and historical interest and preserve the character and appearance of the building in accordance with Policy BH.2 of the Bath and North East Somerset Local Plan.

### **3 Mortar Mix (Bespoke Trigger)**

No re-pointing shall be carried out until areas of repointing have been identified and details of the proposed works and specification for the mortar mix and a sample area of pointing demonstrating colour, texture, jointing and finish have been provided in situ for the inspection and approval in writing by the Local Planning Authority and retained for reference until the work has been completed. Once approved the works shall be completed in accordance with the approved details.

Reason: To safeguard features of special architectural and historical interest and preserve the character and appearance of the building in accordance with Policy BH.2 of the Bath and North East Somerset Local Plan.

### **4 Joinery External Finishes (Bespoke Trigger)**

No installation of the new external doors and windows shall commence until external joinery finishes for all doors, windows and sun room frame have been submitted to and approved in writing by the Local Planning Authority. Thereafter the work shall only be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the building in accordance with Policy BH.2 of the Bath and North East Somerset Local Plan.

### **5 Materials (Compliance)**

The external stonework to be used in the infill shall match that of the existing walling in respect of type, size, colour, pointing, coursing, jointing, profile and texture.

Reason: To safeguard the character and appearance of the building in accordance with Policy BH.2 of the Bath and North East Somerset Local Plan.

### **6 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           | 03 Nov 2016          | Revised Drawing 11 E | PROPOSED BARN FLOOR PLANS AND ELEVATIONS       |
| 03 Nov 2016 | Drawing 12 F         |                      | PROPOSED BARN ELEVATIONS & SECTIONS            |
| 10 Sep 2015 | Drawing 13           |                      | DETAIL SHEET 1 BARNS 1 AND 2                   |
| 03 Nov 2016 | Revised Drawing 14 B |                      | PROPOSED BARN DETAIL SHEET 2                   |
| 03 Nov 2016 | Revised Drawing 15 B |                      | PROPOSED BARN DETAIL SHEET 3                   |
| 18 Oct 2016 | Revised Drawing 16 A |                      | PROPOSED BARN DETAIL SHEET 4                   |
| 03 Nov 2016 | Drawing 54E          |                      | PROPOSED SITE SECTION                          |
| 10 Sep 2015 | Drawing 55D          |                      | PROPOSED SITE PLAN                             |
| 10 Sep 2015 | Drawing 56           |                      | SITE SURVEY                                    |
| 24 Sep 2015 | Drawing 57 C         |                      | BARN SURVEY AS EXISTING ELEVATIONS             |
| 10 Sep 2015 | Drawing 58B          |                      | BARNS 1 AND 2 EXISTING FLOOR PLANS AND SECTION |
| 10 Sep 2015 | OS Extract 59        |                      | SITE LOCATION PLAN                             |
| 10 Dec 2015 | Revised Drawing 63   |                      | PROPOSED LANDSCAPE PLAN                        |

### **2 Condition Categories**

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

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

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

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

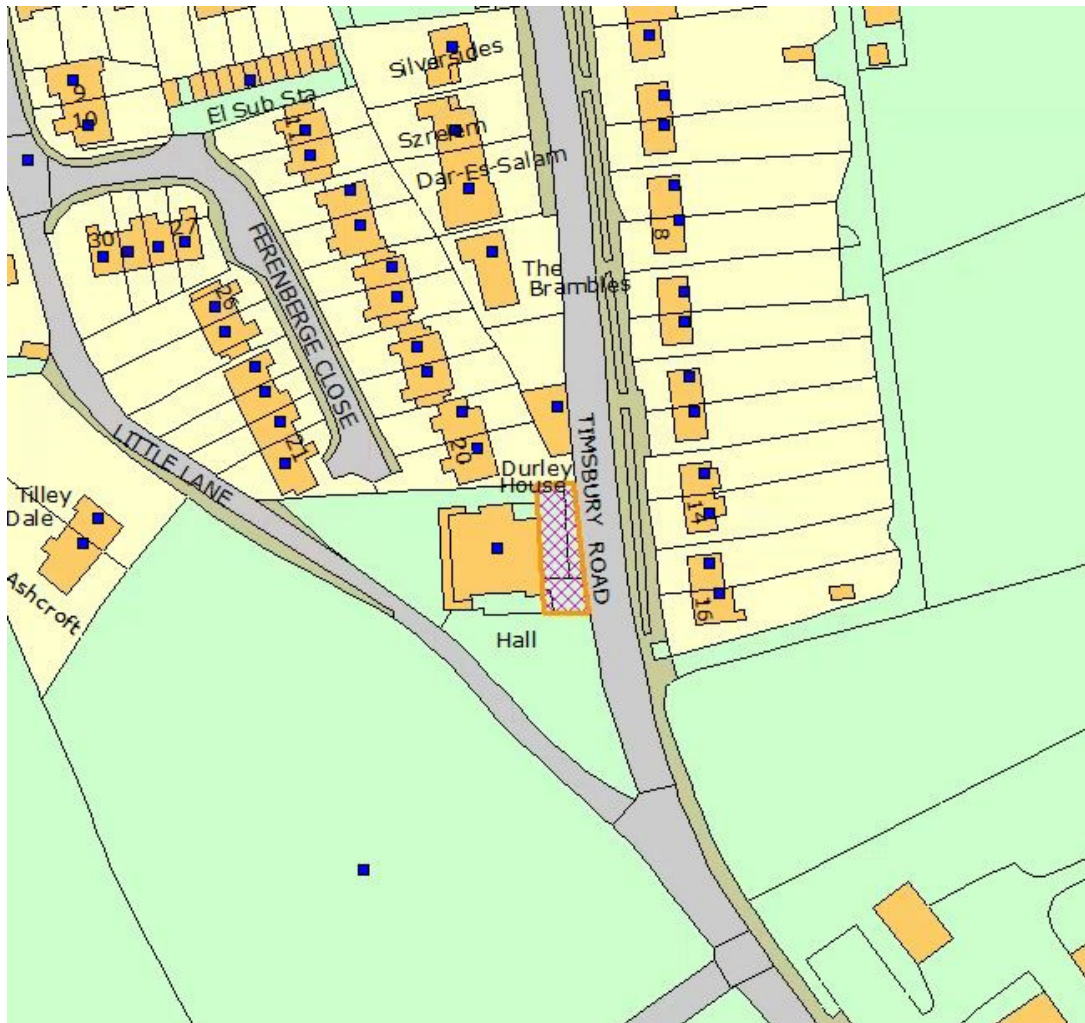
Bespoke Trigger - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

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

Where approval of further information is required you will need to submit 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](http://www.planningportal.co.uk) or send it direct to [planning\\_registration@bathnes.gov.uk](mailto: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.

3 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.

**Item No:** 06  
**Application No:** 16/04284/FUL  
**Site Location:** Farmborough Memorial Hall Little Lane Farmborough Bath Bath And North East Somerset



**Ward:** Farmborough

**Parish:** Farmborough

**LB Grade:** N/A

**Ward Members:** Councillor S Davis

**Application Type:** Full Application

**Proposal:** Erection of community shop

**Constraints:** Affordable Housing, Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary, SSSI - Impact Risk Zones,

**Applicant:** Farmborough Community Shop Management Committee

**Expiry Date:** 28th October 2016

**Case Officer:** Alice Barnes

## REPORT

Reason for reporting the application to committee

The application is being referred to the committee at the request of Councillor Sally Davis

#### Description of site and application

Farmborough Memorial Hall is located to the south east of Farmborough village. The building is sited between Timsbury Road to the east and Little Lane to the west. The site is accessed from Little Lane where there is a vehicular access.

