

## Bath & North East Somerset Council

MEETING:	<b>Development Management Committee</b>	AGENDA ITEM NUMBER	
MEETING DATE:	<b>14th December 2016</b>		
RESPONSIBLE OFFICER:	Mark Reynolds – Group Manager (Development 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	16/00850/OUT 17 December 2016	Macktaggart And Mickel Homes Ltd Land Parcel 7200, Bath Road, Keynsham, , Residential and related development comprising approximately 250 dwellings, new Primary School with associated outdoor playing facilities, means of access thereto, associated open space, landscaping, access roads, footways/cycleways and infrastructure works (Revised Plans)	Keynsham East	Tessa Hampden	Delegate to PERMIT
02	16/03306/OUT 15 December 2016	Milands Properties LLP Milland House, Rock Road, Keynsham, Bristol, Bath And North East Somerset Erection of a building comprising a convenience store, 15 no. flats and 1 no. maisonette following demolition of the existing office building and detached dwelling house. (REVISED PLANS)	Keynsham North	Tessa Hampden	APPROVE
03	16/04512/FUL 16 December 2016	Mr & Mrs R And Mr James Young Church Farm, Church Lane, Stanton Drew, Bristol, Bath And North East Somerset Change of use to convert farm building to provide a farm dwelling.	Clutton	Alice Barnes	PERMIT
04	15/03650/OUT 4 March 2016	Hill Development New Kingdom Hall, Charlton Road, Keynsham, Bristol, Bath And North East Somerset Erection of a three storey block comprising 8no residential apartments following demolition of the existing buildings (access and layout to be determined with all other matters reserved)	Keynsham North	Alice Barnes	APPROVE



<b>Ward:</b> Keynsham East	<b>Parish:</b> Keynsham Town Council	<b>LB Grade:</b> N/A
<b>Ward Members:</b>	Councillor Marie Longstaff Councillor Bryan Organ	
<b>Application Type:</b>	Outline Application	
<b>Proposal:</b>	Residential and related development comprising approximately 250 dwellings, new Primary School with associated outdoor playing facilities, means of access thereto, associated open space, landscaping, access roads, footways/cycleways and infrastructure works (Revised Plans)	
<b>Constraints:</b>	Affordable Housing, Agric Land Class 1,2,3a, Forest of Avon, Greenbelt, Housing Development Boundary, Strategic Site Allocations, SSSI - Impact Risk Zones,	
<b>Applicant:</b>	Macktaggart And Mickel Homes Ltd	
<b>Expiry Date:</b>	17th December 2016	
<b>Case Officer:</b>	Tessa Hampden	

## REPORT

Reason for referring application to Committee

This application has been referred to committee by the Group Manager, Development Management due to the large number of third party comments and the quantum of development proposed.

Site description and proposal

The Site is located on Bath Road to the east of Keynsham. The site forms the strategic housing site allocated under Core Strategy Policy KE3a - East Keynsham. The site is a greenfield site extending to approximately 12.59 hectares. It is bound to the south by residential properties and the A4, to the east by residential development and Wellsway School, to the north by Manor Road Community Woodland, and to the west by residential and green filed land.

Land to the east and south of the site, which does not form part of this application, is safeguarded land covered by policy KE3b of the Core Strategy. This is safeguarded for possible development but not allocated at the present time. The National Planning Policy Framework (NPPF) makes it clear that planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development.

The application seeks outline planning permission for residential and related development comprising approximately 250 dwellings, a new primary school with associated outdoor playing facilities, means of access, associated open space, landscaping, access roads, footways/cycleways and infrastructure works. At this outline stage, consent is sought for the access to the site only, with layout, scale, appearance and landscaping to be determined at reserved matters stage.

Revised plans have been received during the application period to overcome concerns raised by officer, external consultees and third parties. The most significant amendment relates to the change to the access from traffic signal controlled to a priority junction.

Relevant planning history

There is no planning history directly relevant to this planning application.

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

Urban Design - no objection subject to conditions

Landscape Officer - no objection

Contaminated land - no objection subject to conditions

Environment Agency - following detailed discussions, no objection subject to conditions

Drainage Engineers - no objection subject to conditions

Natural England - further details required but satisfied that this can be secured through conditions

Ecologist - no objection subject to conditions

Archaeology - further to additional surveys, there is no objection to the proposed development

Arboricultural Officer - not acceptable in current form

Housing - no objection subject to the policy compliant scheme being secured

Waste Officer - not acceptable in current form

Environmental Health - no objection subject to conditions

Conservation Officer - no objection

Cllr Organ - requested that this application was heard at committee for the following reasons:

1. Lack of detail in the Drainage Scheme for the whole area.
2. Lack of detail in internal and external highway matters which I do not think have been satisfactorily answered.
3. Lack of detailed consultation over schooling for the new houses as the scheme only includes the Junior School and there is no additional provision for pupils who may need education from 11 - 18 years.

Keynsham Town Council - comments only. These can be summarised as follows:

- The implications that an access on to the A4 will have on traffic flow need to be looked at in detail. This main road is already at capacity with traffic queuing in both directions every working day during peak traffic periods. The highway implications must be thoroughly assessed before any agreed access is put into the full planning application.
- A SUDS plan endorsed by the EA must be submitted as part of the full planning application
- A full investigation of the sunken Roman Road needs to be undertaken
- A Phase 2 Ecology Survey should be undertaken that supports the application.
- The old oak tree at the main exit point onto the A4 must be retained and taken into consideration when producing the full application. The vegetation to the west must be retained as a wildlife

### Revised plans

The Town Council reiterated the above and added additional comments which can be summarised as follows:

- New speed limit orders need to be made and new signage installed to reduce speeds in this area.
- With the increased hard surfaces proposed for this development drainage to the culvert will increase and the capacity of the attenuation tank for storage of excess water run off is not deemed sufficient
- Future secondary school provision has not been addressed. Keynsham Town Council has concerns that with the number of developments currently being constructed and those proposed that no CIL monies have been allocated for extra secondary school provision in the future.

Saltford Parish Council - Comments only: Whilst we regret the decision made to develop the Green Belt between Keynsham and Saltford in the Core Strategy as this extends urban sprawl, we are also concerned that the road transport infrastructure between Saltford and Keynsham is already saturated at peak times of the day creating extended delays to journey times and raising levels of air pollution (ref. a section of the A4 in Saltford is an Air Quality Management Zone). Saltford Parish Council would therefore not wish this development to proceed without satisfactory measures to address traffic issues.

398 objection and general comments (this does not include multiple objections from the same person) have been received. These can be summarised as follows:

- Impact upon Bath Road and surrounding area - increased traffic and delays
- Impact upon Manor Road Woodland
- Ecological implications
- Impact upon the Green Belt
- Loss of land for use by dog walkers
- Impact upon footpaths
- Air quality/health concerns
- Impact upon bus services
- Impact upon local infrastructure
- Various highway safety issues
- Inappropriate access

- Inappropriate layout for cyclists including unacceptable shared services
- Inappropriate location for the school
- Lack of green infrastructure connections
- Danger to children due to location of site and crossings
- Inappropriate footpath links
- Lack of infrastructure and facilities
- Lack of senior school places
- No local support for the development
- Impact upon residential amenity of neighbouring occupiers including loss of outlook and privacy
- Noise and disturbance issues
- Loss of gap between Saltford and Keynsham - merging of the settlements
- No need for housing - cumulative impact of development with recent developments in Keynsham
- Overdevelopment
- Unsustainable location
- Impact upon the landscape
- Proximity to boundaries of the site
- Development would restrict future Saltford bypass
- Impact on listed buildings
- Cumulative impact of this and recent developments
- Unacceptable scale of houses
- Conflicts with Joint Spatial Plan
- Loss of amenity space
- Drainage
- Lack of inclusion of all of the allocated site in masterplan

2 supporting comments

- Provides much needed housing
- Sustainable location - nearby facilities and bus route

## **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:

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

The following policies of the Core Strategy are relevant:

- o Policy DW1 - District Wide Spatial Strategy
- o Policy SD1 - Sustainable Development
- o Policy KE1 Keynsham Spatial Strategy
- o Policy KE4a - Land adjoining East Keynsham Strategic Site Allocation
- o Policy KE4b Safeguarded land at East Keynsham
- o Policy CP6 - Environmental Quality

- o Policy CP9 - Affordable Housing
- o Policy CP10 - Housing Mix
- o Policy CP2 - Sustainable Construction
- o Policy CP3 - Renewable Energy
- o Policy CP6 - Environmental Quality
- o Policy CP7 - Green Infrastructure
- o Policy CP13 - Infrastructure Provision
- o Policy CP8 Green Belt
- o Policy CP5 Flood risk management
- o Policy SD1 - Presumption in favour of sustainable development
- o Policy CP2 - Sustainable Construction
- o Policy CP3 - Renewable Energy
- o Policy CP9 - Affordable Housing
- o Policy 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:

- o Policy SC.1: Settlement classification
- o Policy SR.3: Provision of recreational facilities to meet the needs of new development
- o Policy CF.3 Contributions from new development to community facilities
- o Policy IMP.1 Planning Obligations
- o Policy D.2: General design and public realm considerations
- o Policy D.4: Townscape considerations
- o Policy NE.4: Trees and woodlands
- o Policy T.1: General Transport Policy
- o Policy T.24: General development control and access policy
- o Policy BH.15 Visually important open spaces
- o Policy BH.16 Village buffers
- o Policy ES5 Foul and surface water drainage
- o PolicyBH12 - Archaeology
- o Policy ES9 Pollution and noise
- o Policy ES10 Air quality
- o Policy ES15 - Contaminated Land
- o Policy NE.10 Nationally Important Species and Habitats
- o PolicyNE.11 Locally Important Species and Habitats
- o Policy T.5 Cycling Strategy: improved facilities
- o Policy T.6 Cycling Strategy: cycle parking
- o Policy T.7 Cycling Strategy: strategic cycling network
- o Policy T25 - Transport assessment and travel plans
- o Policy T26 On-site parking and servicing provision
- o Policy HG1 Meeting the district housing requirements

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. The Plan is at an advanced stage; those policies not subject to representations at Draft Plan stage (or only subject of supporting representations) are considered to be capable of being given substantial weight. Policies still subject to



outstanding/unresolved representations can only be given limited weight at this stage until the Inspector's Final Report is received.

#### Policies with limited weight

- o Policy SRC1 - On site renewable energy requirement
- o Policy SU1 - Sustainable drainage
- o Policy D1, D2, D3, D4, D5, D6 - General design policies
- o Policy D7 - Infill and backland development
- o Policy HE1 - Historic environment
- o Policy NE1 - Development and green infrastructure
- o Policy NE2 and NE2A - Landscape character and setting
- o Policy NE3 - Protected Species
- o Policy NE5 - Ecological networks
- o Policy NE6 - Trees and woodlands
- o Policy PCS1 - Pollution and nuisance
- o Policy PCS2 - Noise and vibration
- o Policy PCS3 - Air Quality
- o Policy LRC3A - Primary School Capacity
- o Policy ST1 - Sustainable Travel
- o Policy GB1 Visual amenities of the Green Belt
- o Policy ST7 - Transport requirements for development
- o Policy ST2A Recreational Routes
- o Policy ST3 Transport infrastructure

#### Policies given substantial weight

- o Policy SCR5 - Water Efficiency
- o Policy CP7 - Green Infrastructure
- o Policy PCS5 - Contamination
- o Policy PCS7A - Foul sewage infrastructure

#### Other possible Relevant Considerations (without limitation):

- o Planning Obligations SPD
- o National Planning Policy Framework
- o National Planning Practice Guidance

### **OFFICER ASSESSMENT**

#### Principle of development

The application site is covered by policy KE3a of the approved Core Strategy. The land within the site has been removed from the Green Belt in order to provide for residential development and associated infrastructure to meet the need for additional development within the district during the Plan period. The requirements that need to be met to enable the development are set out in the Placemaking Plan Principles, Core Policies and indicated on the concept diagram attached to this policy. The quantum of development proposed within the scheme accords with Place Making Plan principle 1 which seeks to achieve 220 to 250 dwellings on this site.

There is therefore no objection in principle to the proposed development subject to the compliance with the Placemaking principles and the relevant policies of the Development Plan.

### Master Plan

A Master Plan accompanies the planning application. Placemaking principle 3 explains that this should be submitted to demonstrate that the development is well integrated into neighbouring areas. This has involved public consultation which is documented in the Statement of Community Involvement. The development is considered to accord with this placemaking principle. The merits of the masterplan are discussed in the relevant sections below, but it is noted that the submitted plan is for illustrative purposes only.

### Highway safety

The key transport policy requirements relating to the site, and as confirmed by Policy KE3a, are outlined within the Placemaking principles 12,13,15,16,17 and 18.

The site is an allocated site and there is no in principle objection to the type and location of the development proposals. The application is outline only, with all matters of detail reserved, apart from means of access. The details of the layout of the houses will need to be considered at the appropriate time. However, the potential local impacts of the development need to be fully assessed at this stage. In addition to the proposed vehicular access, there is also a potential network of pedestrian and cycle routes that would have to connect with the neighbouring areas.

### Traffic impacts

Detailed discussions have been held between the Council Officer and the applicant's consultants with regards to the traffic impacts of this development. Revised traffic modelling of the proposed A4 Bath Road vehicular access and Broadmead Roundabout has been provided, and the work now focuses on the application site with less emphasis being placed on the safeguarded land that lies to the east of the application site.

Following lengthy discussions, the traffic flows that have been used within the modelling have been agreed, and these have been used in revised modelling submitted during the latter part of this application. The revised modelling considers the detailed review that was previously provided to the applicant's transport consultant, and the proposed junction layout responds to the need to provide improved pedestrian facilities linking to nearby bus stops.

The submission initially incorporated a signal controlled junction onto Bath Road. The presented modelling demonstrates that a future signal controlled junction would operate within capacity in both peak periods, although there would be significant queues on the A4 Bath Road in both directions as a result of the junction. The queues on the A4 Bath Road would be between 40-50 vehicles in length at peak times (these are mean maximum figures, so the queues could be longer for periods), and there would also be delays for vehicles leaving the proposed development access. This would worsen the queuing that can currently occur in some peak hour conditions along this section of the A4 Bath Road.

As an alternative, discussions were held with regards to a priority junction arrangement as officers considered that this would suit the vehicular access, particularly in the short term. In response the applicant's consultant has also modelled this possible junction arrangement. The model demonstrates that whilst the impact on the A4 Bath Road is much reduced, there would be extreme delays for any motorist attempting to turn right out of the development in the peak periods. In practice, the junction is likely to operate differently (similar to the other priority junctions along the A4 Bath Road) and motorists are likely to find gaps as others give way while travelling along Bath Road. A local signalised pedestrian crossing would also create gaps in the A4 Bath Road traffic. Alternatively, given that the Broadmead Roundabout is only a short distance to the west of the site, motorists could choose to turn left and undertaking a U turn at the Broadmead Roundabout as necessary. Whilst a priority junction was not the preferred option, this would not be inappropriate and would reflect other similar junctions along the A4 Bath Road corridor. The junction should be constructed so that it could be easily converted to a signalised arrangement if needed (the ducting and inspection chambers needs to be put in place), and a controlled pedestrian crossing would also need to be provided.