This is an application for the construction of a side extension to the existing village hall on the eastern elevation. The extension would be used as a community shop. There is currently no shop within the village. The shop is proposed to be used 08:00 to 19:00, Monday to Friday, 08:00 to 13:00 Saturdays and 08:00 to 11:00 on Sundays.

The proposed extension would be a single storey of a lower height than the existing building. It would be timber clad with a metal roof and includes a pitched roof with gable ends. The existing boundary hedge would be retained. The entrance to the shop would be from the south elevation adjacent to the existing garden. Deliveries would be via the north elevation forming the rear elevation of the shop.

#### Relevant History

There is no relevant history relating to this application.

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

Farmborough Parish Council: Support with the following comments;

The drawings do not show a gap between the memorial hall and the proposed building.

No supply deliveries to the shop should occur during school hours.

The roof pitch could be imposing on neighbouring buildings.

The rear access includes steps and should include a ramp for disabled access.

The community shop may appear imposing as it will be raised above road level. The boundary hedge should be replaced after construction.

The parish council would like to be part of the discussion for the materials.

#### Highways:

While it's expected the shop will generate additional traffic movements in the vicinity, this will not have a severe impact on the operation of the local highway network due mainly to the small scale nature of the development.

Visibility from the access is considered sufficient with the provision of a 2.4m x 25m visibility splay which satisfies Manual for Streets (MfS) guidelines for a 20 mph speed limit. There are no records of accidents in the vicinity of the site (Timsbury Road and Little Lane) over the three year period up to and including 30th June 2016 which demonstrates that there are currently no road safety issues.

The existing site accommodates up to 12 no. parking spaces within the hardstanding area between the hall and Little Lane. There are no proposals in place to alter the existing parking arrangements. Although the proposed shop will have a parking requirement of up to 3 no. spaces, it is acknowledged that there will be very little overlap between the use of the hall and the shops opening hours.

Although the shop will generate additional traffic movements due to its location in the south-eastern edge of the village, Highways DC acknowledge that the majority of

residents would be within 500m of the proposed shop which is within the 'acceptable' walking distance.

Highways DC are satisfied that the proposed shop will not result in an unacceptable increase in vehicular movements and therefore will not have a severe impact on the safety and operation of the local highway network. Furthermore, the provision of a shop within the village will provide the residents of Farmborough with a vital service which currently does not exist and will likely result in a reduction in vehicle trips to the various convenience stores outside the village.

**Arboriculture:** The site includes a number of significant trees including two Scots Pine and an Ash. None should be affected by the proposals subject to the erection of the tree protection fencing shown on the Proposed Site Layout (drawing L012 rev A).

**Representations:** 6 representations have been received objecting to the application for the following reasons;

The current location is wrong. The shop should be somewhere more prominent or central with better parking and access.

With local stores in local Co-Op shops at Marksbury and Timsbury as well as major Tesco stores in Keynsham and Midsomer Norton/Radstock I feel that the Farmborough village shop will probably be a white elephant.

The transport statement quotes figures from 2014 and user figures from 2015/16 should be provided.

Additional regular users will be affected. There were 14 days which would cross over with the shop opening times.

Little lane is a single track with no passing place other than the hall itself.

There is minimal parking at the hall.

The pedestrian entrance onto Timsbury Road is a dangerous point of access.

There is no pavement on Little Lane.

When there are events in the hall people park in Timsbury Road restricting space for passing traffic.

The building will result in a loss of light to nearby properties on Ferenberge Close and will obstruct views.

The refuse collection point is located close to Ferenberge Close.

The roads cannot cope with the increased traffic levels.

Parking at the site is inadequate.

What are the plans if the shop is unsuccessful?

The drawings are not accurate and Little Lane is narrower than is shown on the drawings.

Pedestrians could not use the lane if a car is using the lane.

5 representations have been received in support of the application for the following reasons;

Farmborough has been without a shop for a number of years and this will reduce car journeys.

It will be a place for people to see and meet others.

Children will be able to walk there without having to go to Timsbury.

It will be stocked with local goods which is good for local businesses.

The shop will be a valuable and much needed asset for the growing village.

The proposed location is the most practical given the land and funds available.

The opportunity to shop locally is welcomed.

Villagers will be able to visit the shop on foot.

## **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  
RA3 - Community facilities and shops

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  
S.9: Retention of local needs shops outside the identified centres and development of new small scale local shops  
CF.1: Protection of land and buildings used for community purposes  
T.24: General development control and access policy  
SC1 : Settlement classification  
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  
ST.7 - Transport requirements for managing development  
LCR1 - Safeguarding local community facilities  
CR1 - Proposals for retail development outside of centres - the Sequential Test  
CR4 - Dispersed Local Shops

## **OFFICER ASSESSMENT**



The application site is located to the south eastern edge of Farmborough. It is located within the housing development boundary of the village. The site is currently occupied by the village hall and the proposed shop would operate within an extension to be constructed to the side of the hall. Parking is proposed to be provided within the existing hall car park. The shop is proposed to be used 08:00 to 19:00, Monday to Friday, 08:00 to 13:00 Saturdays and 08:00 to 11:00 on Sundays.

## Principle

Policy RA3 of the core strategy relates to community facilities. It states that proposals for the development of shops within and adjoining all villages will be acceptable provided that they are of a scale and character appropriate to the village. Policy S.9 of the local plan also relates to the provision of local shops. It states that the council will grant permission for appropriately located small-scale local shops within R1 defined settlements with reference to policy SC1. Farmborough is identified as an R1 settlement.

In this case the proposed development would provide a small shop for the local community where there are currently no shops within the village. The proposed shop would therefore comply with policy RA3 of the core strategy and policy S.9 of the local plan.

Policy CF.1 of the local plan seeks to retain existing community uses. In this case the proposed development would retain the existing community hall providing the shop in an extension. Therefore the proposed development would not prejudice the aims of policy CF.1.

## Design

The proposed extension would be a single storey. The proposed ridge height has been set below the existing ridge height so that the proposed extension appears subservient to the host building. The provision of a pitched roof and gable end would complement the existing built form of the property. The proposed timber cladding is not characteristic of the building. However given that timber cladding would be used over a small area of the overall building it is considered to be appropriate in this instance. A schedule of materials can be required by condition.

## Highways

It is anticipated that the shop will require 2 -3 parking spaces based on an average stay of 20 to 30 minutes, and that these spaces will be shared with the memorial hall use.

The application has been accompanied by detailed transport statement and the highways officer has submitted detailed comments with regards to the application.

Details of regular bookings for the hall during 2014 have been submitted which outline bookings that may typically occur during the shops opening hours. The information suggests that in an average week, the hall will be in use for up to 6.5 hours during shop opening hours. This would indicate that the shop and hall will be in operation simultaneously for approximately 10% of the time when the shop will be open (63 hours/week), with the hall being unused for the remaining 90% of the time.

Details of occasional bookings during 2014 have also been included. While the hours of use are longer for the events listed, these are very infrequent with just 3 events occurring during 2014, and all on a Saturday. Furthermore, these events generally open to the public from 14:00, when the shop will be closed for business.

The transport statement has also outlines trip generation details associated with delivery vehicles which will only be 1-2 trips per week.

While it's expected the shop will generate additional traffic movements in the vicinity, this will not have a severe impact on the operation of the local highway network due mainly to the small scale nature of the development. While there may be concerns during times when the shop opening times coincide with events at the Memorial Hall, this will only be an issue for approximately 10% of the time when the shop is in operation.

The site will be accessed off Little Lane which currently serves the Memorial Hall. Little Lane is a lightly trafficked single-track lane which links Timsbury Road to Meadway and is mainly used to access residential areas in the village. The lane develops into a 2-way road from the junction with Ferenberge Close up to Meadway though it's noted that vehicles have a tendency to park along this section of the road thus restricting two-way flow at this location. The single-track section of the lane runs from Ferenberge Close past the site and forms a priority junction with Timsbury Road. It is noted that this section of Little Lane only serves two private dwellings (Tilley Dale and Ashcroft) as well at the site.

It is noted that the footpath along Little Lane terminates just south of the junction with Ferenberge Close, requiring pedestrians wishing to access the site to walk on the highway for approximately 100m. However, as alluded to above, the lane is very lightly trafficked and vehicle speeds are generally low due to the 20mph speed limit as well as the substandard nature of the lane. It is therefore accepted that the route is appropriate for occasional shared use between pedestrians and vehicles. It is also likely that the route is currently used by pedestrians to access the Memorial Hall. The transport statement also makes reference to access for cyclists and bus routes serving the village which has been acknowledged.

Visibility from the access is considered sufficient with the provision of a 2.4m x 25m visibility splay which satisfies Manual for Streets (MfS) guidelines for a 20 mph speed limit. There are no records of accidents in the vicinity of the site (Timsbury Road and Little Lane) over the three year period up to and including 30th June 2016 which demonstrates that there are currently no road safety issues.

The proposal to close off the existing pedestrian access from the site directly onto Timsbury Road (where pedestrian facilities are absent on the nearside) is acknowledged. This access is considered unsafe for pedestrian use and thus the closing off of this access will benefit highway safety.

The existing site accommodates up to 12 no. parking spaces within the hardstanding area between the hall and Little Lane. There are no proposals in place to alter the existing parking arrangements. Although the proposed shop will have a parking requirement of up to 3 no. spaces, it is acknowledged that there will be very little overlap between the use of

the hall and the shops opening hours. Highways DC therefore do not envisage any severe impacts on the public highway in relation to parking.

The provision of a delivery area for the shop with deliveries planned during less busy periods only is also acknowledged. The transport statement also includes swept path analysis for delivery vans which demonstrate that these vehicles can access and depart the site safely in a forward gear.

Although the shop will generate additional traffic movements due to its location in the south-eastern edge of the village, it is acknowledged that the majority of residents would be within 500m of the proposed shop which is within the acceptable walking distance. Furthermore, Paragraph 4.4.1 of manual for streets recommends that walkable neighbourhoods should have a range of facilities within 10 minutes' (up to about 800m) walking distance of residential areas.

The transport statement has outlined the distances from the various nearby convenience stores to Farmborough village centre. This suggests that the nearest shop is located approximately 1 mile from Farmborough therefore exceeding the 'preferred maximum' walking distance. The opening of the proposed shop, while generating additional vehicle and pedestrian movements on Little Lane and the immediate vicinity, may actually result in a reduction in trips to the various stores referred to in the transport statement.

While it's anticipated that the shop will be mainly used by the residents of Farmborough, there is a bus service on Timsbury Road with the nearest bus stops located within 200m of the site which is also within the acceptable walking distance.

The highways officer is satisfied that the proposed shop will not result in an unacceptable increase in vehicular movements and therefore will not have a severe impact on the safety and operation of the local highway network. Furthermore, the provision of a shop within the village will provide the residents of Farmborough with a vital service which currently does not exist and will likely result in a reduction in vehicle trips to the various convenience stores outside the village.

### Amenity

The proposed shop is located close to residential properties along Ferenberg Close which is situated to the north of the site. The proposed opening hours will restrict the use of the shop to a daytime use and the shop will not operate during anti-social hours. The operation of the shop will be unlikely to harm the amenity of nearby residents.

Concern has been raised within the representations that the refuse collection and deliveries will cause disruption to properties in Ferenberg Close. The applicant has provided details of the proposed deliveries. There will be a daily delivery of newspapers in a small car or van. One to two times a week there will be a delivery of general stock within a large transit van. On this basis the provision of deliveries will be on a limited basis and is not considered to be harmful to the amenity of nearby occupiers. The refuse store will be located within the north west corner of the site. The refuse store has been set back from the boundary with nearby dwellings and details of the refuse store can be required by condition to ensure that this does not result in harm to nearby residents.

## **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 Parking (Compliance)**

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

Reason: To ensure sufficient parking and turning areas are retained at all times in the interests of amenity and highways safety in accordance with Policy T.24 of the Bath and North East Somerset Local Plan.

### **3 Construction Management Plan (Pre-commencement)**

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

Reason: To ensure that safe operation of the highway and in the interests of protecting residential amenity in accordance with Policies T.24 and D.2 of the Bath and North East Somerset Local Plan. This is a condition precedent because any initial construction or demolition works could have a detrimental impact upon highways safety and/or residential amenity.

### **4 Arboriculture (Pre-commencement)**

No development shall commence until tree protective fencing has been erected in the location indicated on the Proposed Site Layout. Unless otherwise agreed in writing with the local planning authority the fencing shall be 1.2m high and consist of fencing supported by a rigid framework braced or driven into the ground to resist impacts. This fencing shall remain in place during site works.

Reason: To ensure that the trees are protected from potentially damaging activities in accordance with policy NE.4 of the Bath and North East Somerset Local Plan

### **5 Refuse store (Prior to operation)**

Prior to the operation of the proposed shop details of the proposed refuse store should be submitted to an approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the details so approved.

Reason: In the interests of residential amenity and in accordance with policy D.2 of the Bath and North East Somerset Local Plan

#### **6 Materials - Submission of Schedule and Samples (Bespoke Trigger)**

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

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policies 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.