Given the reduced impact on the operation of the A4 Bath Road both at peak times and through the rest of the day, a revised statement and plans have been submitted to reflect the priority junction arrangement with the option for an upgrade to a signalised junction being safeguarded as part of any planning permission. The triggers for this upgrade as well as the form of works to facilitate this would need to be agreed within an appropriate legal agreement.

Improvements to the pedestrian facilities on the A4 Bath Road would also need to be included, and these are shown within the submitted drawings. A review of the Broadmead Roundabout demonstrates that the development will have some impact on the operation of the roundabout, however, this cannot be regarded as significant and alterations to the roundabout are not justified as a result of this development proposal.

## Road Safety

A Road Safety Audit has been submitted in conjunction with the design of the proposed access junction. It is not considered that there are any significant safety issues that would preclude the delivery of a junction at this location. The nearby bus stop and access location has been discussed with the applicant's consultant however, it is agreed that a scheme could be delivered without significant safety concerns. The land ownership plans have been reviewed that there is no opportunity to significantly change the layout. Having reviewed the potential impact, it is not considered that this would result in a severe impact. There would be some opportunity to moderately shift the bus stop further to the east if this was raised as a significant issue at a later date.

## Pedestrian and cycle access

The delivery of the local pedestrian improvements is considered to be critical to ensure that access along the A4 Bath Road is of an appropriate standard.

It has been recognised that improvements to the local pedestrian / cycle routes and also enhancements to the bus stop infrastructure that is provided near the site on the A4 Bath Road are required.

There is a need to ensure that the footway on the northern side of the A4 Bath Road is widened to at least 1.8m from any controlled crossing point to the Broadmead Roundabout. This is shown on the submitted drawings; although there is a need to ensure that the widening is provided from the bus stop to the roundabout itself. Improvements to the crossing facilities at Broadmead Lane towards the Waitrose superstore were also identified, and these have been agreed by the applicant's consultant.

The pedestrian route towards the town centre has been recently improved between the proposed site and the Wellsway School access on Bath Road. This provides a good pedestrian and cycle route from the site to the school campus. The applicant's consultant has also provided a layout of the pedestrian / cycle link that would connect with this route, and there is no objection to the principle of the layout shown.

A controlled pedestrian crossing on the A4 Bath Road is key requirement of the placemaking principles and this facility is illustrated on the submitted drawings. This would need to be provided prior to any first occupation and this would be secured through the S106 agreement.

The illustrative scheme also shows a new pedestrian /cycle link from the site through to Teviot Road. This would provide a useful link towards the local estate some retail opportunities and schools. However, there are no further off-road cycling opportunities and all cyclists would be required to use local roads. However, the Infrastructure Delivery Programme includes improvements to the Chandag estate cycleway network and it would therefore be appropriate for all of the measures included within that document to be delivered through the CIL process. Given this, it is agreed that it would be inappropriate for the highway authority to seek a separate S106 contribution towards these measures. These will need to be delivered following the payment of CIL contributions at a later date.

There is a need to consider how a direct route to the Wellsway School campus could be accommodated. This is a placemaking principle requirement. It is noted that this is not fully in the control of the applicant and would need the schools agreement to allow for an additional access into the site. However, the illustrative masterplan demonstrates that an improved link would be possible and the proposed layout of the development does not compromise this. The development is therefore considered to broadly accord with Placemaking Principle 17.

#### Bus stop infrastructure

The A4 Bath Road corridor benefits from a high frequency bus service and this provides a good level of service to destinations such as Keynsham, Bath and Bristol. The submitted Transport Assessment provides comprehensive details of the services that are currently available. It is very likely that the demand for the use of these bus services will be significant, and there will be a heavy reliance on the existing bus stop locations. There is a requirement to upgrade the existing bus stops. The bus stop telematics upgrade would be a total of £14,000. It is considered essential that these stops are upgraded to the latest telematics standard as these facilities will clearly accommodate a significant number of passengers on a daily basis. This will be secured through a S106 agreement.

#### Travel Plan

A comprehensive Travel Plan has been submitted as part of the application submission, and there is no significant concern relating to the approach, measures and targets that are presented in the document. It is recommended that the document is reviewed prior to any occupation of the development, and this will allow any changes in the local area to be incorporated within the Plan. This can be secured through a condition.

### Construction Management Plan

Due to the scale of the proposed development and also the sensitivity of the local highway network, a comprehensive Construction Management Plan will be required, and it is recommended that the principles of this Plan are considered at this stage. Potential restrictions on delivery routes and timings may have a significant impact on the construction phase and this should be considered at this stage

In conclusion, whilst the large volume of comments of the third parties have been noted with regards to highway safety, following a detailed review there is no objection to this development on highway safety grounds. It is noted that this assessment relates solely to the allocated site subject of this application and not to the safeguarded land adjacent to the site.

### Air quality

The site is outside of any Air Quality Management Area (AQMA) but it is noted that there are AQMAs at the Bath Road in Saltford and the High Street Area of Keynsham. Although there is no requirement to provide any air quality surveys with this application, it is deemed appropriate to include a condition on any application to secure an Air Quality Action Plan. This will include measures to reduce emissions such as electric car charging points, and cycle parking etc.

### Character and appearance/landscape

A number of the placemaking plan principles relate to urban design/character and appearance. The illustrative layout attempts to demonstrate that the quantum of development proposed can be achieved on this site whilst achieving these design principles. Revisions have been submitted during the course of the application.

The illustrative material seeks to demonstrate that approximately 250 homes could be developed on the allocated site. The proposed density appears appropriate. The scheme illustrates generous Green Infrastructure (GI) identified as linear parkland accommodating potential allotments and community orchards. The indicative layout broadly responds positively to the principles set out in the allocation policy, producing a network of linear connections that link across the site and incorporate the majority of identified existing GI. The layout shows that the site can deliver a scheme by keeping the general alignment of the public rights of way, and utilise the green corridors through the development to provide for shared pedestrian and cycle routes. The comments of the Ecologist and Arboricultural are noted with regards to space around the GI, but it is considered that the site has the capacity to address these comments through design progression and refinement.

The outline application now addresses the entire allocation south of the A4 by including the undeveloped plot which is located along the A4/site entrance which is in a different

land ownership. The plan now demonstrates how this site can be accessed in the future from the gateway avenue route. It is noted that this is marked as retained vegetation on the concept diagram within the Core Strategy. It is however recognised that this site has been cleared and no longer contains significant vegetation.

Block sizes, relationships with boundaries and interior organisation appears a robust basis for developing in detail. Within this landscape, with the commitment to parkland and well-related communal GI, the development is likely to be well screened and capable of benefitting from the GI. The scale and appearance of the dwellings, as well as the landscaping will be considered at reserved matters stage.

It is important that development should be designed to allow future highway, pedestrian and cycle connections to the safeguarded land. On the masterplan, this has now been expressed well with the safeguarded land to the east, and south.

Materials are addressed in the Design and Access Statement and are expressed as a key placemaking driver. The use of local materials is shown in the illustrative perspectives of parts of the illustrative masterplan. The submission demonstrates the key locations where lias limestone and other traditional materials could be used.

The submission is considered to form a sound basis on which to build the reserved matters application. Any future development will need to continue to develop the requirements of the placemaking principles to ensure that existing benefits are retained and new development responds to the nature of the site and the character of the area.

## Heritage

The Grade II Listed building of Ellsbridge House lies in relatively close proximity to the site. However the setting of this heritage asset is not compromised by this development. The scheme has been informed by a Heritage Assessment, with a landscape strip towards the front of the site forming a buffer, allow the setting of the building to be preserved. 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 it is considered that the setting of this listed building is preserved.

## Archaeology

Placemaking plan principle 10 explains that the Roman road alignment and any surviving remains should be preserved by incorporating it into the development layout, preferably as open space or public footpath as part of the green infrastructure strategy.

However, following detailed surveys including the excavation of ten targeted trenches based on the results of the earlier geophysical survey, an archaeological evaluation report was submitted. The most significant, though negative, result being that the possible Roman road alignment examined in trench 12 has turned out to be the ruts of a modern trackway. The other relatively limited results are summarised in the evaluation report's conclusion.

Based on the scant finds and limited number of ephemeral archaeological features the archaeological officer has withdrawn his objection to the proposed development, and there is not considered to be any need for any further archaeological recording or mitigation. The development is therefore considered to accord with the above placemaking principle in relation to archaeology.

#### Arboricultural issues

The Council's Arboricultural Officer has raised concerns that the layout of the internal road network is currently compromising opportunities to improve the spacing with existing and for future green infrastructure at detailed design stage. The road layout is however indicative at this stage and any reserved matters application should be developed based on the comments from the Council's Arboricultural Officer. It is considered that there is sufficient room on this site to accommodate this. Conditions will be attached to any permission in relation to the protection of the existing vegetation.

#### Parks and open space

The existing Teviot Road open space and play area due to its location adjacent to the proposed development will directly serve and be impacted by the development. Enhancements and new connections to Teviot Rd play space could upgrade the space from a doorstep to a neighbourhood facility with the potential of connecting the existing community to the west with residents from the developments. Enhancements to create this neighbourhood play space are to be secured by S106. This approach is supported by the Core Strategy's concept diagram indicating that Teviot Road Open Space is highlighted for Playground area enhancement.

The illustrative plans place a village green adjacent to Teviot Road but separated by hedging. There is the potential to merge these facilities straddling the boundary subject to consent. This option will also contribute to meeting Policy KE3a: Placemaking Principle 7 (a) on-site provision of well integrated allotments and play provision. This will be developed during the reserved matters application.

The proposal generates demand for 7475m<sup>2</sup> of natural green space and is sited adjacent to Manor Road LNR, a 21 hectare natural greenspace. The submitted Ecological Appraisal, 2016 acknowledges that the development will 'cause an increase in visitor pressure' and suggests that this pressure 'would be retained on existing pathways'. The existing pathways are not of constructed material and are laid out across the soil surface of the reserve. An increase in 'visitor pressure' on these earth paths will make traversing these paths increasingly difficult and add to further widening which will impact on the adjacent woodland flora and semi-improved grassland habitats. To retain 'visitor pressure' onto the existing footpaths, preventing ecological damage and to provide effective connections and linkages with and through the nature reserve it will be necessary to upgrade these paths to a constructed surface. A costed project estimate has been provided for the works to the paths, boundary planting, hedgerow enhancements, a litter bin and the maintenance of these works for 15 years. This can be secured through S106 requirements.

The development overall, subject to the requirements outlined above are considered to accord with the placemaking principles.

## Ecological Implications

Key ecological features are the network of hedgerows with pockets of woodland, and associated wildlife, including the use of these features as flight lines / connective habitat, and foraging habitat, by bats and other wildlife. The proposed development is relatively well connected to known foraging areas for both lesser and Greater Horseshoe bats from the Bath and Bradford on Avon Bat Special Area of Conservation (SAC). A high proportion of the hedgerows at the site would qualify as "important" under the Hedgerow Regulation. Some hedgerow removal will be required but there is a stated intention to retain hedgerows and mature trees where possible. The habitats across the site also support a diversity of breeding bird species. A range of bat species were recorded during bat activity surveys, including both greater and lesser horseshoe bats, records for which tended to be associated with the thicker belts of tree lines, and hedgerows along the site boundary.

The survey report includes proposed and recommended measures to avoid, mitigate and compensate for ecological impacts. These measures should be incorporated into an overall long term Landscape and Ecological Management Plan (LEMP), the production of which should be secured by condition:

The report acknowledges that the proposed development would result in increased visitors to the adjacent Manor Road Community Woodland, however it is not accepted that the impact of this will be "negligible". Financial contributions to compensate for likely impacts of increased pressure and usage of the woodland by local residents are requested. This has also been raised by the Parks officer and is covered in the relevant section of this report. This provision needs to include planting to create compensatory bat flight routes.

Natural England considers the bat survey findings indicate likely use of the site by Horseshoe bats, which are likely to be associated with the Bath & Bradford on Avon Bats SAC, sufficiently to necessitate the following mitigation and compensation measures:

- Securing by condition, the various commitments referenced within the ecological report,).
- In addition: Supplemental native planting to create an increased buffer on the southern boundary of the site, along the boundary with Manor Road Community Woodland; retention of darkness along this southern wooded boundary - avoidance of lighting together with close board fencing to gardens to prevent light spill; Improvements to the Manor Road woodland for bats, especially the woodland edge through additional native species planting along the woodland edge and all retained hedgerows; native species planting and avoidance of lighting through the band of Green Infrastructure that runs up the centre of the site
- Monitoring of bat activity (especially Horseshoe activity) along the woodland edge for 5 years following completion of development

Sufficient space needs to be allowed within the layout for the provision of all ecological features requiring retention or enhancement, and for the necessary ecological compensation for unavoidable impacts on trees, hedgerows and other habitats of value to wildlife. Particular effort needs to be made to retaining and buffering of existing pockets of



woodland (with some scrub); hedgerows; the watercourse and the connectivity of all these, within the final plans.

Whilst the concept masterplan indicates a network of "green infrastructure" it cannot be confirmed at this stage whether the layout as proposed will allow sufficient width and space to enable genuine ecological mitigation and compensation; this detail will need to be addressed carefully at reserved matters stage. The width for the retained watercourse with hedgerow appears to be particularly narrow and its long term ecological value and potential for enhancement could be compromised by this, combined with proximity of roads and other infrastructure and any necessary associated lighting. There is considered to be sufficient room within the site to address this through careful design.

To avoid impacts on bats and on other wildlife, sensitive lighting will be required. Proposed lighting design will need to demonstrate provision of "dark corridors" for wildlife including flight routes for bats, along all green infrastructure including publicly accessible spaces. Information will be required prior to approval of reserved matters.

Subject to securing all the necessary ecological measures described above and including those requested by Natural England, both through conditions and through s106 sums, the scheme is considered to be ecologically acceptable. Reserved matters details will need to demonstrate incorporation of all the necessary ecological measures.

Placemaking principle 7 relates partially to ecological matters. It is considered that through the reserve matters scheme and a S106 agreement, these requirements can be delivered and as such the development accords with this placemaking plan principle.

## Residential amenity

The application site is partly bound by existing residential development and any future layout therefore needs to ensure that the development does not result in significant harm to the residential amenity of these neighbouring occupiers. Careful consideration will need to be given to the siting of the dwellings and appropriate boundary treatment in any future application to ensure that the privacy and outlook of these occupiers are not unduly compromised. The illustrative masterplan puts forward an indicative layout which demonstrates that the quantum of development can be delivered whilst providing a sufficient distance between this proposed built form and the existing surrounding development.

## Education

### Primary school provision

Place Making Principle 19 requires that the development provides land for a new primary school on site and financial contributions for primary school accommodation proportionate to the expected pupil yield generated by the development. The new school should be designed to facilitate future expansion, should have direct pedestrian and cycle access from the residential site and existing residential areas, and incorporate new junior playing pitches to be available for wider community use.

It is proposed to locate the primary school adjacent to the community open space, in a central position within the development which will facilitate access from both the current development, and any future development to the east that may come forward on the safeguarded land. Its location adjacent to the safeguarded land would also allow for future expansion if necessary. The transfer of this land needs to be carefully controlled to secure that the school is delivered in a timely and cost effective manner. This will be secured through a S106 agreement.