#### **7 Plans List (Compliance)**

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

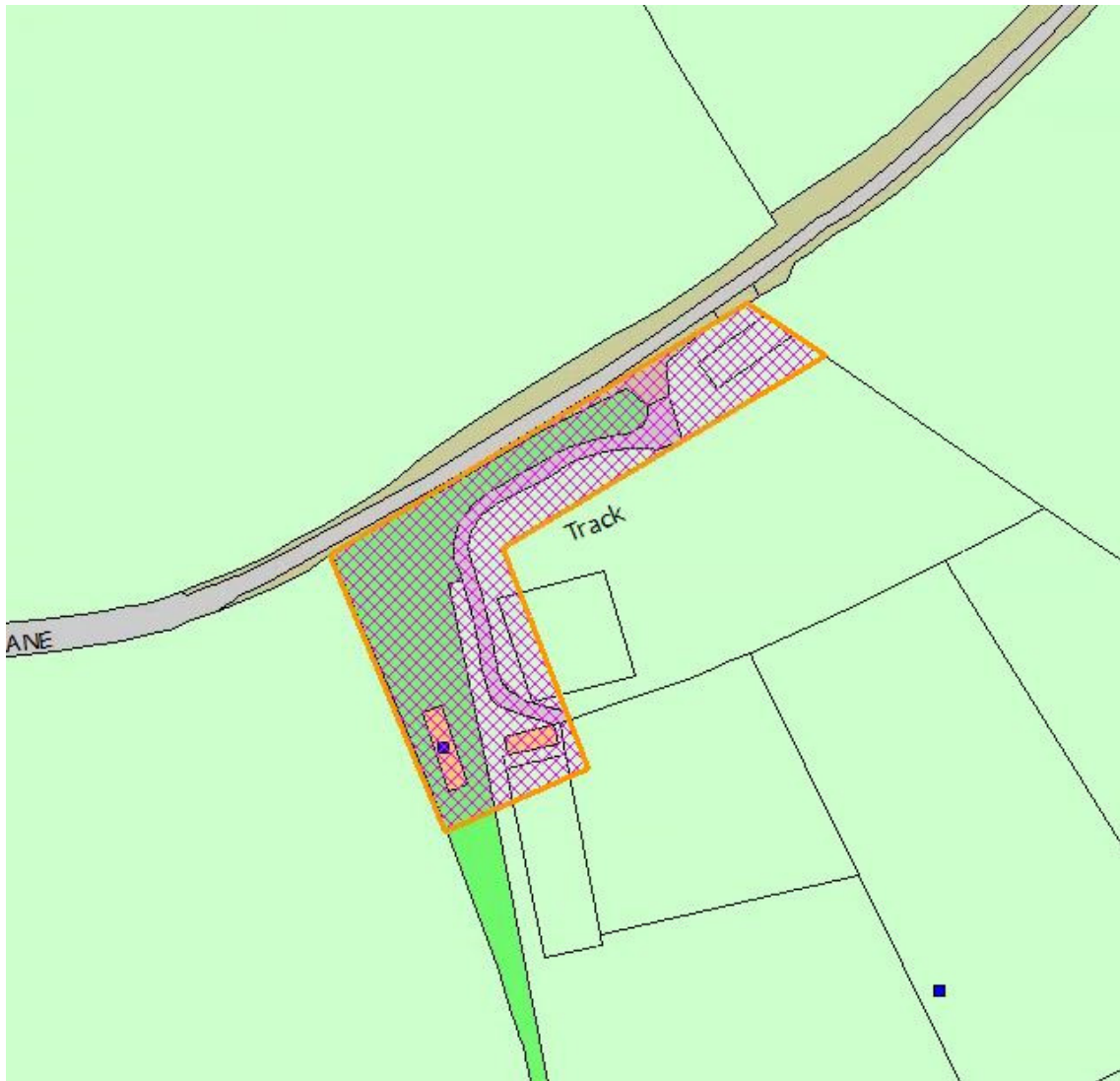
Reason: To define the terms and extent of the permission.

#### **PLANS LIST:**

1 Site location plan L001 rev C  
Existing site layout L002 rev B  
Existing elevations L003 rev A  
Proposed site layout L012 rev B  
Proposed plans and elevations L020 rev 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. 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:** 07  
**Application No:** 16/03652/FUL  
**Site Location:** Applegate Stables Shockerwick Lane Bathford Bath BA1 7LQ



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

**Application Type:** Full Application

**Proposal:** Erection of additional livery stables and a rural workers accommodation unit

**Constraints:** Affordable Housing, Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Greenbelt, MOD Safeguarded Areas, SSSI - Impact Risk Zones,

**Applicant:** Mrs R Dymond-Hall

**Expiry Date:** 26th October 2016

**Case Officer:** Nicola Little

## **REPORT**

The application seeks permission for a rural workers accommodation unit and additional livery stables on land benefitting from an established equestrian use.

The application site, known as 'Applegate Stables', is situated on the South side of Shockerwick Lane, Bathford, Bath, on land designated as Green Belt and within the Cotswolds Area of Outstanding Natural Beauty (Cotswolds AONB). The site is located outside of the housing settlement boundary in an area characterised as predominantly rural in character.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Bathford Parish Council and Cllr Veal - OBJECT on the basis that the proposal represents an unsustainable form of development and presents harm to the Green Belt and Cotswold's AONB.

Cllr Ward - SUPPORT on the basis that the business adds to the local rural economy

Highways - OBJECT

- Development is in an unsustainable location and is contrary to Policy T.1
- Increase in traffic generated by the proposed development considered prejudicial to road safety
- No satisfactory provision for parking
- No adequate turning facilities incorporated into design which is essential to highway safety

No other third party objections received

3 Letters and signatures of support

The Council's scheme of delegation in regard to planning applications states that "an application has been subject of a letter of objection, comment or support from the Ward Councillor for the area including the application site (or for an adjoining area) which is contrary to officer recommendation, when there shall be prior consultation with the Chair of the Development Control Committee before a decision is made whether or not to refer the application to committee. For the purpose of this section, letters of objection or support that do not give Planning Policy based reasons will be disregarded, although all representations will be taken into account in determining the application".

As the officer's recommendation was contrary to Cllr Ward's representation and the decision of the Council's independent agricultural assessor, the application was duly referred to the Chairman of the Development Management Committee who considered that although the officer's report has assessed the application under the relevant policies, as questions remain on some aspects it is recommended that the application be taken to Development Management Committee for decision.

## **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 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 should be considered:

CP6 - Environmental Quality  
CP8 - Green Belt

Saved Policies relevant to this application in the Bath and North East Somerset Local Plan, including Minerals and Waste Plan, are:

D.2 - General Design and public realm considerations  
D.4 - Townscape considerations  
HG.10 - Housing outside settlements (agricultural and other essential dwellings)  
GB.2 - Visual Amenities of the Green Belt  
NE.1 - Landscape Character  
NE.2 - Areas of Outstanding Natural Beauty  
SR.12 - Commercial Riding Establishments

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. Although currently the Placemaking Plan has limited weight in the determination of planning applications, the following policies are deemed relevant to this application:

CP8 Green Belt  
GB1 Visual Amenities of the Green Belt  
D2 Local Character & Distinctiveness  
D6 Amenity  
NE2 Conserving and Enhancing The Landscape And Landscape Character  
RE4 Essential dwellings for rural workers

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

Section 3: Supporting a prosperous rural economy  
Section 9: Protecting Green Belt Land  
Section 11: Conserving and enhancing the natural environment

## **OFFICER ASSESSMENT**

The principal questions and matters to consider as part of this application are:



- Whether the proposed dwelling may be considered essential for the purposes of agriculture and forestry (and whether it may be assessed under the criteria and tests of saved policy HG.10)
- The impact of the proposal upon the Green Belt, including openness and visual amenity
- The impact of the proposal upon the character of the Cotswold's Area of Outstanding Natural Beauty (Cotswold's AONB)
- Sustainability and Impact upon Highways

The Local Planning Authority refused planning permission for the erection of a temporary equestrian workers dwelling on the application site in 2010 (reference: 10/00737/FUL) citing the following reasons for this decision:

1. The proposal will introduce a new dwelling outside the defined Housing Development Boundary, which is not essential for agricultural or forestry workers and would therefore result in an unsustainable form of development, contrary to PPS7, PPG13 and Policy HG.10 of the Bath and North East Somerset Local Plan, including minerals and waste policies - adopted October 2007.

2. The proposal to introduce a new dwelling into the Green Belt would represent inappropriate development in the Green Belt, which by definition is harmful. No very special circumstances have been demonstrated to clearly outweigh the presumption against inappropriate development in the Green Belt. The proposal is therefore contrary to PPG2 and Policy GB.1 of the Bath and North East Somerset Local Plan, including minerals and waste policies - adopted October 2007.

3. The proposal would introduce a new building onto an elevated site, thus intensifying the use, would be harmful to the openness, rural character and visual amenities of the area. This is contrary to Policies GB.2 and NE.2 of the Bath and North East Somerset Local Plan, including minerals and waste policies - adopted October 2007.

Policy HG.10 of the saved Bath and North East Somerset Local Plan sets out the parameters in relation to the provision of dwellings outside of settlement boundaries. As a primary factor to consider, this policy states that dwellings outside settlements will not be permitted unless they are deemed to be essential for the purposes of agriculture or forestry.

The case officer for refused application 10/00737/FUL stated that the Local Planning Authority at that time did not consider the enterprise at Applegate Stables to be agricultural, citing *Belmont vs. MHLG* (1962) in support of the position that the breeding and training of horses does not fall within the definition of agriculture. Although this remains the position of the Council, it is necessary to acknowledge that since the refusal of application 10/00737/FUL, the Council has granted a Certificate of Lawfulness for an Existing Use (CLEU) which has established the lawful change in use of the application site from agricultural to livery/equestrian centre (reference: 15/05340/CLEU). Neither the National Planning Policy Framework (NPPF) nor the National Planning Practice Guidance (NPPG) makes specific reference to dwellings required in connection with horse related establishments. However, Annex A of cancelled Planning Policy Statement 7 (PPS7) acknowledged that there may be instances where special justification exists for new isolated dwellings associated with 'other' rural based enterprises and that in these cases

the Local Planning Authority should apply the same criteria and principles as set out in relation to proposals for agricultural and forestry dwellings. Whilst it is important to note that the Council considers that PPS7 can no longer be given any material weight in planning application having been superseded by the NPPF and NPPG, the pre-text for saved policy HG.10 also states that outside of settlement boundaries 'special need may arise for accommodation which is essential for the efficient operation of the rural economy' and that this exception is 'in line with PPS7'.

Therefore, whilst the final wording of saved policy HG.10 is clear in that it stipulates that 'new dwellings will not be permitted unless they are essential for agricultural or forestry workers', the current proposal may be considered to relate to a circumstance where a 'special need' has arisen in relation to an equestrian rural based enterprise. Accordingly, the current proposal will be assessed under the same criteria and principles as saved policy HG.10.

Saved policy HG.10 states that a new dwelling will only be permitted where:

- There is a clearly established existing functional need and financial justification for a worker to live on the holding
- The need is for accommodation for a full-time worker
- It is sited:
  - (a) within a hamlet or existing group of dwellings or buildings; or
  - (b) elsewhere in the countryside only when (a) above is not feasible;
- occupancy is restricted to agricultural or forestry workers

The proposal seeks permission to expand the application site's current stabling facilities and to erect a dwelling whereby 24 hour supervision may be provided by the site owner, allowing breeding and 24 hour care of horses to occur on site. It has been stated that the aim of the applicant with regards to her business is "to create a small, private breeding and training establishment producing quality British Sport Horses" (Design and Access Statement).

The applicant has stated that there are currently two brood mares and one stallion owned by the business and that this comprises the present breeding program. The stallion is currently kept off site at a facility which provides 24 hour care. The broodmares are also kept off site up to two months before foaling and thereafter until the foals are 6 weeks old. Under the current application, it is proposed to relocate the stallion to Applegate Stables whereby he may be used to cover mares throughout the breeding season. The business plan also states that there is an expectation for the applicant to purchase and keep an additional 2 brood mares for breeding on site alongside a provision for current and/or future clients to breed their own mares with the resident stallion. The level of horse breeding referenced within the business plan and design and access statement implies that this practice would become the principal commercial use of the site and the function which requires 24hour supervision.

It will be widely known and acknowledged that horse breeding enterprises will have the strongest case when it comes to citing an essential functional need, owing to the requirement for animal welfare and the specific needs of animals during foaling. The agent in this case has referenced general examples of horse-related animal welfare issues whereby 24 hour care and site supervision may have some benefit and has affirmed,

again with general reference to specific incidences, the concept of an essential functional need in relation to brood mares and foals. In this instance, however, it would appear that the primary function of the application site and business is as a livery and public riding school. The applicant states that there are currently four full time liveries and two part time liveries on site. The provision for full livery as part of the business is, however, not considered to require 24-hour site presence and it may be acknowledged by the applicant that this element of the business has functioned successfully for a number of years without the need for an on-site presence.

Therefore, with regards to the creation of a significant breeding and training facility at the application site (whereby some of the aforementioned animal welfare issues might be deemed applicable), although the CLEU established that some breeding and training of horses has been occurring in association with the application site over the years, this practice is deemed small-scale and as secondary to the actual business use. Indeed, the applicant has stated that the current breeding of competition horses takes place "offsite". The officer, therefore, does not consider that there is a clearly established existing functional need for a worker to live on the holding.

Furthermore, whilst the financial benefits of relocating the owned stallion and brood mares to Applegate Stables may be acknowledged, this benefit is deemed to be of a personal nature. The principal fact is that the current lack of a 24hour presence on the site does not appear to have affected the profitability and sustainability of the existing, established business (which appears to be robust). Consequently, there does not appear to be a clearly established existing financial need for a worker to live on the holding and therefore the proposal for on-site accommodation may not be considered as essential.

In light of the above, the proposal is considered to fail the principal criteria and test of saved policy HG.10 - that a new dwelling outside of the settlement boundary must be considered essential to support an existing, well established agricultural or forestry (or other) enterprise and will only be permitted where there is clearly an established existing functional need and financial justification for a worker to live on the holding.

Contrary to the above, the Council's independent agricultural assessor has determined in accordance with paragraph 55 of the NPPF that there is a need for a temporary dwelling on the site "to allow the applicant to develop the equestrian business". This determination has been made on the basis of the submitted business plan and the agent's belief in the capabilities of the applicant to establish a private breeding and training establishment at the site.

Paragraph 55 of the NPPF states that -

Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- the essential need for a rural worker to live permanently at or near their place of work in the countryside

As previously set out, the officer does not consider that there is an established existing functional need or financial justification for a worker to live on the holding as required under the criteria of saved Bath and North East Somerset Plan policy HG.10. As such, it is

also considered that there are no special circumstances at the present time which would render the proposal acceptable under the NPPF.

It is clear that the site represents a valuable local community facility by providing lessons to children. The riding school has been in operation for a number of years (as established by the CLEU) and currently the business is stated as supporting the full time employment of the applicant, a groom and one part-time apprentice. In this respect, the equestrian business may already be considered as developed and as positively contributing towards the efficient operation of the rural economy.

Whilst the officer also acknowledges the obvious capabilities of the applicant, the language of the business plan and design and access statement in respect of the creation of a private breeding establishment is considered to be largely speculative and aspirational. In this respect, the expansion or else reinvention of the application site into a professional private breeding and training facility with a 24hour on-site presence is considered to be a personal goal of the applicant rather than an essential functional or financial need of the rural enterprise. As previously stated the principal function of the business is as a successful livery and riding stables that has operated for several years without an site accommodation. Therefore, it is the officer's opinion that there is not a justifiable essential functional or financial need for a rural worker to live permanently at the site; nor is it considered appropriate for a temporary permission to be granted on the basis of developing one aspect of the current business (i.e. private breeding of competition horses).