The land for the school will need to be transferred to the Council prior to commencement of the housing development and should be delivered in an appropriate condition. The S106 will also need to secure a timetable of works in relation to establishing the suitability and viability of the school site, which will need to be agreed with the Council and the developer, prior to the commencement of the housing development. If the survey does not confirm the suitability and viability of the site, a further school site shall be agreed.

The Council's Education officer has previously stated that the school site should measure 1.2 hectares. This proposed site would measure 10,642m<sup>2</sup>. The suitability of this reduced site size will need to be established via the independent ground condition survey. The School Site must be able to function immediately on opening as a 210 place school with an on-site sports pitch. Updated plans have been submitted which demonstrate that these facilities can be accommodated within the school site, as long as the are marked as developable can be suitably developed.

A timetable for the provision of associated facilities at the developers' expense will also need to be agreed. This is likely to include a suitable road to provide access to the school site during construction prior to commencement of the housing development, re-routing, re-provision or diversion of footpaths, prior to commencement of the housing development and relocation of any wildlife habitats and species prior to transfer of the school Site. Further, it is necessary to ensure that all roads and footpaths to be of adoptable standards and available prior to the opening of the school. Any highways requirement relating to the school (signage, road markings and lighting) outside the curtilage of the school site should be provided at the developer's expense. All available utilities and services of sufficient capacity for use by the school to be taken to the school site boundary and capped ready for connection to the school site.

Subject to the above, the development is considered to accord with the relevant placemaking plan principle.

#### Early Years and Secondary provision

There is currently a sufficiency of Early Years age, Secondary School and 16+ provision in Keynsham to accommodate the pupils generated by the development.

Additional provision for young people aged 13 - 19 will be required, to be funded via CIL.

#### Contaminated land

There are no objections subject to the inclusion of standard conditions to secure the necessary surveys and remediation measures if appropriate.

## Waste Services

Concern has been raised that vehicle tracking for a large refuse collection vehicle on some of the narrower roads has not provided an appropriate solution. However, this is an outline application and does not specifically fix the internal road layout measurements. This will be dealt with at reserved matters stage.

## Flooding/Drainage

A small part of the site is located within flood zone 2 and 3, and a full site specific Flood Risk Assessment has been submitted. Detailed discussions between the applicant's consultants, the Environment Agency and the Councils Drainage Engineers have been undertaken. Following these discussions and submission of additional information, both have removed their objection to the scheme subject to conditions.

The EA have removed their objection based on there being no development within the areas of the site identified as falling within the post development modelled floodplain as detailed in the WSP Level 2 Flood Risk Assessment. This has been reflected in the proposed layout.

The National Planning Policy Framework advises that for individual developments on sites allocated in development plans need not apply the Sequential Test. There is no need to undertake this on this site.

Placemaking principle 11 cites that the development should incorporate SUDS as part of the GI strategy. Streams and watercourses that cross the site should remain open, improved and incorporated into the landscape and SuDs features, with wetland habitats provided at the north west of the residential site. The submission demonstrates the scheme will accord with this requirement.

## Planning obligations

The requirements of the S106 will include:

### Affordable housing

Placemaking principle 1 states that the scheme should include 30% affordable housing. The planning submissions confirm that this will be a policy compliant scheme and the affordable housing will be secured through a S106 agreement.

Full details will be provided at reserved matters stage. The reserved matters application will need to be accompanied by an Affordable Housing Statement. Details of what is to be expected in this are fully explained within the Planning Obligations SPD

## Education

Contributions in relation to the provision of land for the primary school. Any S106 will need to include detailed mechanisms of delivery and associated development to secure timely provision of access and services within the development to facilitate the efficient operation of the school

- Capital costs for the cost of construction of this new school - approx. £1,285,600.00  
- 30.60% contribution to the costs associated with the provision of sufficient suitable land for the school. The land cost itself would therefore be approx. £642,600.00.

- Prior to the commencement of the housing development the developer to agree with the Council's Schools Capital and Organisation Team Leader a timetable to provide the following prior to transfer of the School Site. This is likely to include;

- o Access to the site in order to conduct any necessary independent surveys and investigations.

- o Boundaries of the school site are to be clearly delineated with 1.8 metre high palisade fencing and gates to BS1722, (Part 12, 2006) as approved by the Council, to be provided at the developer's expense.

- o Provide at the developer's expense an independent ground condition survey (carried out by a surveyor approved beforehand by the Council) of the part of the land identified, to establish its suitability and viability for use as a Primary School Site. If the survey does not confirm the suitability and viability, a further School Site shall be agreed

-A timetable for the provision works associated with the delivery of the school, the works will to be at the cost to the developer. This is likely to include the following;

- o Suitable metalled or tarmac haul road to provide access to the school site during construction prior to commencement of the housing development.

- o Re-routing, re-provision or diversion of footpaths (including consultation, diversion orders and adoption of new footpath routes), prior to commencement of the housing development.

- o All roads and footpaths to be of adoptable standards and available four weeks prior to the opening of the School. Any highways requirement relating to the School (signage, road markings and lighting) outside the curtilage of the school site should be provided.

- o All available utilities and services of sufficient capacity for use of the school to be taken to the school site boundary and capped ready for connection to the school site.

#### Transport Infrastructure Works

-Pedestrian improvements including footpath widening

-Provision of a signalised crossing on the Bath Road

-Mechanism and triggers for any upgrade of junction to allow for future traffic signals if required

#### Public Transport

-Upgrade to bus stop telematics - approx. £14,000

#### Site specific Target Recruitment and Training in Construction

-Work Placements - 53

-Apprenticeship Starts - 6

-New Jobs Advertised through DWP- 4

-Contribution £ £22,605

-Provisions for the preparation of and compliance with a method statement that will outline the delivery of the TR&T target outcomes.

#### Green Infrastructure/Landscaping schemes

- Provision of open space and landscape management plan - and if this is to be passed to the Council - commuted sum for management
- Financial contributions to upgrade Teviot Road Open Space - approx £128,958.23
- Financial contributions to upgrade Manor Road Local Nature Reserve Space approx. £187,553.05
- Financial contributions to upgrade footpath adjacent to Teviot Road

#### Fire Hydrants

-Financial contribution for the provision of and maintenance in line with requirements of Avon Fire and Rescue Authority

#### Ecological provisions

-Financial contributions for improving the woodland including the management of the woodland specifically for bats,(included in the informal open spaces contribution above) monitoring of bat activity (along the woodland edge for 5 years following completion of development

#### Conclusion

The placemaking principles have been fully considered in the assessment of this application. The proposals show an illustrative scheme which demonstrates that a policy compliant housing and associated development can be accommodated within the site within the parameters of Policy Ke3a. The development is therefore supported in principle.

This application is therefore recommended for approval. It is recommended that the application is delegated to officers to negotiate the full details of the S106.

#### **RECOMMENDATION**

Delegate to PERMIT

#### **CONDITIONS**

A Authorise the Head of Legal and Democratic Services to enter a Section 106 Agreement to secure the terms outlined in this report, and

B Subject to the prior completion of the above agreement, authorise the Group Manager, Development Management, to PERMIT subject to the following conditions

##### **1 Outline Time Limit (Compliance)**

The development hereby approved shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the latest.

Reason: As required by Section 92 of the Town and Country Planning Act (as amended), and to avoid the accumulation of unimplemented planning permissions.

## **2 Reserved Matters Time Limit (Compliance)**

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: As required by Section 92 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permissions.

## **3 Reserved Matters (Pre-commencement)**

Approval of the details of the layout, scale, appearance and landscaping of the site (hereinafter called the reserved matters) shall be obtained from the Local Planning Authority before any development is commenced.

Reason: This is an outline planning permission and these matters have been reserved for the subsequent approval of the Local Planning Authority under the provisions of Section 92 of the Town and Country Planning Act (as amended) and Parts 1 and 3 of the Development Management Procedure Order 2015.

## **4 Contaminated Land - Investigation and Risk Assessment (Pre-commencement)**

No development shall commence until an investigation and risk assessment of the nature and extent of contamination on site and its findings has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. The assessment must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and shall include:

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

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

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

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with section 11 of the National Planning Policy Framework. This is a condition precedent because the works comprising the development have the potential to uncover harmful contamination. Therefore these details need to be agreed before work commences.

### **5 Contaminated Land - Remediation Scheme (Pre-commencement)**

No development shall commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment, has been submitted to and approved in writing by the Local Planning Authority, unless the findings of the approved investigation and risk assessment has confirmed that a remediation scheme is not required. The scheme shall include:

- (i) all works to be undertaken;
- (ii) proposed remediation objectives and remediation criteria;
- (iii) timetable of works and site management procedures; and,
- (iv) where required, a monitoring and maintenance scheme to monitor the long-term effectiveness of the proposed remediation and a timetable for the submission of reports that demonstrate the effectiveness of the monitoring and maintenance carried out.

The remediation scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The approved remediation scheme shall be carried out prior to the commencement of development, other than that required to carry out remediation, or in accordance with the approved timetable of works.

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with section 11 of the National Planning Policy Framework. This is a condition precedent because the works comprising the development have the potential to uncover harmful contamination. Therefore these details need to be agreed before work commences.

### **6 Contaminated Land - Verification Report (Pre-occupation)**

No occupation shall commence until a verification report (that demonstrates the effectiveness of the remediation carried out) has been submitted to and approved in writing by the Local Planning Authority, unless the findings of the approved investigation and risk assessment has confirmed that a remediation scheme is not required.

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with section 11 of the National Planning Policy Framework.

### **7 Contaminated Land - Unexpected Contamination (Compliance)**

In the event that contamination which was not previously identified is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. Thereafter an investigation and risk assessment shall be undertaken, and where remediation is necessary, a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report (that demonstrates the effectiveness of the remediation carried out) must be

submitted to and approved in writing by the Local Planning Authority prior to occupation of the development.

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with section 11 of the National Planning Policy Framework.

### **8 Drainage Strategy (Pre-commencement)**

Prior to construction beginning on site, a detailed drainage strategy needs to be submitted to, and approved by, the Local Planning Authority. This will need to detail how the surface water arising as a result of the development will be managed, including calculations and any supporting documentation. The strategy will need to state the ownership and maintenance responsibilities of all aspects of the proposed drainage system. The strategy will also need to detail how the existing site drainage (watercourses, springs, etc.) will be managed as part of the drainage proposal. The drainage system will need to be designed in accordance with the standards set out in the West of England Sustainable Drainage Developer Guide and also the non-statutory technical standards for sustainable drainage.

Reason: To prevent an increase in flood risk to the site and adjoining land.

### **9 Air quality (bespoke trigger)**

Prior to any construction works, a Air Quality Management Strategy shall be submitted to an approved in wiring by the Local Planning Authority. This shall include measures to reduce car emissions association with occupiers of the site.

Reason; To miminise harm to air quality

### **10 Phasing Plan (Pre-commencment)**

No development shall commence until a phasing plan defining distinct areas of the development site and the order in which these will be delivered has been submitted to and approved, in writing, by the Local Planning Authority. Thereafter the construction of the development hereby approved shall not precede other than in accordance with the approved details.

Reason: It is necessary that the stages of development and the provision of associated public services and infrastructure follow a co-ordinated sequence. This is a condition precedent because otherwise development may commence outside of the agreed co-ordinated sequence.

### **11 Floodplain - restriction (Compliance)**

There shall be no development within the areas of the site identified as falling within the post development modelled floodplain as detailed in the WSP Level 2 Flood Risk Assessment dated 11 February 2016 and associated hydraulic modelling report ref 70008606 unless otherwise agreed in writing by the local planning authority in consultation with the Environment Agency.



Reason To reduce the impact of flood risk to the development and future occupants.

### **12 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.

### **13 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 have previously been submitted to and approved in writing by the Local Planning Authority and 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

### **14 Highways - Travel Plan (Pre-occupation)**

No occupation of the development shall commence until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be operated in accordance with the approved Travel Plan.

Reason: In the interest of encouraging sustainable travel methods in accordance with Policy T.1 of the Bath and North East Somerset Local Plan.

### **15 Hard Landscaping (Pre-occupation)**

No occupation shall commence until a hard landscape scheme has been submitted to and approved in writing by the Local Planning Authority showing details of existing and proposed walls, fences, ground levels, 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.

### **16 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.

#### **17 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.

#### **18 Foul water strategy - pre commencement)**

The development shall not be commenced until a foul water drainage strategy is submitted and approved in writing by the local Planning Authority in consultation with Wessex Water acting as the sewerage undertaker

-a drainage scheme shall include appropriate arrangements for the agreed points of connection and the capacity improvements required to serve the proposed development phasing

-the drainage scheme shall be completed in accordance with the approved details and to a timetable agreed with the local planning authority.

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

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

No development shall commence until a Detailed Arboricultural Method Statement with Tree Protection Plan following the recommendations contained within BS 5837:2012 has been submitted to and approved in writing by the Local Planning Authority. The arboricultural method statement shall incorporate a provisional programme of works; supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and certificates of completion to the local planning authority. The statement should include the control of potentially harmful operations such as site preparation (including demolition, clearance and level changes); the storage, handling and mixing of materials on site, burning, location of site office, service run locations including soakaway locations and movement of people and machinery. No development or other operations shall thereafter take place except in complete accordance with the approved details.

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.

#### **20 Arboriculture - Compliance with Arb Method Statement (Pre-occupation)**

The approved development shall be carried out in accordance with the approved Arboricultural Method Statement and Tree Protection Plan. No occupation of the approved development shall commence until a signed certificate of compliance by the appointed Arboriculturalist has been submitted to and approved in writing by the Local Planning Authority.

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

#### **21 Construction Environmental Management Plan ((Pre-commencement)**

A Construction Environmental Management Plan (CEMP) will be provided to BANES prior to commencement of the works. The CEMP will include but not be restricted to:

- o A description of the sensitive features or receptors associated with the Application Site and surrounding area, and the rationale for protection of these features (known as the Environmental Impacts / Aspects register);
- o An overall programme for construction activities, together with method statements and risk assessments relating to certain activities;
- o The control measures and monitoring requirements to be implemented during each stage of the construction works to minimise resource use, protect the environment or minimise disturbance of sensitive receptors;
- o Names of the nominated person(s) responsible for implementing these measures and undertaking the required monitoring, and the person(s) responsible for checking that these measures have been implemented and monitoring completed;
- o Reporting procedures and documentation requirements in relation to implementation of the control measures and monitoring; and
- o Actions to be taken in the event of an emergency or unexpected event.

The CEMP should reflect the Council's Code of Practice to Control noise from construction sites

The developer shall comply with the BRE Code of Practice to control dust from construction and demolition activities (ISBN No. 1860816126). The requirements of the Code shall apply to all work on the site, access roads and adjacent roads. Neither materials arising from the construction of new buildings nor any material from incidental and landscaping works shall be burnt on the site.

#### **22 Sound Attenuation - school (Pre occupation)**

On completion of the works but prior to any occupation of the proposed school, the applicant shall submit to and have approved in writing by the Local Planning Authority, an

assessment from a competent person to demonstrate that the development has been constructed to provide sound attenuation in accordance with the recommendations of BB93 (2014).