It has therefore been considered that the current proposal again seeks to introduce a new dwelling outside the defined Housing Development Boundary which is not deemed essential (as was the case with prior application 10/00737/FUL). The proposal would therefore result in an unsustainable form of development, contrary to saved policy HG.10 of the Bath and North East Somerset Local Plan, including minerals and waste policies - adopted October 2007.

## Highways

The Highways officer has recommended refusal of the application for the following reasons:

- The proposal, located remote from services, employment opportunities and being unlikely to be well served by public transport, is contrary to the key aims of Policy T.1 of the Bath & North East Somerset Local Plan (including mineral and waste policies) Adopted October 2007; Policy 1 of the Bath and North East Somerset, Bristol, North Somerset and South Gloucestershire Joint Replacement Structure Plan; and the National Planning Policy Framework, which seeks to facilitate the use of sustainable modes of transport.
- The increase in the use made of the Shockerwick Lane by traffic generated by the proposed development, would be prejudicial to road safety and therefore contrary to Policy T.24.

- The proposed plan has not demonstrated that an acceptable and adequate layout for the parking and turning of vehicles in connection with the proposed uses on this site can be provided. The proposal is therefore contrary to Policy.24.

In addition, the Highways officer has stated that they are unconvinced by the statements on traffic generation levels provided within the Traffic Statement and therefore this information may be considered unreliable. It is considered that the levels of movement to and from site estimated within the Transport Statement may not be commensurate with similar facilities and it may be assumed that an increase in horses to be accommodated on site will also increase the visits to the site by owners/riders/horses together with ancillary visits by vets/farriers/etc. In Highways opinion, the proposal would result in an unacceptable potential for increased traffic to and from the site using sub-standard access lanes which are narrow and steep (in places) without safe passing places. The proposal has therefore been recommended for refusal on highways grounds.

#### Impact upon landscape character and Green Belt

With regards to the impact of the proposed dwelling on the Green Belt and surrounding AONB, the current proposal is similar to what was refused by the Council in 2010 under application 10/00737/FUL. The principal of the 2010 refusal and the policy position remains unchanged and therefore the officer does not intend to repeat the material factors and considerations which have already been stated by the Council in this respect. It is deemed sufficient to state that the proposal would again seek to introduce a new dwelling and buildings on land designated as Green Belt, and that therefore the proposal would represent inappropriate development within the Green Belt, which by definition is harmful.

Unlike the previous refused and withdrawn applications, the applicant has submitted a statement of very special circumstances to demonstrate why they believe this scheme overcomes the presumption against inappropriate development in the Green Belt and thus why this application should be approved.

The VSC case refers to several appeal decisions from other authorities where permission for similar schemes have been allowed. The VSC case also progresses the argument that there is an essential need for this development on site and reiterates the business aspirations for the site arguing that its discrete location means the development will not be obtrusive in the landscape. These matters have already been considered and refuted above. Officers are of the view that the additional statements by the agent do not add anything further that has not already been considered. The applicant acknowledges that "'Very Special Circumstances' are generally perceived to be reasons that can only apply to the applicant and no one else, making them unique and exceptional to support the proposal." Officers would argue that the circumstances of this proposal are not exceptional having dealt with similar applications in other parts of the district (indeed the fact appeal decisions from other authorities have been provided to support the VSC case is indicative that the situation is not unique).

Officers have considered the three appeal decision examples provided by the applicant however each case must be treated on its own individual planning merits. Of the three cases, only two are within the Green Belt and all proposed temporary not permanent accommodation on site. Two of the cases relate to sites that were operating with more horses than are currently at Applegate Stables and both were established businesses

evidencing financial viability. Notwithstanding the submitted appeals, Officers remain of the view that no very special circumstances exist to outweigh the harm to the green belt. In forming this view, Officers have had regard to appeals that have been dismissed in respect of on-site accommodation to support horse related enterprises, including examples in the B&NES district. For example, Manor Farm, Chewton Keynsham where an appeal hearing was dismissed. In that particular case the Inspector stated "Local Plan policy HG.10 seek to strictly control residential development in the open countryside. One of the few circumstances in which isolated housing may be justified is when it is essential for full-time workers to live at their place of work, and both the above policies set out criteria which must be met. I have had particular regard to the advice in PPS 7 concerning temporary dwellings, which I accept can include rural based, non-agricultural occupational dwellings. This makes clear that whether housing is essential will depend on the specific needs of the enterprise and not on the personal preferences or circumstances of any of the individuals concerned". That case related to a well established livery in the green belt accommodating more horses than Applegate Stables.

Whilst the Council's independent agricultural assessor has considered that the granting of a temporary permission might be appropriate, the officer does not consider that the proposed dwelling may reasonably be conditioned to be temporary owing to its design and the degree of permanency it affords. The officer also does not consider that it would be appropriate to grant temporary permission for additional stables, as these buildings also possess and will accrue a degree of permanency. The proposal is therefore considered contrary to saved policy CP8 of the Bath and North East Somerset Core Strategy adopted July 2014 and paragraphs 87, 88, 89 of the National Planning Policy Framework March 2012.

Lastly, the proposal would once more seek to introduce new buildings onto a prominent and elevated site and as such would be considered as harmful to the openness, rural character and visual amenities of the area. Furthermore, the erection of additional stables would further intensify the use of the site which is considered as having limited capacity for expansion. This element of the proposal would therefore also be considered inappropriate and to cause harm to the openness and visual amenities of the Green Belt and landscape character of the surrounding Cotswold's AONB. Whilst the applicant has submitted a visual impact assessment in an attempt to address some of these concerns, the information and recommendation provided by this report is deemed insufficient. The report does not resolve the overriding fact the development would be located on a prominent and elevated site (despite existing vegetation) and it is not considered appropriate to employ further screening of the site as a ways of reducing its visual impact as this would be considered as further adversely affecting openness and character. The proposal therefore neither conserves nor enhances the character and local distinctiveness of the landscape. It is therefore considered the proposal is contrary to saved policies GB.2, NE.1 and NE.2 of the Bath and North East Somerset Local Plan.

In conclusion, after consideration of all relevant factors, the officer has reached the determination that the application should be refused.

## **RECOMMENDATION**

REFUSE

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

1 The proposal seeks to introduce a new dwelling outside the defined Housing Development Boundary which is not deemed essential for agriculture, forestry or "other" rural based enterprise. It is not considered that there is a special need for the proposed accommodation for the efficient operation of the rural economy. The proposal would therefore result in an unsustainable form of development, contrary to saved policy HG.10 of the Bath and North East Somerset Local Plan, including minerals and waste policies - adopted October 2007.

2 The proposal to introduce a new dwelling and further stable buildings into the Green Belt would represent inappropriate development in the Green Belt, which by definition is harmful. No very special circumstances have been demonstrated to clearly outweigh the presumption against inappropriate development in the Green Belt. The proposal is therefore contrary to policy CP8 of the Bath and North East Somerset Core Strategy adopted July 2014 and paragraphs 87, 88, 89 of the National Planning Policy Framework March 2012.

3 The proposal would introduce new buildings onto an elevated site; would be harmful to the openness, rural character and visual amenities of the surrounding area and would result in an inappropriate intensification in use of the land. The proposal is therefore considered contrary to Saved Policies GB.2. NE.1 and NE.2 of the Bath and North East Somerset Local Plan, including minerals and waste policies - adopted October 2007.