Reason: To prevent excessive noise and protect the amenity of school occupiers in accordance with policy ES.12 of the Bath and North East Somerset Local Plan.

### **23 Sound Attenuation - residential (Pre occupation)**

On completion of the works but prior to any occupation of the approved residential development: The applicant shall submit to and have approved in writing by the Local Planning Authority, an assessment from a competent person to demonstrate that the development has been constructed to provide sound attenuation against external noise in accordance with BS8233:2014.

Reason: To prevent excessive noise and protect the residential amenity of occupiers in accordance with policy ES.12 of the Bath and North East Somerset Local Plan.

### **24 Sound Attenuation - (compliance)**

Any plant or equipment installed at the premises should be attenuated to ensure that the noise level at the nearest noise sensitive premise is at least 5dB below the background noise level

Reason: To prevent excessive noise and protect the residential amenity of occupiers in accordance with policy ES.12 of the Bath and North East Somerset Local Plan.

### **25 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) Method statement/s for pre-construction and construction phases to provide full details of all necessary measures including establishment and fencing of exclusion zones around retained trees and habitats; for the protection of wildlife, including, as applicable, nesting birds; reptiles; badger; hedgehog; also providing findings of or proposed reporting of findings to the LPA all necessary pre-commencement checks or any necessary further update surveys of the site, including for badger activity,
- (ii) Detailed proposals for all the wildlife mitigation and compensation measures and recommendations of the approved ecological report, including replacement hedgerow and tree planting of equivalent or greater habitat value to that being lost; supplementary native species planting and connective habitat / green infrastructure provision; provision of bat and bird boxes; hedgehog and invertebrate homes; provision of riparian habitat; provision of "hop-overs". Detailed specifications, materials, numbers, sizes, species, and positions of plants and habitat features to be provided; all details to be fully incorporated into the scheme and shown on all relevant plans and drawings; specifications for fencing to include provision of gaps in boundary fences to allow continued movement of wildlife

(iii) All other necessary provision to avoid harm to wildlife and to mitigate and compensate for the ecological impacts of the development, and to provide net biodiversity gain wherever possible

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.

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

Prior to approval of reserved matters full details of proposed lighting design shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall:

1. provide a plan showing connecting "dark corridors" and "dark zones" along key green infrastructure and habitat routes, and on adjacent land and boundary vegetation. The plan shall show that the dark corridors and zones shall be completely unlit, and demonstrate, through predicted lux level modelling and lux contour plans, that the designated dark areas have a predicted increased lux level of no greater than zero lux, with a buffer zone adjacent where lux levels are between 0 and 1 lux.

2. The lighting scheme will provide details and plans showing specifications, numbers, positions and heights of lamps; details of all necessary measures that shall be incorporated into the scheme to minimise impacts on bats and other wildlife and achieve the necessary levels of darkness within the "dark zones" and onto adjacent habitats and boundary vegetation; for example, use of "warm white" and non-UV led; directional lighting; use of baffles and screening; times of use, PIR, dimming and variable lighting regimes; computer controlled management systems.

Upon approval in writing, the details shall be implemented and thereafter the development shall be operated in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

Reason: to provide a sensitive lighting scheme that avoids harm to bat activity and other wildlife

.

## **27 Landscape and Ecological Management Plan (Pre-commencement)**

No development shall take place until full details of a Landscape and Ecological Management Plan that is in accordance with the habitat provision requirements described approved Ecological Appraisal by FPRC dated February 2016, have been submitted to and approved in writing by the local planning authority. These details shall include:

(i) A list of long term wildlife conservation and landscape aims and objectives, to include, as applicable, objectives that are specific to individual issues, habitats or species; for example to meet species-specific (eg birds, reptiles, hedgehog), or habitat-specific requirements

(ii) Proposed management practices to meet the stated aims and objectives, to be incorporated into and compatible with the landscape scheme and shown as applicable on plans and drawings for individual areas, habitats, features or locations

(iii) Details, as applicable, of proposed timing, frequency, methods and equipment

(iv) Proposed mechanism for ongoing review, reporting and updating of the Plan, and proposed scheme for monitoring bat activity in particular horseshoe bats along the

southern woodland edge and key green infrastructure routes for a minimum of a five year period following completion and occupation of the development

All works within the scheme shall be carried out in accordance with the approved details, unless otherwise approved in writing by the local planning authority.

Reason: in the interests of securing long term visual amenity and biodiversity benefit

### **28 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 07 Nov 2016 0487-017 ACCESS DRAWING AMMENDED  
23 Feb 2016 SITE LOCATION PLAN

For illustrative purposes

1 December 2016 150301 L 02 01 CONCEPT MASTERPLAN  
08 Nov 2016 150301 SK 004 BB103

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 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 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)

5 This development may require a permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency for any proposed works or structures, in, under, over or within eight metres of the top of the bank of the 'main river'. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

**Item No:** 02  
**Application No:** 16/03306/OUT  
**Site Location:** Milland House Rock Road Keynsham Bristol Bath And North East Somerset



**Ward:** Keynsham North      **Parish:** Keynsham Town Council      **LB Grade:** N/A  
**Ward Members:** Councillor Brian Simmons Councillor Charles Gerrish  
**Application Type:** Outline Application  
**Proposal:** Erection of a building comprising a convenience store, 15 no. flats and 1 no. maisonette following demolition of the existing office building and detached dwelling house. (REVISED PLANS)

<b>Constraints:</b>	Affordable Housing, Agric Land Class 3b,4,5, Centres and Retailing, Contaminated Land, Forest of Avon, Housing Development Boundary, LLFA - Flood Risk Management, SSSI - Impact Risk Zones,
<b>Applicant:</b>	Milands Properties LLP
<b>Expiry Date:</b>	15th December 2016
<b>Case Officer:</b>	Tessa Hampden

## REPORT

Reason for referring this application to committee

This application has generated an objection from the Town Council. Further there have been objections from Cllr Hale, Cllr Gerrish, and Cllr O'Brien. Cllr Davis therefore has agreed that this application should be heard at the Development Management Committee.

Site description and proposal

The application relates to a site located on the corner of Rock Road, Ashton Way and Mayfield. The site is within the designated town centre, set behind the High Street of Keynsham. The site is outside of, but adjacent to the Conservation Area. The site currently comprises an office building and a single dwelling, and associated parking areas. To the north of the site is Ashton Way Car Park.

The application seeks outline planning permission for the erection of a building comprising a convenience store, 15 no. flats and 1 no. maisonette following demolition of the existing office building and detached dwelling house. Revised plans have been submitted during the course of the planning application in an attempt to overcome concerns raised by officers and third parties. At this stage consent is sought for scale, layout, access and the appearance, with landscaping details left to reserved matters stage.

An application for 'the erection of a building comprising a convenience store, office and 14 flats, following demolition of the existing office building and detached dwelling house' was recently refused and dismissed at appeal. This was refused for 5 reasons but during the appeal process additional information was submitted and as such only 3 of these reasons were defended at appeal. These were as follows:

1 Due to the excessive scale, bulk and inappropriate design and use of materials, the building proposed would appear overbearing and incongruous in its context. As such the development would harm the visual amenities of the area, and be contrary to policies CP6 of the Core Strategy and save policies D2 and D4 of the Bath and North East Somerset Local Plan 2007

2 The proposed development is likely to result in a conflict between residential and commercial traffic which would be prejudicial to the safety, amenity and convenience of road users. Further, the proposed pedestrian access arrangements are inadequate and would be prejudicial to the safety, amenity and convenience of users. The proposal is therefore contrary to the key aims of Policy T.24 of the Bath & North East Somerset Local Plan (including minerals and waste policies) Adopted October 2007, which requires developments to provide safe and convenient access.



3 The proposed development does not make adequate provision for the loading and unloading of goods vehicles within the site, or provide adequate parking provisions for the future residential occupiers. The development would therefore encourage such vehicles to park on the highway, with consequent additional hazard to all users of the road. The proposal is therefore contrary to the key aims of Policy T.26 of the Bath & North East Somerset Local Plan (including minerals and waste policies) Adopted October 2007

Although the appeal was dismissed, this was only in relation to reason 1 above, with the Inspector agreeing that the building was of an inappropriate scale and design. However, he was satisfied that the development did not result in harm to highway safety and presented parking on site. The application has been resubmitted on this basis.

#### Relevant planning history

Appeal - 15/00060/RF - DISMISSED - 22 December 2015 - Erection of a building comprising a convenience store, office and 14 flats, following demolition of the existing office building and detached dwelling house.

14/03163/FUL - REFUSED- 4 March 2015 - Erection of a building comprising a convenience store, office and 14 flats, following demolition of the existing office building and detached dwelling house.

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

Economic Development - no objection

Planning Policy - no objection

Urban design - following the submission of revised plans, the application is supported.

Highway Development - given the findings of the Inspector at the recent appeal, objection could not be sustained. Therefore no objections are raised subject to conditions

Keynsham Town Council - Object; overdevelopment of the site, overbearing impact, out of keeping with the existing street scene and is incongruous with the Victorian terraced aspect of Rock Road

Cllr Hale- objects - comments can be summarised as follows:

- out of keeping with street scene which is terraced housing with a stone exterior
- the red brick is not complimentary to the existing housing
- the flats are too high and will dominate dwellings in Rock Road.
- overdevelopment of the available space
- no provision for the parking of residents vehicles.
- lack of parking for staff or customers of retail store
- lack of demand for such a store
- the proposed hours of operation are likely to draw anti social behaviour
- highway/traffic grounds -inappropriate for HGV deliveries

Revised plans - objections repeated as above

Cllr Gerrish - plans received objects to the development, the reason can be summarised below;

- proposal is significant overdevelopment
- height proposed is inappropriate to the adjoining residential area
- the plan for additional retail in wholly inappropriate and not required -proposed redevelopment of riverside will address any shortfall in future retail need.
- impact of increase car use on an already congested area with the planned one way system

Revised plans - objections repeated as above

Cllr O'Brien objects to the scheme

- supports views of Cllr Hale
- particular concerns with the lack of parking provision and also the lack of necessity for another convenience store.

29 households have provided representations. These can be summarised as follows:

29 representations were to the initial plans with 6 making second representations on the revised plans

- Overdevelopment of the site
- Out of keeping with the character and appearance of the area
- Excessive height and footprint
- inappropriate materials
- Lack of parking and associated impact
- Insufficient road width for associated vehicular movements
- highway safety relating to deliveries
- Impact during construction
- Impact upon residential amenity from retail unit
- Lack of need of retail unit
- Lack of housing mix
- lack of outdoor space
- No distinction between private and public realm
- No affordable housing
- Loss of employment/office use

## **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 should be considered:

KE1 Keynsham Spatial Strategy

KE2 Town Centre Strategy  
CP2 - Sustainable Construction  
CP4 District Heating  
CP6 - Environmental Quality  
CP9 Affordable housing  
CP12 Centres and retailing  
DW1 - District Wide Spatial 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

IMP1 - Planning obligations  
D.2 General Design and Public Realm Consideration  
D.4 Townscape Consideration  
ET2 Office Development  
S2 Retail development with identified centres  
ES5 Foul and surface water drainage  
ES15 - Contaminated Land  
BH12 - Archaeology  
BH.6 Development within or affecting Conservation Areas  
NE.10 Nationally Important Species and Habitats  
NE.11 Locally Important Species and Habitats  
T24 - General development control and access policy  
T26 - On-site parking and servicing provision  
HG1 Meeting the district housing requirements  
HG4 Residential development in urban areas  
HG13 Retention of housing stock

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. The Plan is at an advanced stage; those policies not subject to representations at Draft Plan stage (or only subject of supporting representations) are considered to be capable of being given substantial weight. Policies still subject to outstanding/unresolved representations can only be given limited weight at this stage until the Inspector's Final Report is received.

Policies with limited weight

D1 General urban design principles  
D2 Local character and distinctiveness  
D3 Urban fabric  
D5 Building design  
D6 Amenity  
SD1 - Presumption in favour of sustainable development  
SU1 - Sustainable drainage  
HE1 - Historic environment  
NE3 - Protected Species  
PCS1 - Pollution and nuisance  
ST1 - Sustainable Travel  
ST7 - Transport requirements for development

KE1: Keynsham Spatial Strategy

KE2: Town Centre/Somerdale Strategic Policy

ED.1B Change of use & redevelopment of B1 (A) office to residential use

ED.1C Change of use and redevelopment of B1 (A) office use to other town centre uses

The following policy has substantial weight

PCS5 - Contamination

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

### **OFFICER ASSESSMENT**

Principle of development

The proposal puts forward a mixed use scheme which is considered to be appropriate within the town centre in which the site is located. Core Strategy Policy CP12 states that Keynsham town centre should be maintained and enhanced, and that town centre uses such as the ones proposed within this application should be primarily located here. Whilst there are a number of empty units within the town centre, this does not preclude the provision of additional units within the policy area. In order to attract a more varied mix of retailer, the provision of larger retail units is promoted through Core Strategy Policy KE1 and KE2. There is no objection to this part of the development in principle.

The provision of residential units is considered also to be acceptable in principle on the application site which sits within the Housing Development Boundary of Keynsham. The development will provide a mixture of one and two bedroom flats. Whilst this is a limited mix of dwelling types, this is considered to be appropriate for this town centre location, and will meet a particular need within the community.

The site currently makes a contribution towards the overall office stock within Keynsham and consideration therefore needs to be given as to whether its loss will undermine the aims of policy KE1 over the period of the Core Strategy. Policy KE1 makes provision for an increase in office

floorspace from about 13,00sqm in 2011 to about 20,200 sqm in 2029. As noted above Policy KE1 also seeks to make provision of larger retail units and for 2150 homes between 2011 and 2029. The development contributes to these two aims and this needs to be weighed in the overall balance of this proposal. Planning permission has recently been granted for 10,139m<sup>2</sup> GIA of B1 office space at Somerdale, and it is therefore accepted that some existing office space will be lost without compromising the ability to meet the above targets.

Saved Policy ET.2 of the Local Plan states that proposals for net losses in stand-alone office floorspace will not be granted in areas including those very close to the central areas of Keynsham unless set criteria are met. As well as looking at the office floor space in each sub area, one of these criteria is that the proposal will secure suitable alternative employment opportunities of at least equivalent economic benefit to the sub area. The

proposal involves the creation of a new convenience store which the Planning Statement has cited as creating up to approximately 30 full time jobs. As such, the proposal will continue to make a contribution to the local economy and would not result in the loss of an employment generating use.

It also noted that the change of use of an office to a dwelling is permitted development subject to the prior approval of the LPA first being sought over transport and highways impacts of the development, contamination risks on the site and flooding risks on the site. Therefore, the existing office floorspace could, if the building would allow, be realistically converted to residential floorspace without the need for planning permission. Although the application does not seek a change of use of the building, this more flexible approach introduced into the General Permitted Development Order forms a material consideration.

Paragraph 51 of the NPPF states that local authority should normally approve planning applications for change of use to residential use and any associated development from commercial buildings where there is an identified need for additional housing, provided that there are not strong economic reasons why such development would be inappropriate. Given the above considerations, there is no objection to the loss of the office use and the creation of the retail and residential uses in this town centre location. The development can therefore be supported in principle.

#### Character and appearance

Milland House is of little architectural merit and the redevelopment of the site therefore has significant potential to enhance the visual amenities of the area and contribute to the regeneration of this part of Keynsham. The demolition of the two storey detached dwelling house is also considered acceptable in principle; the building has a neutral impact upon the character and appearance of this area.

During the course of the planning application, a number of revised plans have been submitted in an attempt to overcome the harm identified by officers and third parties. The alterations to the scheme include reducing the footprint bringing the frontage away from Rock Road; changes to the roof form; alterations to boundary treatment (including wall detailing), amendments to fenestration detailing; the introduction of recesses; and changes to the proposed materials.

The overall bulk of the building was a key concern in the previously refused scheme. This has been recognised in the current application through the current design approach. The overall height of the building has reduced from four to three storeys. The site is within Keynsham Town Centre where adopted policy recognises can be the focus for higher density forms of development. However, it is important that any development respects the visual amenities of the area and the particular context in which it sits. Keynsham Town Centre comprises buildings which range in height with five storey buildings in close proximity to the application site. The nearest example is the relatively recently constructed Civic Centre, but as a municipal building, this increased height is appropriate. The application site acts as a transition point from residential surroundings to the town centre. Typically development in transitional areas should step-down from the higher built forms to better relate to adjacent traditional residential development. The introduction of a three storey building is considered to be acceptable in this context sitting behind the High Street with a number of higher buildings, leading to a street of residential two storey dwellings.

The proposed two storey maisonette is set adjacent to the main three storey building which allows for this transition from the town centre to the residential area to continue on this site.

The overall footprint of the building has been reduced which allows for a set back at Rock Road. This buffer between the facade of the building and the public highway results in a building that more closely follows the character of Rock Road and reduces the impact of this building on the street scene. The introduction of gable ends also reflects a more traditional form which sits more comfortably in the context. A number of mechanisms have been included in the design which aids in breaking up the visual bulk of the buildings. The staggered nature of the building aids in breaking up the building on the Rock Road frontage. The introduction of additional high-level windows facing the Ashton Way Car Park adds interest to this elevation and overcomes the concerns raised with regards to the oppressive frontage. Further articulation has been included on this elevation by means of vertical recesses. This detail again aids in reducing the perceived bulk of the building. Further details such as the inclusion of balconies add interest to the scheme which reduces the homogeneity ensuring there is no bland frontage.

The windows which will serve the retail unit have been increased in size, and are now considered to be more appropriate for this use, resulting in an improved active frontage to this part of the Rock Road public realm. A condition can be included on any planning permission to ensure that there is control over the number of windows that are covered with advertisements/window decals etc. to ensure that an active frontage is retained.

Following discussions with the agent, they have agreed to use an element of natural material in the scheme. It is now proposed to use blue lias stone at ground floor level on Rock Road which aids in integrating the development with existing built form on Rock Road. Whilst red brick and timber was initially proposed on the upper floors, this has now been changed to grey/mottled red brick. This is considered to tie in much more successfully with the surrounding materials and result in a higher quality development.

Landscaping will be dealt with at reserved matters stage, It is noted that there is limited space within the site for any soft landscaping, but this is not inappropriate in this city centre location. The boundary treatment has been improved at the frontage with Rock Road with the introduction of a cock and hen wall rather than the original block wall. This ties in more successfully with the boundary treatment of the surrounding area.

Overall, the proposed development is considered to be of an acceptable siting, scale and design which will ensure that the visual amenities and the character and appearance of the nearby Conservation Area is preserved.

#### Highway safety

A number of third party comments have raised significant concerns with regards to highway safety and lack of parking provision. As noted above, although the appeal was unsuccessful this was only due to the impact upon the character and appearance of the area. The Inspector concluded that the scheme would not give rise to material hazards to drivers and pedestrians or undermine the objectives of saved Local Plan policies T24 and T26.

The proposed access and servicing arrangement, the car and cycle parking, and the pedestrian connections are broadly the same as that previously considered at appeal. Given this, and the Inspectors comments, it would be now unreasonable for the LPA to raise objections to this current proposal.

The Inspector previously concluded that in view of the site's proximity to (a) the railway station and (b) bus services visiting the town centre, the level of parking proposed represented a reasonable level of on-site residential parking provision. People working at, or visiting, the retail unit and the first floor office could use either the same public transport or the short and long term town centre car parks. It was also concluded that in view of the low traffic levels and good visibility at the junction of Mayfields, any harm is likely to be a matter of infrequent, temporary inconvenience rather than a material hazard.

For the above reasons, no objections are raised on highway safety grounds.

### Ecology

The building is set within an urban environment, a location remote from suitable habitat for wildlife and bats. It does not appear to lend itself to use by bats, and does not meet the criteria listed on the B&NES Validation checklists under which a bat survey of the building would usually be expected. It is therefore not considered that a protected species survey is essential for planning purposes in this case.

### Residential amenity

The proposed building is located in close proximity to surrounding residential properties. However, in this urban environment, it is not considered that the building will result in any significant harm to the residential amenity of the neighbouring occupiers. The development would not result in a loss of privacy, or have an overbearing impact to a level that would warrant a refusal of this planning application. The application proposes opening hours of 7am to 11pm and this is not considered unreasonable in this location. The opening hours, as well as the operation of the store including deliveries, storage of rubbish etc., can be secured through the inclusion of condition.

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

### Drainage

The applicant has indicated that surface water will be managed using a Sustainable Drainage System but no details were provided. Full details of this can be secured through a condition.

### District Heating

The site lies within a District Heating Priority Area as defined by Policy CP4. The applicant states that a plant room has been made available on the ground floor which could accommodate district heating infrastructure. A service area is outlined on the proposed

floor plan and this is considered to be of an acceptable size and location within the building to facilitate this to come forward in the future. This can be secured through a condition on any planning permission.

### Planning obligations

The development triggers the need for 30% affordable housing in line with adopted policy. However, the agent has submitted a viability assessment to demonstrate that the provision of this would render the scheme unviable. This has been independently assessed by Carter Jonas who have agreed with this conclusion. Therefore affordable housing will not be sought on this scheme.

### Other issues

No other issues have arisen as a result of this planning application. The third party comments have been fully considered to but for the reasons outlined above, this application is recommended for approval.

## **RECOMMENDATION**

APPROVE

## **CONDITIONS**

### **1 Outline Time Limit (Compliance)**

The development hereby approved shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the latest.

Reason: As required by Section 92 of the Town and Country Planning Act (as amended), and to avoid the accumulation of unimplemented planning permissions.

### **2 Reserved Matters Time Limit (Compliance)**

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: As required by Section 92 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permissions.

### **3 Flood Risk and Drainage - Infiltration Testing (Pre-commencement)**

No development shall commence, except ground investigations and remediation, until infiltration testing and soakaway design in accordance with Building regulations Part H, section 3 (3.30) have been undertaken to verify that soakaways will be suitable for the development. If the infiltration test results demonstrate that soakaways are not appropriate, an alternative method of surface water drainage, shall be submitted to and approved in writing by the Local Planning Authority and installed prior to the occupation of the development.

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 understand whether soakaways are appropriate prior to any initial construction works which may prejudice the surface water drainage strategy.

#### **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.

#### **5 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 have previously been submitted to and approved in writing by the Local Planning Authority and 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

#### **6 Site management plan - (Pre-occupation)**

Prior to the occupation of the retail development, a Site Management Plan for the retail unit shall be submitted to and approved in writing by the Local Planning Authority and shall include details of waste disposal, deliveries (including times), and opening hours.

Reason: To ensure the safe operation of the highway and protect residential amenity

#### **7 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.

### **8 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.

### **9 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.

### **10 District Heating (Pre-commencement)**

No development shall commence until a scheme to show the provision of a district heating compliant system and infrastructure within the approved development has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out strictly in accordance with the approved details.

Reason: In the interests of sustainable development and in order to show compliance with Policy CP4 of the Bath and North East Somerset Core Strategy. This is a condition precedent to ensure that the necessary infrastructure is incorporated into the development at its earliest stages.

### **11 Bicycle Storage (Pre-occupation)**

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

Reason: In the interests of sustainable development.

### **12 Refuse Storage (Pre-occupation)**

Prior to the occupation of the development, the refuse store(s) indicated on the approved plans shall be provided and thereafter shall be permanently retained solely for this

purpose. No refuse shall be stored outside the building(s) other than in the refuse store(s) hereby approved.

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

### **13 Archaeology - Watching Brief (Pre-commencement)**

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

Reason: The site is within an area of significant archaeological interest and the Council will wish to examine and record items of interest discovered. This is a condition precedent because archaeological remains and features may be damaged by the initial development works.

### **14 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	01 Jul 2016	3236-203	EXISTING GROUND FLOOR PLAN
	01 Jul 2016	3236-204	EXISTING FIRST FLOOR PLAN
	01 Jul 2016	3236-205	EXISTING ELEVATIONS
	01 Jul 2016	3236-206A	EXISTING SECTIONS
	01 Nov 2016	501 N	GROUND FLOOR PLAN
	01 Nov 2016	503 Q	ROOF PLAN
	01 Nov 2016	511 K	ROCK ROAD AND CAR PARK ELEVATIONS
	01 Nov 2016	512 M	FRONT AND REAR ELEVATIONS

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 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 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)

<b>Item No:</b>	03
<b>Application No:</b>	16/04512/FUL

**Site Location:** Church Farm Church Lane Stanton Drew Bristol Bath And North East Somerset



**Ward:** Clutton

**Parish:** Stanton Drew

**LB Grade:** N/A

**Ward Members:** Councillor Karen Warrington

**Application Type:** Full Application

**Proposal:** Change of use to convert farm building to provide a farm dwelling.

**Constraints:** Affordable Housing, Airport Safeguarding Zones, Airport Safeguarding Zones, Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Referral Area, Conservation Area, Forest of Avon, Greenbelt, SSSI - Impact Risk Zones,

**Applicant:** Mr & Mrs R And Mr James Young

**Expiry Date:** 16th December 2016

**Case Officer:** Alice Barnes

## REPORT

Reason for reporting application to the committee

The application is being referred to the committee as the parish council have objected to the application contrary to the case officer recommendation to permit the application.

The application has been referred to the chair of the committee who has agreed that the application should be considered by the committee.

Description of site and application

Church Farm is located on the north side of Stanton Drew Village. The site is located within the green belt, conservation area and the farm is partially location within the housing development boundary. The original farmstead comprises a group of building on the northern section of the village. Part of the farm i.e. the dairy was relocated in 2010 to

nearby fields south west of the village (planning refs 10/02372/FUL) and this development included an associated farm dwelling.

This is an application to convert an existing farm building on the main farmstead to a residential property. The existing barn is located outside but adjacent to the housing development boundary and sits to the north of the existing groups of buildings. The existing farmhouse is Grade II listed and the application site is separated from the farmhouse by existing farm buildings.

The application proposes to convert the existing building to a dwellinghouse. Parking would be provided on the western elevation and vehicle access would be from the access road to the north of the building.

A prior approval request has been approved on the northern section of the building to allow for the building to be used as a café. This has not been implemented.

#### Relevant History

DC - 06/03101/AGRN - PRAPRQ - 20 September 2006 - Extension to existing shed.

DC - 15/03317/NACOU - PERDEV - 6 August 2015 - Prior approval request for change of use from Agricultural Building to Tea Rooms (Class A3)

DC - 10/02372/FUL - Erection of a milking parlour, dairy, office and w.c, temporary stationing of agricultural workers mobile home and construction of altered access and track

DC - 14/00402/FUL - Erection of farm workers dwelling

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

Stanton Drew Parish Council: We have sought the thoughts/observations of residents local to the site and, like the parish councillors, there are differences of opinion.

On the one hand we would encourage the provision of a dwelling, on site, for the son of the owners of Church Farm, to ensure the future running of a very efficient enterprise, and at the same time to make use of an under used barn with minimal alterations to the existing, we would always support any rural/agricultural worker.

On the other hand the barn/proposed dwelling is outside of the HDB, in a sensitive Conservation Area and adjacent to a designated Ancient Monument, so design is particularly sensitive. It is generally thought that the proposal will still look like a converted cowshed done on the cheap that may satisfy PDO type conversions but not at this sensitive location or indeed anywhere in this Green Belt Parish.

Paragraph 58 of the NPPF states 'Development should respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation'. It may be argued that the design reflects the local 'cow shed' design and it is a slight improvement, but this proposal is not sensitive to surrounding dwellings.

The design proposal is contrary to Core Strategy Policy CP6 1a; 'high quality and inclusive design which reinforces and contributes to its specific local context, creating attractive,

inspiring and safe places'. CP6:2, GB1 'development within or conspicuous from GB should not prejudice but seek to enhance the visual amenities of the GB'.

If this was not for an agricultural worker then the proposal could be deemed contrary to GB2. So if the case officer is minded to permit then an Agricultural tie should be placed on this dwelling. The proposal therefore is contrary to policies CP6;1a, CP6;2, CP6:3, GB1, NPPF paragraph 58 and GB2. We would ask for a re-design and reapplication that makes this proposal palatable.

Archaeology: The proposed conversion of an agricultural building to a farm dwelling (including new services and access) lies in close proximity to a number of prehistoric monuments within the Stanton Drew stone circle complex, in particular the Cove and South-West Circle. Given the potential for similar and as yet unknown archaeological deposits and features within the area, I would recommend that conditions are attached.

Historic England: No comment

Ecology: A satisfactory completed bat survey is submitted which finds no use of the barn by bats or nesting birds. Appropriate precautionary measures are recommended. These should be adhered as stated in the report and this can be secured by condition.

Highways: The proposal to provide 2 no. on site spaces for parking is considered acceptable as this will meet the maximum standards set out in policy T.26 of the Local Plan. While the conversion will result in an increase in trips typically associated with a residential dwelling, Highways DC envisage that the safety and operation of the public highway will benefit overall with a likely reduction in slow-moving agricultural vehicles associated with the existing building. The safety of the Public Right of Way (CL18/8), which runs along the private access lane from Church Lane, will also benefit as a result of the likely reduction in agricultural vehicles.

Representations: One representation has been received objecting to the application for the following reasons;

The proposed first floor window and Juliet balcony will overlook Rose Cottages which is adjacent to the site.

The proposed development does not improve the appearance of the building and is out of keeping with the village character.

The site is within the green belt and outside of the housing development boundary. The development represents inappropriate development in the green belt.

The barn is adjacent to a designated ancient site.

The development is harmful to green belt policy.

The barn will require substantial reconstruction.

The application to convert part of the building into a café indicates no further work was planned on the barn.

## **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:

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

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

CP6 - Environmental Quality  
 CP8 - Green Belt

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  
 GB.2: Visual Amenities of the Green Belt  
 ET.9: Re-use of rural buildings  
 T.24: General development control and access policy  
 T.26: On-site parking and servicing provision  
 NE.10: Nationally important species and habitats.  
 NE.11: Locally important species and habitats.  
 BH.6; Development within of affecting conservation areas  
 BH.12: Important archaeological remains  
 HG.10: Housing outside settlements  
 HG.6 - Residential development in the R.3 settlements.