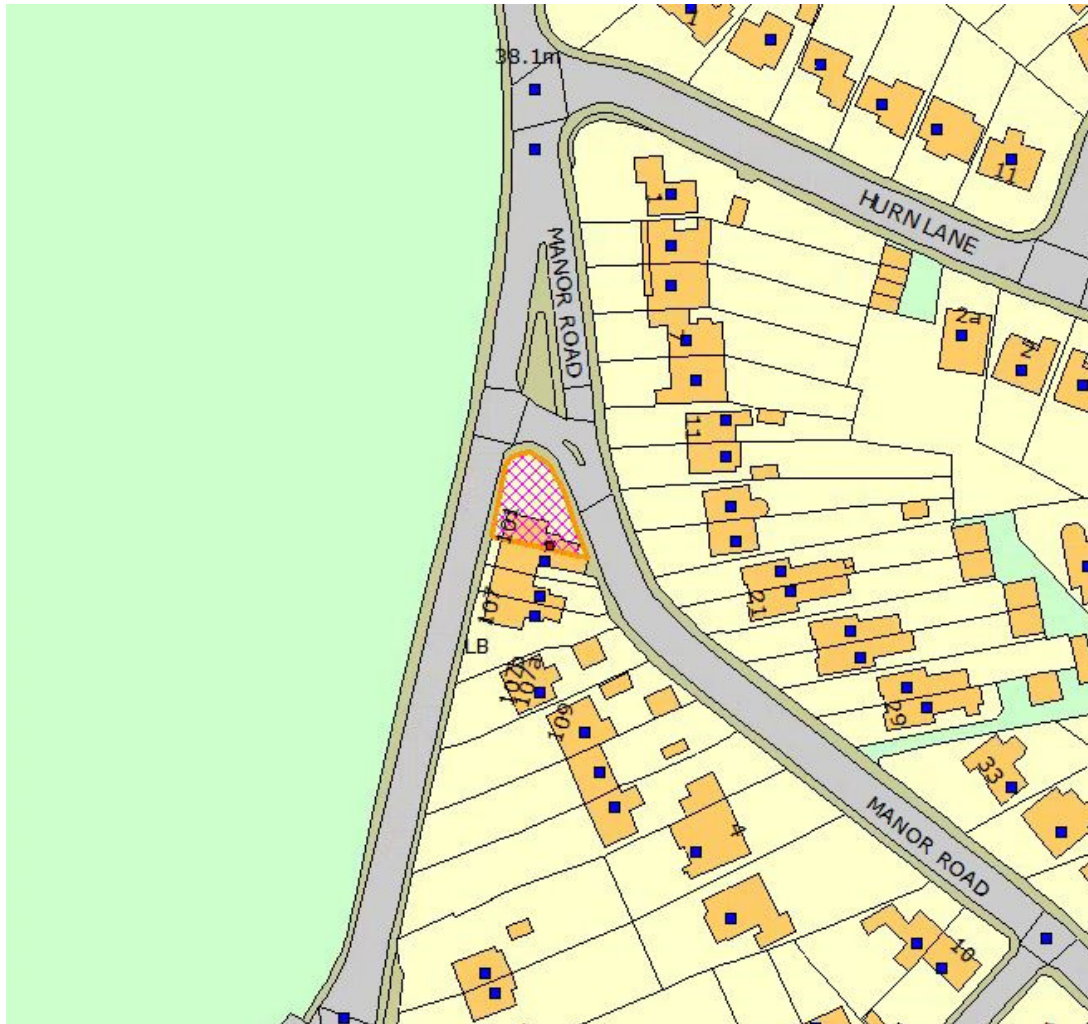
#### **PLANS LIST:**

This decision relates to the submitted LOCATION PLAN; drawings AL(0)04 Rev A - EXISTING ELEVATIONS and AL(0)02 Rev A - EXISTING SITE PLA (both dated April 2016 and submitted 05 September 2016); drawing AL(0)10 Rev B - PROPOSED SITE PLAN dated June 2014; drawing AL(0)11 Rev A - PROPOSED ELEVATIONS dated June 2014, and drawing AL(0)12 - PROPOSED BUILDINGS dated July 2014 all submitted 19 July 2016.

The decision also relates to the submitted Design and Access Statement dated July 2016; Visual Impact Review dated July 2016; Transport Statement dated August 2016; and Business Plan dated June 2016

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

**Item No:** 08  
**Application No:** 16/04282/FUL  
**Site Location:** 101 Wellsway Keynsham Bristol Bath And North East Somerset BS31 1HZ



**Ward:** Keynsham East                      **Parish:** Keynsham Town Council                      **LB Grade:** N/A  
**Ward Members:** Councillor Marie Longstaff Councillor Bryan Organ  
**Application Type:** Full Application  
**Proposal:** Erection of an extension to form 2no 1 bedroom flats.  
**Constraints:** Affordable Housing, Airport Safeguarding Zones, Agric Land Class 3b,4,5, Forest of Avon, Housing Development Boundary, MOD Safeguarded Areas, SSSI - Impact Risk Zones,  
**Applicant:** Ms Lynette Porter  
**Expiry Date:** 28th October 2016  
**Case Officer:** Nicola Little

## REPORT

The application seeks permission for the erection of an extension to no 101 Wellsway, Keynsham to form two additional one bedroom flats.



The application site is located within the housing development boundary and outside of any landscape designation (including Green Belt or Conservation Area).

The application site forms a prominent corner plot on the Wellsway / Manor road junction. The proposed area for development currently consists of a large area of private vehicle parking associated with the main property, 101 Wellsway.

#### RELEVANT PLANNING HISTORY:

16/02916/PA02 (Pre-Application Advice) - Erection of 2no flats as extension

08/04546/FUL Change of use of dwelling (Use Class C3) to mixed use of residential (Use Class C3) and office (Use Class B1) (Retrospective) RF 10.02.2009

09/04034/FUL Change of use of dwelling (Use Class C3) to mixed use of residential (Use Class C3) and office (Use Class B1) (Retrospective) (Resubmission) RF 09.12.2009

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

##### HIGHWAYS -

No Objection - subject to the attachment of specific conditions.

##### 10 Third Party Objections -

The principal concerns of local residents are with regards to Highways safety and provision for parking - lack of on-street parking in surrounding area / removal of on-site parking for 101 Wellsway. Concerns have also been raised regarding private amenity - issues of overlooking and of the development appearing overbearing.

##### Objection from Keynsham Town Council -

Keynsham Town Council have objected on the following grounds: - The proposed erection of an extension to form 2no. 1 bedroom flats would constitute an over development of the site. The design is not satisfactory for the plot. There are traffic and highways safety implications that are not acceptable, being a corner plot facing and backing on to two separate roads both of which already have traffic and highways safety issues.

The Council's scheme of delegation with regards to planning applications states that in instances where an application has been subject of a letter of objection, comment or support from the Town or Parish Council for the area including the application site (or for an adjoining area) which is contrary to officer recommendation, then there shall be prior consultation with the Chair of the Development Control Committee before a decision is made whether or not to refer the application to committee. For the purpose of this section, letters of objection or support that do not give Planning Policy based reasons will be disregarded, although all representations will be taken into account in determining the application.

In this case, as the officer's recommendation was contrary to the representation received by the Local Town Council, the application was duly referred to the Chairman of the Development Management Committee who considered that due to the significant number of local objections received in addition to certain questions regarding matters relating to highways safety, it is recommended that the application be taken to Development Management Committee for decision.