National Policy

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

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 placemaking plan is at an advanced stage (albeit still at Examination) and policies not subject to representations at Draft Plan stage (or only subject of supporting representations) are considered to be capable of being given substantial weight. This also assumes that the Inspector will not raise further issues on any policies not subject to objections as the hearings are now closed. Policies still subject to outstanding/unresolved representations can only be given limited weight at this stage until the Inspector's Final Report is received.

The following policies are given substantial weight

RE.4 - Essential dwellings for rural workers

The following policies are given limited weight

D.2 - Local character and distinctiveness



D.5 - Building design  
D.6 - Amenity  
RE6 - Re-use of rural buildings  
HE.1 - Safeguarding heritage assets  
NE3 - Nature Conservation and Biodiversity  
ST7 - Transport, access and development management

## **OFFICER ASSESSMENT**

This is an application to convert an existing farm building to a residential property. The existing barn is located outside but adjacent to the housing development boundary. The existing farm is located on the edge of the existing village, the housing development boundary cuts through the existing farm. The proposed conversion will result in a two floor dwelling. The proposal will retain the existing structure of the building including a mezzanine to allow for the first floor accommodation.

The applicant has advised that the dairy enterprise has been relocated to the south of the village and the existing barns are now surplus to requirement. The existing building is a steel frame with a concrete floor. It has been clad in timber with some breeze block walls.

### Planning history

A prior notification was granted for part of the building to be used as a café. Work has not commenced but it is indicated on the plans that this part of the building will be retained for the café use.

### Principle

The submitted design and access statement states that the proposed barn conversion would be used as accommodation for a farm worker and his family in order for them to live on site.

Paragraph 90 of the NPPF outlines forms of development which are not inappropriate development within the green belt. This includes the re-use of buildings provided that the buildings are of permanent and substantial construction.

Paragraph 55 allows for the conversion of a building to residential. This is read in conjunction with paragraph 90 of the NPPF which allows for the conversion of building within the green belt.

Polices HG.10 of the local plan and RE.4 of the placemaking place allow for the housing outside settlements where they are used by agricultural workers. These polices encourage the re use of buildings within the holding to provide accommodation subject to policy ET.9 of the local plan.

The application site is located outside of the housing development boundary within the Green Belt. The principle of development is considered under policy ET.9 of the local plan which relates to the re-use of rural buildings. Policy ET.9 will assess the following criteria.

Part 1 of policy ET.9 states that the general design of the development should be in keeping with its surroundings. The proposed development will remain as a timber clad

building and the structure will not be altered. It would not be at odds with the appearance of the existing farm.

Part 2 of ET.9 states that the appearance of the building should not be adversely affected. As above the proposed development will remain as a timber clad building and the structure will not be altered. It will not harm the character of the surrounding Conservation Area.

Part 3 of policy ET.9 states that the building should be capable of conversion without substantial reconstruction.

The applicant has submitted a structural appraisal to confirm that the building is of sound construction.

The applicant has outlined the works they intend to do to alter the building to form a dwelling. The works will enclose the open parts of the building with block walls and timber cladding. The structural report has advised that the existing steel frame should be re-coated and bolts are checked and tightened. The applicant has advised that the structure will not be taken down, no underpinning is required and the steel frame will not be replaced. The concrete base and foundations will be retained. Therefore the main structure of the building will be retained and does not require substantial reconstruction.

Part 4 of policy ET.9 states that the development should not result in the dispersal of activity that prejudices a village's vitality. The proposed development will be located within an existing group of dwellings and would not harm the vitality of the village.

Part 5 b, of policy ET.9 states that the development should not be in a position isolated from public service, community facilities and unrelated to an existing group of buildings. The existing building is located adjacent to the existing village.

Part 6 of policy ET.9 states that the development should not result in the provision of a replacement agricultural building. The existing dairy enterprise has been relocated to the south of the village and the existing building is surplus to requirement. Therefore the proposed change of use will not generate a requirement for a replacement agricultural building.

Part 7 of the policy states that in the case of buildings in the green belt the development should not have a materially greater impact than the present use on the openness of the green belt.

The proposed change of use will not extend the existing building and the footprint of the building will not increase. The development will occur within an existing cluster of buildings and is not considered to harm the openness of the surrounding green belt.

The proposed development is considered to comply with policy ET.9 of the local plan and the principle of residential development is accepted.

The proposed conversion would be occupied by Mr and Mrs Young and their family. The dwelling would therefore be occupied by a farm worker and their family. The barn will be accessed by the existing farm access and track. It forms part of the existing cluster of the

buildings, for example agricultural buildings are sited to the south of the property. If the dwelling is occupied by a worker within the holding then the dwelling would operate as part of the existing farm. If it were to be occupied by someone who does not work at the farm this could create some conflict given the proximity of the building to the farm operation and the sharing of the access. Therefore in this instance it is considered to be appropriate to condition the dwelling to be used as a workers dwelling for the existing farm.

## Design

The building will be clad in timber cladding for the majority of the existing walls. Rendered block work will be used at the ground floor level up to 1m in height. The existing building is a timber clad property and includes some block work at ground floor level. Therefore the proposed design is considered to reflect the design of the existing agricultural building and the new materials will improve the appearance of the existing building. When viewed from a distance it will appear as part of the existing group of farm buildings and the works will not result in harm to the existing setting.

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 proposed development will preserve the character of the surrounding Conservation Area.

## Highways

The highways officer has raised no objection to the application. The proposed development will provide two spaces on site for the proposed dwelling, which will meet the maximum standards in the local plan. The highways officer has commented that it is likely there will be a reduction in vehicle trips overall due to the reduction in agricultural buildings. A public right of way runs to the north of the site and this will not be affected by the proposal.

## Archaeology and heritage assets

The building is visually separated from the nearby listed buildings of the farm house and St Mary's Church by existing farm buildings. Therefore it will not encroach into the setting of nearby listed buildings.

The site is located close to a number of scheduled ancient monuments forming the stone circles of Stanton Drew. The archaeology officer has recommended that a schedule of archaeology works is submitted before work commences and this is secured by condition.

## Ecology

The applicant has submitted a protected species survey which has been referred to the councils ecologist. It finds no use of the barn by bats or nesting birds. Appropriate precautionary measures are recommended which can be required by condition.

## Amenity

The nearest neighbouring properties to the site area located 35m from the side elevation. Concern has been raised that the development will result in increased overlooking of the nearby property of Rose Cottage. The proposed development originally included a new first floor window and balcony facing Rose Cottage. The balcony has been removed from the proposal and replaced with a window. Given the distance from Rose Cottage the provision of a new window is not considered to result in harm by reason of overlooking that would warrant refusal of the application.

## **RECOMMENDATION**

PERMIT

## **CONDITIONS**

### **1 Outline Time Limit (Compliance)**

The development hereby approved shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the latest.

Reason: As required by Section 92 of the Town and Country Planning Act (as amended), and to avoid the accumulation of unimplemented planning permissions.

### **2 Parking (Compliance)**

The garage hereby approved shall be retained for the garaging of private motor vehicles associated with the dwelling and ancillary domestic storage and for no other purpose.

Reason: To ensure adequate off-street parking provision is retained in accordance with Policy T.26 of the Bath and North East Somerset Local Plan.

### **3 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.

### **4 Ecology (Compliance)**

The development hereby permitted shall be carried out only in accordance with the recommendations of the approved Protected Species Assessment report by Country Contracts dated August 2016.

Reason: To avoid harm to wildlife including protected species

### **5 Archaeology (pre-commencement)**

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

Reason: The site is within an area of significant archaeological interest and the Council will wish to examine and record items of interest discovered in accordance with policy Bh.12 of the 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 Agricultural Occupancy (Compliance)**

The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture, or a widow or widower of such a person, and to any resident dependants.

Reason: To accord with the Policies in the Development Plan and to ensure an adequate availability of dwellings to meet agricultural needs in the locality.

### **8 Plans List (Compliance)**

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

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

#### **PLANS LIST:**

1 Existing plans and elevations 01  
Proposed plans and elevations 02 rev C

Advice Note;

The applicant should ensure that PROW CL18/8 remains clear of obstruction at all times during and after construction works. Any damage to this road shall be repaired at the applicant's expense.

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

## **2 Condition Categories**

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

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

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

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

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

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

Where approval of further information is required you will need to submit a conditions application and pay the relevant fee, details of the fee can be found on the "what happens after permission" pages of the Council's Website. You can submit your conditions application via the Planning Portal at [www.planningportal.co.uk](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.

<b>Item No:</b>	04
<b>Application No:</b>	15/03650/OUT

**Site Location:** New Kingdom Hall Charlton Road Keynsham Bristol Bath And North East Somerset



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

**Ward Members:** Councillor Brian Simmons Councillor Charles Gerrish

**Application Type:** Outline Application

**Proposal:** Erection of a three storey block comprising 8no residential apartments following demolition of the existing buildings (access and layout to be determined with all other matters reserved)

**Constraints:** Agric Land Class 3b,4,5, Centres and Retailing, Conservation Area, Forest of Avon, Sites with Planning Permission, Housing Development Boundary, Public Right of Way, SSSI - Impact Risk Zones,

**Applicant:** Hill Development

**Expiry Date:** 4th March 2016

**Case Officer:** Alice Barnes

## REPORT

Reason for reporting application to the committee

The application was considered by the committee on the 16th December 2015 and the committee resolved to grant permission on the application. At the time of consideration the provision of eight dwellings would have required a 15% affordable housing contribution to be secured by a legal agreement. Before the applicant could enter into a legal agreement a change to the national planning practise guidance has meant that councils can no longer require contributions for developments of less than 10 dwellings. The application is being referred back to the committee as the members have originally resolved to grant permission on the basis that affordable housing contributions would be made and these can no longer be required. There has therefore been a change in circumstance from the original submission.

## Description of site and application

The application site is located within Keynsham Town Centre. The site is located within the Conservation Area. The site is located to the rear of the high street located adjacent to the car park for the Tesco store and the rear elevations of the High Street. The existing building is a single storey property. The site has previously been used as a Jehovah's Witness hall and has since been granted permission under a certificate of lawful use as residential.

This is an outline application considering layout and access for the construction of eight apartments following the demolition of the existing building. The proposed building is indicated to be three stories in height. To the north of the site permission has been granted for the provision of a three storey block of flats which has recently been constructed.

## Relevant History

DC - 09/00310/CLEU - LAWFUL - 26 March 2009 - Application for a Certificate of Lawfulness for an Existing Use for continued use of Kingdom Hall as a dwelling (Use Class C3)

DC - 09/04907/OUT - RF - 22 April 2010 - Erection of two and a half storey building to consist of Class A1 (Retail)/Class A2 (Financial & Professional Services)/Class A3 (Cafe & Restaurant) and/or Class A5 (Hot Food Takeaway) uses on the ground floor and offices (Class B1) on the first and second floors following demolition of existing building

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Highways: No objection, subject to conditions. The proposed parking area for eight vehicles would make use of an existing access onto what is a private length of road serving the Tesco store and providing rear access to properties fronting the north part of the High Street. The limit of adopted highway terminates at the southern boundary of the application site where the access road reduces in width to form a 'priority' narrowing.

The existing access point, which would remain unchanged, emerges within the narrowing zone. This has the advantage of creating a widened footway width in this location, affording improved visibility for emerging vehicles. It is noted that, apart from New Kingdom Hall, this existing entrance provides access to parking at the rear of no 24 High Street.

The parking layout shown on Drawing No 1888-4 is satisfactory. The 2.4m x 4.8m bays widths are to the accepted dimension standard; and the aisle width of 6.0m sufficient to allow turning and manoeuvring within the site to allow vehicles to egress the site in forward gear. The detail of the proposed boundary to Bay 8 at the back edge of footway is however unclear. It is suggested the clear access width is maintained as far south as the top of Bay 8, and thereafter a wall if proposed should be no greater in height than 900mm to afford inter-visibility between drivers and pedestrians across the entire frontage of the parking area. This is particularly important as a zebra type crossing point is installed across the narrowing in the access road just south of this access point.



Public rights of way: Following the submission of revised plans the following comments are made. The information submitted in the PROW response dated 5th October 2015 clearly shows the width and position of public footpath BA27/70 and this information must be adhered to by the developer - if the development encroaches on the width or position of the public footpath, then it will be an illegal obstruction. The public footpath must be clearly waymarked and signposted so that the public are aware of where the footpath is. PROW is concerned that the footpath might become "hidden" and that the public will be encouraged to walk the route on the other side of the development which is not the route of the public right of way. PROW objects to the opening of the door to the cycle storage into the public right of way. This is a very narrow public right of way (the width of the footpath at this point is approximately 1.6m). Whilst the public footpath does appear to be incorporated into the amended plan (Revised Drawing 1888-4 A), PROW has concerns that the route of the footpath might not be made clear and that the public will be discouraged to use the definitive line of the footpath. PROW also raises concerns about the safety of pedestrians using the section of public footpath BA27/70 which runs adjacent to the proposed 3 parking spaces.

Wales and west utilities: There are pipes in the area that may be affected by the development. The applicant is advised to contact Wales and West Utilities before work is commenced in site.

Archaeology: No objection subject to conditions. The site lies within the historic core of Keynsham to the rear of buildings on the High Street and within a number of their medieval burgage plots. The neighbouring Tesco and Curo developments were subject to archaeological evaluation and excavation, which revealed the evidence of Roman and medieval occupation in the area.

Conservation officer: Verbal confirmation of no objection

Keynsham Town Council: Object. The application proposals constitute an overdevelopment of the site. The proposed height of the flats exceeds the height of neighbouring flats in Charlton Road. (Policy D2 of the Local Plan). The amenity of neighbours' light will be compromised by the development. The overbearing nature of the development will have an influence on light to the rear which will affect the Conservative Club. There will also be overlooking and loss of privacy (Policy D2 of the Local Plan). The amenity of neighbours' access will not be preserved. Currently there is a Public Right of Way giving access to the Conservative Club via both the North West and South East sections of this footpath. This application proposes to incorporate this Public Right of Way closing of access from the North West. (Policy D2 of the Local Plan). The refuse storage for the flats is proposed as being sited adjacent to the Public Right of Way and close to the grounds of the Conservative Club and there are concerns that there will be disturbance from smell associated with the refuse storage in this location. (Policy D2 of the Local Plan)

Environmental Protection: No comment

Councillor Brian Simmonds: Object for the following reasons:

1. It will be built over a registered footpath
2. It will block the rear access to the Conservative Club which is a fire exit and will make it impossible for the club to dispose of their trade refuse because the applicant is claiming

ownership of the whole footpath at the rear of the club. Some of the reasons in point 2 are applicable to the access to the Coop Funeral service.

3. By its mass it will be over bearing on the dwelling in the rear of the Club.

4. The design does not appear to consider the egress of vehicles into a very busy road nor does it consider the difficulty the access from the Funeral Parlour has without the development.

5. The proposed siting of this development could result in the closure of both the Club for safety reasons and funeral parlour due to poor access.

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

This is overdevelopment

The proposed new boundary walls will allow access to other properties.

The site will result in overlooking for flats along the high street.

Will residents be protected from unwanted noise?

No provision is being made to alter the route of the footpath to the rear of the property.

The blocking of the footpath with a wall will allow for access onto adjoining roofs.

Bin stores will in close proximity to the nearby Conservative Club. There is a possibility of infestation.

The development will overlook staff accommodation at the nearby Conservative Club.

The access to the Conservative Club could become blocked by parked cars.

The development will block a public right of way.

Additional traffic at an existing junction could result in harm to highway safety.

Construction of the development will be difficult.

## **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

CP7 - Green Infrastructure

KE.1 - Keynsham Spatial Strategy

CP.9 - Affordable Housing

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

Bh.6: Development within or affecting Conservation Areas.

T.24: General development control and access policy

T.26: On-site parking and servicing provision

National Policy

The National Planning Policy Framework adopted March 2012

National Planning Practice Guidance 2014

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.

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.'

The placemaking plan is at an advanced stage (albeit still at Examination) and policies not subject to representations at Draft Plan stage (or only subject of supporting representations) are considered to be capable of being given substantial weight. This also assumes that the Inspector will not raise further issues on any policies not subject to objections as the hearings are now closed. Policies still subject to outstanding/unresolved representations can only be given limited weight at this stage until the Inspector's Final Report is received.

The following policies are given limited weight

D.2 - Local character and distinctiveness

D.3 - Urban Fabric

D.5 - Building design

D.6 - Amenity

ST.7 - Transport requirements for managing development

## **OFFICER ASSESSMENT**

This is an outline application considering layout and access for the construction of eight apartments following the demolition of the existing building. The existing site is located to the rear of Keynsham High Street. The development would be adjacent to the car park for Tesco and the vehicles access would use the existing access road leading from Charlton Road which allows access for the Tesco car park. A three storey block of flats has recently been constructed to the north of the site.

Principle

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

The existing New Kingdom Hall is a single storey building where the lawful use is residential. The loss of the existing building is not considered to harm the surrounding Conservation Area.

## Access

The highways officer has raised no objection to the application. The proposed parking area for eight vehicles would make use of an existing access onto what is a private length of road serving the Tesco store and providing rear access to properties fronting the High Street. The limit of adopted highway terminates at the southern boundary of the application site where the access road reduces in width to form a 'priority' narrowing.

The existing access point, which would remain unchanged, emerges within the narrowing zone. This has the advantage of creating a widened footway width in this location, affording improved visibility for emerging vehicles. It is noted that, apart from New Kingdom Hall, this existing entrance provides access to parking at the rear of no 24 High Street.

The parking layout shown on Drawing No 1888-4 is satisfactory. The proposed development will allow for one space per dwelling within a sustainable location. The parking spaces are of adequate size and the development allows for vehicles to enter and leave the site in forward gear.

Concern has been raised within the representations that the proposed development will block the existing rear access. The proposed parking layout will occupy existing developed land and will not encroach onto the existing rear access to properties along the high street.

## Public rights of way

There is a public right of way which runs to the rear of the site. The original submitted plans showed that this right of way would be blocked by the proposed building. The revised plans submitted will not block the right of way and it will be retained. The public rights of way officer has advised that if development encroached onto the right of way this could be an illegal obstruction.

Public rights of way have advised that the direction of the footpath may not be clear and have raised concerns that the safety of the pedestrians may be compromised by the provision of parking spaces. However the current situation is that the footpath passes to the rear of the building and then passed through an existing vehicle parking area therefore the proposed development will not alter this situation. It is noted that one ground floor window from the proposed flats would overlook the right of way providing surveillance of the narrow footpath.

Concern was raised within the representations that the proposed development would block access to the rear of the Conservative Club. The revised drawings have retained the pedestrian footpath to the rear of the building so that the development would not block the rear pedestrian access. A condition should be attached to any permission requiring the submission of a construction management plan prior to ensure that the pedestrian and vehicle accesses do not become blocked during the construction period.

## Layout

The applicant has submitted a layout and indicative elevations. The ground floor of the proposal would partially be given over to parking space and the proposed development would provide one space per dwelling. Given that a three storey building has been constructed to the north of the site the proposed development would continue the line of the development to the rear of the site and will respond to the layout of the surrounding area. The council is satisfied that the site could accommodate the development of eight flats.

## Design

Whilst the applicant has not applied for the appearance or scale of the development they have provided indicative elevations. The proposed elevations show that the building would be a three storey building with a similar footprint to the existing building. The building would be of a similar scale to the recent development to the north of the site and subject to approval of the design details at the reserved matters stage the proposed development is likely to be acceptable.

Page 55 of the Draft Keynsham Conservation Area appraisal makes reference to the boundary walls and the public footpath to the rear of the building. The document states that poor facing and graffiti to the boundary walls make the existing public right of way an unpleasant route. The partial removal of the existing boundary wall around the hall would be likely to make a positive contribution to the surrounding area.

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 proposed development will preserve the character of the surrounding Conservation Area.

The building will be in close proximity to the nearby Grade II listed buildings on the High Street. The rear elevations of these building appear to have been substantially altered and the proposed flats are considered to be a sufficient distance away to not be viewed as being part of the context of the listed buildings.

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

## Affordable Housing

Back in December 2015 when the application was previously considered the provision of eight dwellings would required a 15% affordable housing contribution to be secured by a legal agreement. The introduction of paragraph 33 of the National Planning Practice Guidance has meant that councils can no longer ask for affordable housing contributions for developments of 10 dwellings or less. The application is being referred back to the committee as the members have originally resolved to grant permission on the basis that affordable housing contributions would be made and these can no longer be required.

## Archaeology

The site lies within the historic core of Keynsham to the rear of buildings on the High Street and within a number of their medieval burgage plots. The neighbouring Tesco and Curo developments were subject to archaeological evaluation and excavation, which revealed the evidence of Roman and medieval occupation in the area. The archaeology officer has requested that conditions are attached to any permission requiring the submission of an archaeological investigation.

#### Other matters

Concern has been raised within the representations that the proposed development will result in overlooking of the upper floors within the nearby High Street which are used for residential. The upper floors of the High Street would be over 20m from the rear elevation of the proposed flats so that the proposed flats are considered to be a sufficient distance from the rear elevation to not warrant refusal of the application.

Concern has been raised within the representations that the construction of the proposed development will result in disruption to the local surrounding area. A construction management plan should be attached to any permission to ensure that the development does not result in harm to the surrounding area during construction.

#### Conclusion

The proposed development is considered to be appropriate and permission is recommended (in line with the original decision to permit). A change to planning practice guidance means that the council can no longer require that the applicant provides affordable housing contributions and the application is being reported on that basis alone.

### **RECOMMENDATION**

APPROVE

### **CONDITIONS**

#### **1 Reserved Matters (Compliance)**

The development hereby approved shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the latest.

Reason: As required by Section 92 of the Town and Country Planning Act (as amended), and to avoid the accumulation of unimplemented planning permissions.

#### **2 Reserved Matters Time Limit (Compliance)**

Approval of the details of the scale, appearance and landscaping of the site (hereinafter called the reserved matters) shall be obtained from the Local Planning Authority before any development is commenced.

Reason: This is an outline planning permission and these matters have been reserved for the subsequent approval of the Local Planning Authority under the provisions of Section

92 of the Town and Country Planning Act (as amended) and the Development management Procedure Order 2015.

### **3 Reserved Matters (Pre-commencement)**

The application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: As required by Section 92 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permissions.

### **4 Parking (Compliance)**

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

Reason: In the interests of amenity and highway safety.

### **5 Parking (Compliance)**

The boundary wall or treatment between Bay 8 and the footway, and extending from the SW corner of the site to the southernmost point of the vehicular access, shall be no higher than 900mm to afford full inter-visibility between emerging drivers and pedestrians across this part of the road frontage.

Reason: In the interests of highway safety.

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

Prior to the commencement of the development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority and shall include details of deliveries (including storage arrangements and timings) hours of operation, contractor parking, traffic management and any need for cranes for construction. The development shall thereafter be carried out in accordance with the details approved.

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

### **7 Archaeology (Pre-commencement)**

No development shall commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has first been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a field evaluation of the site to determine date, extent, and significance of any archaeological deposits or features, and shall be carried out by a competent person and completed in accordance with the approved written scheme of investigation.

Reason: The site is within an area of potential archaeological interest and the Council will wish to evaluate the significance and extent of any archaeological remains. To commence work prior the information being submitted could damage any potential archaeological remains.

### **8 Archaeology (Pre-occupation)**

The development shall not be brought into use or occupied until the applicant, or their agents or successors in title, has secured the implementation of a programme of post-excavation analysis in accordance with a publication plan which has been submitted to and approved in writing by the Local Planning Authority. The programme of post-excavation analysis shall be carried out by a competent person(s) and completed in accordance with the approved publication plan, or as otherwise agreed in writing with the Local Planning Authority.

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

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

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

#### **PLANS LIST:**

1 Site location plan 1888-1  
Existing site plan 1888-3  
Illustrative upper floor plans 1888-5  
Proposed site and ground floor plan 1888-4 rev A

#### **Advice Note:**

The application is advised to contact Wales and West Utilities prior to the commencement of the development. There are pipelines within the local area which may be affected by the development.

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.

<b>Item No:</b>	05
<b>Application No:</b>	16/04885/FUL



**Site Location:** The Grove Langridge Lane Swainswick Bath Bath And North East Somerset



**Ward:** Bathavon North

**Parish:** Charlcombe

**LB Grade:** N/A

**Ward Members:** Councillor M Veal Councillor Alison Millar Councillor Geoff Ward

**Application Type:** Full Application

**Proposal:** Demolition of existing garage and erection of a replacement building for use as an annex providing ancillary residential accommodation

**Constraints:** Affordable Housing, Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Flood Zone 2, Flood Zone 3, Greenbelt, LLFA - Flood Risk Management, MOD Safeguarded Areas, Sites of Nature Conservation Interest, Sites of Nature Conservation Interest, SSSI - Impact Risk Zones,

**Applicant:** Mr John Rippin

**Expiry Date:** 16th December 2016

**Case Officer:** Alice Barnes

## REPORT

Reason for reporting the application to committee

The parish council have support the application contrary to the case officers recommendation to refuse.

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

Description of site and application.

The application site is located within Langridge to the north of Bath. The existing site includes a single dwelling house with a garage and parking area on the opposite site of

the road. The application site is located within the green belt outside of any housing development boundary. The site is located within the open countryside where the surrounding dwellings are of a dispersed nature. The site is accessed from a narrow lane.

This is an application for the demolition of the existing garage and erection of a replacement building for use as an annex providing ancillary residential accommodation. The existing dwelling is located on the northern side of the road and sits above road level. There is an existing pedestrian access to the site. The existing garage sits on the southern side of the road adjacent to the existing parking area. The proposed development would demolish the existing garage and replace this with a two storey building including two bedrooms, a kitchen, bathroom and living space. The existing parking area would remain and outdoor space for the proposed building would be provided to the south.

#### Relevant History

8337 - Double garage, 24/03/1981

4636 - Extension, 01/12/1986

DC - 03/02108/OUT - RF - 16 October 2003 - Replace existing garage/workshop with residential unit for dependent relatives and integral garage for 2 cars.

DC - 06/00915/FUL - RF - 28 April 2006 - Extension to create dependent relative accommodation

DC - 06/02708/FUL - PERMIT - 19 September 2006 - Erection of an extension to create dependent relative accommodation (Revised Scheme)

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

Charlcombe Parish Council: Supports the application for the demolition of an existing double garage and the erection of a replacement building to serve as an annex providing ancillary residential accommodation. The Grove is located within the Green Belt and Cotswolds AONB and we recognise that the proposed development does raise a number of issues in relation to the relevant planning policies. These are addressed in the following comments which were informed by a site visit.

The applicant's family have lived at The Grove for over 45 years. His parents are now elderly and the existing accommodation, which involves numerous steps and stairs, is no longer practicable for them, nor, with 2 growing children, is there sufficient space. The proposed annex will enable the family to remain living together in Langridge by providing new ground-floor level wheelchair-friendly accommodation with upstairs accommodation for a carer. We believe this demonstrates special circumstances which are relevant to this application.

The proposal replaces a single storey double garage with a 2-storey annex built on the same footprint. There is no doubt that the proposed annex will therefore have a greater visual impact due to its height. This is mitigated by the choice of building materials (stone coloured render on the lower storey, timber cladding for the upper storey and a slate roof) which will have a more sympathetic and appropriate appearance than the existing garage.

The proposed annex will not have any detrimental visual impact on the Green Belt and AONB.

The supporting documentation calculates that the increase in volume of the cumulative development on site will rise to 52.7% over the 1948 volume as a result of this application. The proposed annex will result in a volume increase of around a half, which exceeds the one-third guideline. We suggest that given the remote and well screened location, there will be no harm, and that the need to cater for the needs elderly parents, who have lived at the property for over 45 years, provides special circumstances.

The proposed annex, whilst within the curtilage of the dwelling, is separated from the dwelling by Langridge Lane. We would therefore suggest that a binding Condition or S.106 agreement should be applied to any approval by the Planning Authority, prohibiting the use of the annex both as a separate dwelling and as a holiday let and stipulating that its use must remain ancillary to the main dwelling. It is noted that the applicant states that he would be happy to accept such a condition.

Councillor Martin Veal: Support.

There is a genuine need for further accommodation to support the family.

The extended family can stay together.

This is supported by the parish council.

The development will utilise the existing footprint and have minimal visual impact.

Representations: 10 representations have been received in support of the application for the following reasons;

The building is modest in size.

The building will provide much needed accommodation

The building will provide accommodation for family members with mobility issues.

The development complies with paragraph 89 of the NPPF.

The development will enhance the existing site.

There will be no increase in traffic

This is an ideal solution for the family.

## **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:

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

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

CP6 - Environmental Quality

CP8 - Green Belt

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

GB.2: Visual Amenities of the Green Belt

HG.10: Housing outside settlements

Ne.2: Areas of outstanding natural beauty

National Policy

The National Planning Policy Framework adopted March 2012

National Planning Practice Guidance 2014

The placemaking plan is at an advanced stage (albeit still at Examination) and policies not subject to representations at Draft Plan stage (or only subject of supporting representations) are considered to be capable of being given substantial weight. This also assumes that the Inspector will not raise further issues on any policies not subject to objections as the hearings are now closed. Policies still subject to outstanding/unresolved representations can only be given limited weight at this stage until the Inspector's Final Report is received.

The following policies are given substantial weight

RE.4 - Essential dwellings for rural workers

The following policies are given limited weight

D.2 - Local character and distinctiveness

D.3 - Urban Fabric

D.5 - Building design

D.6 - Amenity

ST.7 - Transport requirements for managing development

NE.2 - Conserving and enhancing the landscape and landscape character

## **OFFICER ASSESSMENT**

The application site is located within Langridge to the north of Bath. The existing site includes a single detached dwelling house with a garage and parking area on the opposite side of the road. The existing dwelling sits above the road and includes a boundary hedge. The garage and parking area sit on the opposite side of the road and are clearly visible from the streetscene. The surrounding area is of a rural character with few nearby dwellings. Permission was granted in 2006 for the construction of a two storey extension at the existing house to provide additional living accommodation for a dependant relative. This was not constructed and the permission has now expired.

The proposed development would demolish the existing garage and replace this with a two storey building including two bedrooms, a kitchen, bathroom and living space. The

existing parking area would remain and outdoor space for the proposed building would be provided to the south.