## **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 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 should be considered:

CP6 - Environmental Quality

Saved Policies relevant to this application in the Bath and North East Somerset Local Plan, including Minerals and Waste Plan, are:

D.2 - General Design and public realm considerations  
D.4 - Townscape considerations  
T.1 - Overarching access policy  
T.6 - Cycling Strategy: cycle parking  
T.24 - General development control and access policy

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. Although currently the Placemaking Plan has limited weight in the determination of planning applications, the following policies are deemed relevant to this case:

D1 General urban design principles  
D2 Local character and distinctiveness  
D3 Urban fabric  
D5 Building design  
D6 Amenity

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

Section 4: Promoting sustainable transport  
Section 7: Requiring good design

## **OFFICER ASSESSMENT**

The material considerations for the officer to assess as part of this application are the acceptability of the design of the proposed dwellings, impact upon residential amenity, and concerns regarding highways safety and provision for parking. The principle of residential development has been accepted subject to compliance with all other policies within the local plan.

### **Design**

Pre-application advice was sought prior to the submission of the current application whereby no objection was raised to either the siting, design or appearance of the proposed development. It was considered that the proposed development had been designed as an appropriate continuation of the existing terrace and provided that the new building was constructed from materials to match the adjoining terrace would complement its surroundings and respond positively to local context.

The development is considered to represent a practical infilling of the corner plot and is deemed proportionate in scale. The character of the public realm is also deemed to be maintained.

The proposed development is therefore considered to be in accordance with saved policies D.2 and D.4 of the Bath and North East Somerset Local Plan (including Minerals and Waste Plan), 2007 and Section 7 of the National Planning Policy Framework, 2012.

### **Amenity**

Due to its location and design, the proposal is not considered to significantly affect the residential and/or private amenity of neighbouring properties and their occupants. The development will become semi-detached to property 101 Wellsway and therefore would not appear to be overbearing to the occupiers of this property. Whilst the proposed site for development represents an area of private, outdoor space in association with the existing dwelling, No 101, its current character is that of a parking area and therefore it does not appear to be effectively utilised as domestic garden.

Although a concern has been raised by a neighbour as to lack of privacy due to the siting of proposed windows, the officer is of the opinion that surrounding properties are unlikely to be affected. Opposite neighbouring properties will be situated some 30 metres or more from the proposed development. In addition, the proposed glazing faces the front main road (Wellsway) and side and rear gardens of the dwelling and therefore will not result in increased overlooking of neighbouring properties. The Council will only consult additional neighbours (i.e. those that do not directly adjoin a proposal site) in cases where it is felt necessary to do so. In this instance, it was not felt necessary to contact other surrounding neighbours as the potential for harm to the amenities of these properties was considered minimal.

In consideration of the above factors, the proposed development is not deemed to cause harm to the amenities of existing or proposed occupiers of adjoining properties and is therefore considered to be in accordance with saved policy D.2 of the Bath and North East Somerset Local Plan (including Minerals and Waste Plan), 2007.

## Highways

In response to comments made by Highways at pre-application stage, the applicant has submitted a proposal for a car-free development with no on-site parking provided. A Transport Statement has been submitted in support of this proposal and in order to address concerns regarding insufficient on-site parking the demand for on-street parking in the vicinity of the application site.

A number of local residents and the Town Council have raised concerns regarding the lack of parking provision, the demand for on-street parking, and the general safety of local roads. However, based upon the information provided by the submitted Transport Statement, the Highways officer has stated that the proposed development will not have a severe impact on the local highway network. Whilst the concerns of local residents with regards to the additional demand for on-street parking has been noted, the Highways officer is satisfied that the parking survey has duly demonstrated that there is sufficient space on Manor Road within easy distance of the site to accommodate the required 4 spaces. The survey also demonstrates that there would be ample parking for additional vehicles in the surrounding area (within 200 metres of the site) during the day and evening.

Furthermore, the officer is of the opinion that the removal of the existing on-site parking is deemed a positive aspect of the proposal as this will eliminate the occurrence of vehicles manoeuvring to and from the site at this junction. It has previously been considered that there would be insufficient turning space available for vehicles to depart the site safely should on-site parking be included as part of any development proposals. The manoeuvring of vehicles into and out of the site was considered to increase the conflict of traffic movements close to the Manor Road/Wellsway junction resulting in additional hazard and inconvenience to all users of the road. The highways officer has recommended a condition to require the permanent closure of the existing vehicular access and creation of a footway crossing to ensure that the development continues to be served by a safe access. Therefore, it is considered that the safety and operation of the highway at this location will be improved as a result of the proposal.

In addition, the Transport Statement affirmed that the site is sustainable having good access to a range of essential services and facilities as well as good public transport links, including a frequent bus service to and from Keynsham town centre and a local train station. Therefore, despite residual concerns relating to the walking distance of the site to the town centre, it is considered that occupants of the proposed flats may be more likely to utilise other sustainable means of transport due to the close proximity of bus stops and access to rail services. Thus, reliance on private vehicles may be considered less intense if the proposal remains a car-free development. In addition, it is felt that the development may appeal to those who do not currently own a car or those who would wish to make use of more sustainable methods of transport. In light of this, and in order to further promote more sustainable modes of transport, secure and convenient storage for bicycles (which may also include motorised bikes) has now been included as part of the proposals.

The application has been supported by a relevant Transport Statement which is considered to have overcome the principal objections relating to highways safety and provision for parking. In addition, the scheme now includes appropriate and sufficient

provision for bicycles in order to promote and encourage sustainable modes of transport. The proposed development is therefore deemed to be in accordance with saved policies T1, T.6 and T.24 of the Bath and North East Somerset Local Plan (including Minerals and Waste Plan), 2007 and Section 4 of the National Planning Policy Framework, 2012.

Having regard to all the above factors, the proposed development is recommended for approval subject to the listed 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 existing neighbouring terrace houses 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 Closure of Access (Bespoke Trigger)**

The new access hereby approved shall not be brought into use until the existing vehicular access has been permanently closed and a footway crossing constructed, including the raising of dropped kerbs, in accordance with details which have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development is served by a safe access in the interests of highway safety in accordance with Policy T.24 of the Bath and North East Somerset Local Plan.

### **4 Highways - Construction Management Plan (Pre-commencement)**

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

Reason: To ensure that safe operation of the highway and in the interests of protecting residential amenity in accordance with Policies T.24 and D.2 of the Bath and North East Somerset Local Plan. This is a condition precedent because any initial construction or

demolition works could have a detrimental impact upon highways safety and/or residential amenity.

#### **6 Highways - Residents Welcome Pack (Pre-occupation)**

No occupation of the approved development shall commence until a new resident's welcome pack has been issued to the first occupier/purchaser of each residential unit of accommodation. The new resident's welcome pack shall include information of bus and train timetable information, information giving examples of fares/ticket options, information on cycle routes, a copy of the Travel Smarter publication, car share, car club information etc., to encourage residents to try public transport.

Reason: To encourage the use of public transport in the interests of sustainable development in accordance with Policy T.1 of the Bath and North East Somerset Local Plan

#### **7 Plans List (Compliance)**

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

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

#### **PLANS LIST:**

1 This decision relates to the submitted Transport Statement dated August 2016, Design and Access Statement, and drawings 2748 002 EXISTING AND PROPOSED PLANS - REV A, submitted to the Council 20 October 2016; 2748/003 PROPOSED FLOOR & ROOF PLANS - APARTMENTS; 2748/004 PROPOSED ELEVATIONS; and 2748/001 SITE LOCATION AND BLOCK PLAN submitted to the Council 26 August 2016

2 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.