#### Principle of development in the green belt

The proposed annexe will replace an existing garage. The garage and parking area are located on the opposite side of the road to the existing garage. As the parking area and garage are used by the occupiers of The Grove then the existing site is currently functionally linked to the existing dwelling. The site forms part of a residential curtilage so is not considered to be previously developed land.

The proposed layout includes two bedrooms, two bathrooms, a kitchen and living area. The proposed building is therefore capable of independent occupation from the existing dwelling. The building is located on the opposite side of the road, includes its own separate curtilage and entrance and could be occupied independently of the main dwelling. It therefore cannot be regarded as being an annexe and is considered to be a new dwellinghouse within the countryside.

The site is located within the open countryside outside of any village boundary. Policy HG10 of the local plan relates to housing outside of settlements. This policy allows for housing outside of settlements provided that they are essential workers dwellings for agricultural or forestry. In this case the proposed dwelling will not be used for agriculture or forestry and therefore does not comply with policy HG.10 of the local plan.

For the reasons above the principle of a new residential property is not accepted.

It is noted that the parish council has suggested that the proposed accommodation could be tied to the existing dwelling by a section 106 agreement. In this case the proposed dwelling can easily operate as a separate dwelling being within a separate curtilage on the opposite side of the road with no functional or physical tie to the main house. Therefore the concerns raised above cannot be overcome by provision of a legal agreement that would make the new house an 'annexe'.

As stated above the layout and siting of the proposal would result in a development that cannot be considered to be an annexe to the existing dwelling. In green belt terms it can be considered to be a replacement building. Paragraph 89 of the NPPF states that a replacement building should be in the same use and should not be materially larger than the one it replaces. In this case as the proposed building is considered to be a separate dwelling it is not considered to be in the same use as the existing garage. The development will increase the height of the building from 3.3m to 6.9m and increase the volume from 212.36 sqm to 334.62, a 57% increase in volume from the original building. Therefore if the proposal is considered as a replacement building it would not comply with paragraph 89.

The impact of development in the green belt is not considered on volume increase alone. In this case the proposed building would result in an increase in height from the existing building. It therefore would result in a building which is more visually prominent within the surrounding area. Furthermore the provision of a separate curtilage and its resultant paraphernalia would increase the existing domestic curtilage. The development is therefore harmful to the openness of the surrounding green belt.

The supplementary planning document 'Existing dwellings in the green belt' states that extensions of about a third of the original volume of the property will likely be acceptable. In this case the proposed development is considered to be a new dwelling rather than an ancillary use so cannot be considered to be an extension of the existing dwelling. In any event the applicant has advised that the proposed development would result in an increase in the original volume of the property by 50%. Therefore if the proposed development was to be regarded as an extension it would be considered to be a disproportionate addition to the host building.

#### Design and landscape.

The proposed building has been designed to include render and timber cladding. The roof would be covered in slate. When taken in isolation the design of the building could be considered to be acceptable. However the size of the building within the rural setting is considered to be harmful to the openness of the surrounding green belt.

Whilst the building would be more visually prominent within the streetscene and would be harmful to the green belt, it is accepted that the building would not be visible from the wider landscape. Therefore it is not considered to be harmful to the setting of the Area of Outstanding Natural Beauty.

#### Amenity

The proposed development would not be located close to any other neighbouring properties and is not considered to result in harm to the amenity of any neighbouring properties.

#### Highways

Whilst the proposed development will result in the loss of the garage the existing site includes a large off street parking area. The proposed development would not result in a loss of the existing parking area and therefore the development will not result in harm to highway safety.

The case for very special circumstances.

Paragraph 88 of the NPPF states that development within the green belt will only be allowed under very special circumstances. The circumstances put forward by the applicant relate to the applicants own personal situation and therefore do not form very special circumstances which justify development in the green belt.

### **RECOMMENDATION**

REFUSE

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

1 The proposed development is located within the Green Belt and outside of the built up area of Bath where the principle of residential development is not accepted. It is therefore

contrary to policy HG.10 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007 and Policy B1 of the Core Strategy.

2 The proposed development by reason of its siting, scale and design will result in replacement building which is materially larger than the existing building. The increase size and height of the building will harm the openness of the surrounding green belt being more visually prominent within the streetscene. In the absence of very special circumstances the development is considered to be contrary to policies GB.2 of the Bath and North East Local Plan, including minerals and waste policies, adopted October 2007 and CP8 of the Core Strategy and paragraph 89 of the National Planning Policy Framework

**PLANS LIST:**

1 Location plan P01 A  
Existing site plan P02 A  
Existing plans P03 A  
Existing elevations P05 A  
Proposed elevations P15 E  
Proposed plans P13 E

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

**Item No:** 06  
**Application No:** 16/04250/FUL  
**Site Location:** Land East Of Alma Cottage Charlcombe Lane Charlcombe Bath



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

**Application Type:** Full Application

**Proposal:** Erection of one dwelling following the demolition of existing stables

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

**Applicant:** Julia Morgan

**Expiry Date:** 16th December 2016

**Case Officer:** Emma Watts

## REPORT

Reason for reporting application to Committee:

The application is being referred to the Committee because Charlcombe Parish Council has objected to the application contrary to Officer recommendation. In addition Cllr Alison Millar has called the application in to Committee if Officers are minded to recommend approval for the following reasons (summarised):

I have read the objection statement from Charlcombe Parish Council and agree with it in its entirety. The access and egress onto Charlcombe Lane would be fraught with problems due to the narrowness of the lane at that section and it would be very difficult to see oncoming vehicles before pulling out. Coupled with the fact that vehicles often travel at speeds in excess of 20 mph along there it would be a dangerous scenario. The lack of off-road parking/room for turning on site is an additional concern.



Saved policy ET.9 (3b) states that conversion of an existing rural building to a new use will be permitted if the building is not capable of conversion without substantial or complete reconstruction. I cannot see how completely demolishing the existing stables and rebuilding them is in accord with this policy.

The application has been referred to the Chair who agrees that the application should be considered by the Committee.

Description of site and application:

The application site is located on the south side of Charlcombe Lane within the village of Charlcombe. The site comprises a low profile two bay stables with covered area to the front and hardstanding which has been encroached by vegetation. The application site extends into the adjoining field to incorporate the established field access off Charlcombe Lane. The site is located within the Green Belt and the Cotswolds Area of Outstanding Natural Beauty. The existing building falls within the Charlcombe Conservation Area, whilst the southern part of the site falls outside the conservation area boundary.

Planning permission is sought to erect a single storey one bedroom dwelling following the demolition of the existing stables building. The replacement building would be the same volume, footprint, height and width as the stables it would replace. The existing yard to the south of the stables would become residential curtilage with one on-site car parking space provided. Access to the site would be via the existing field access off Charlcombe Lane and grasscrete would be laid to facilitate vehicle access over the field. The existing field gate would be removed.

Amended plans have been received during the course of the application to replace full height glazing with sliding door with two smaller windows.

Relevant recent planning history:

No relevant recent planning history.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Highways DC:

- Compared to the equestrian use, the total change in traffic generated by the building would be negligible and it would not be appropriate to object to the proposal on road safety grounds.
- Object to the proposal on sustainability grounds since the proposed building is isolated from public transport connections and any local services that could be reached safely by foot or cycle.

Ecology: No objection subject to requested condition.

Charlcombe Parish Council:

15/9/2016: (summarised)

- Question the accuracy of the plans.
- The site hasn't been in equestrian use for 10 years.

- The Design and Access Statement refers to ashlar walls; the building should be constructed in rubble stone to be in keeping with the Conservation Area.
- The rubble stone wall adjacent the highway should be reinstated to match the adjacent walls along the lane.
- Concerns regarding the extent of glazing and the impact of the resulting light spillage on the Green Belt and AONB.
- Harm to the rural character of the Green Belt and AONB through domestication of this rural site, domestic paraphernalia and parking of vehicles.
- Concerns regarding highway safety from intensified use of the access. Question whether there is sufficient space for on-site turning.
- There is no mains drainage or gas in Charlcombe. Drainage facilities and an oil storage tank have not been detailed on the plans.
- Oil tankers and construction vehicles would need to be able to park on site because of the narrowness of the lane.
- The proposal would be contrary to Policy ET.9 (re-use of rural buildings). The site is in an unsustainable location remote from public services (including public transport) and community facilities. Future occupiers would be entirely reliant on car travel. The building is not capable of conversion without substantial or complete reconstruction.
- The proposal would have a greater impact on the openness of the Green Belt than the existing development and is therefore inappropriate development in the Green Belt.
- No attempt has been made to find a new equestrian use for the stables.

25/11/2016: (summarised)

- The revised plans represent a marginal improvement in appearance and reduction of potential light spillage
- The Parish Council's objection remains and there are compelling reasons why the application should be refused.
- The access onto Charlcombe Lane is extremely dangerous.
- Whilst the extant permission for the stables includes vehicular access to the site, the situation when such approval was given (well over 20 years ago) was entirely different to today. Traffic levels and speeds on the lane are vastly greater so the highway safety implications are entirely different.

Third party representations:

Objections have been received from the owners/occupiers of Dale Cottage and Alma Cottage, Charlcombe Lane, the content of which is summarised below:

- Concerns regarding highway safety given the width of the lane, restricted visibility, speed and volume of traffic;
- The submitted drawings are incorrect so conclusions regarding volume comparisons cannot be accurate;
- The present built envelope will be far too low to be habitable so the proposed dwelling is not feasible;
- Question whether the covered area should be considered part of the existing built envelope;
- Removal of the access gate would alter the character of the lane;

- The proposed grasscrete access drive would result in change of use from agriculture to residential.

One further unaddressed objection has been received, the content of which is summarised below:

- Highway safety concerns, particularly in relation to the visibility splays from the existing access;
- If the Council grants planning permission for use of the existing access for a new dwelling it will completely and blatantly abrogate its highway and road safety responsibilities.

One comment of support has been received from the owner/occupier of Walnut Lodge, Charlcombe Lane, the content of which is summarised below:

- The proposal is a sensible redevelopment of the building;
- The design is sensitive and will enhance this part of Charlcombe;
- There will be no harm to any neighbouring occupiers.

### **POLICIES/LEGISLATION**

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

- Core Strategy (2014)
- Saved Policies in the B&NES Local Plan (2007)
- West of England Joint Waste Core Strategy (2011) which supersedes all 2007 Local Plan policies on Waste apart from Policies WM.4 and WM.9

The following policies of the Core Strategy (2014) are relevant to the determination of this application:

- DW1: District wide spatial strategy
- CP2: Sustainable construction
- CP6: Environmental quality
- CP8: Green Belt

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

- D.2: General design and public realm considerations
- D.4: Townscape considerations
- SC.1: Settlement classification
- ET.7: Use of agricultural land
- GB.2: Visual amenities of the Green Belt
- BH.6: Development within or affecting Conservation Areas
- NE.10: Nationally important species and habitats
- NE.11: Locally important species and habitats
- T.24: General development control and access policy
- T.26: On-site parking and servicing provision

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. The Plan has now been through examination and some policies can now be given substantial weight in the determination of planning applications. The following policies are relevant in the consideration of this application, but all can currently only be given limited weight:

D.2: Local character and distinctiveness

D.4: Streets and spaces

D.5: Building design

D.6: Amenity

HE.1: Historic environment

GB1: Visual amenities of the Green Belt

NE.3: Sites, species and habitats

ST.7: Transport requirements for managing development

National Policy:

The National Planning Policy Framework adopted March 2012

National Planning Practice Guidance

## **OFFICER ASSESSMENT**

### **PRINCIPLE OF THE DEVELOPMENT IMPACT ON THE GREEN BELT**

Paragraph 89 of the NPPF allows for the partial or complete redevelopment of previously developed sites within the Green Belt provided that the proposed development would not have a greater impact on the openness of the Green Belt and the purposes of including land within it.

The site of the proposed development meets the definition of previously developed land set out in the Glossary to the NPPF. The site comprises a permanent structure and its curtilage. The established lawful use of the site is equestrian; as such, the development site is neither land that has been occupied by agricultural buildings nor private residential garden.

Compared to the existing development (stables building and associated overgrown hardstanding), the proposal would not have a greater impact on the five purposes of the Green Belt: to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The proposed dwelling would be located in the same position as the existing stables. It would have the same built volume as the existing building and would be sited in the same position, within essentially the same built envelope. It is therefore not considered that the proposal would have a greater impact on the openness of the Green Belt than the existing development.

Given the small scale of the dwelling, it is not considered that the associated domestic paraphernalia would have an adverse impact on the rural character and visual amenity of

the Green Belt. The site is already enclosed by a post and rail fence and the proposed boundary treatment (also post and rail fence) would not have a greater visual impact. Furthermore, the design, scale and materials of the proposed dwelling would reflect the existing stables building so would be appear sympathetic to the rural character of the village and its surroundings.

In regards to saved Policy ET.9, this relates to the conversion of existing rural buildings to other uses. The current proposal is not for a conversion but for complete demolition and redevelopment. Policy ET.9 is therefore not applicable and substantial weight must be given to Paragraph 89 of the NPPF, which allows for the redevelopment of previously developed sites in the Green Belt. Furthermore, where Local Plans do not entirely accord with national policy as set out in the NPPF, the NPPF carries the greater weight.

Paragraph 55 of the NPPF states that new isolated homes within the countryside should be avoided. Although the proposal is outside of the built up area of Bath, there is ribbon development along Charlcombe Lane and the site is within reasonable proximity of services and facilities within the city boundary. The site is therefore not considered to be in an isolated location.

The principle of the development is therefore acceptable, subject to other material planning considerations.

#### IMPACT ON THE AREA OF OUTSTANDING NATURAL BEAUTY

The proposal has been amended to replace full height glazing on the south elevation with smaller windows to reduce light spillage to the surrounding Area of Outstanding Natural Beauty. Taking this into account and given the design, scale and materials of the proposed development, it is not considered that the proposal would harm the natural beauty of the AONB.

#### CHARACTER, APPEARANCE AND IMPACT ON THE CONSERVATION AREA

The site is located within the Charlcombe Conservation Area. The Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the local planning authority shall pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Notwithstanding the Design and Access Statement, the proposed building would be constructed in rubble Bath stone under a natural slate roof. The replacement building would be similar in appearance to the existing stables and would reflect the rural character and natural stone buildings of the village. The reduced level of glazing on the amended proposal would preserve the rural character of the area, avoiding unacceptable light spillage to the surrounding countryside.

It is not considered that removing the existing field gate would unacceptably alter the character or appearance of the street scene or Conservation Area. The use of grasscrete for the drive would retain the grassed appearance of this corner of the field and would not result in the domestication of this area adjacent to the new residential curtilage.

Overall, the design and materials of the proposed development are considered acceptable and would preserve the character and appearance of the Charlcombe Conservation Area.

#### IMPACT ON THE AMENITIES OF NEIGHBOURING OCCUPIERS

Given the modest height of the proposed development and the relationship with neighbouring residential properties, the proposal would not cause harm to the amenities of neighbouring occupiers through overlooking, loss of light, overshadowing or visual impact.

#### CAR PARKING AND HIGHWAY SAFETY

The provision of one on-site parking space for the proposed one bed dwelling is acceptable.

The proposed development would use an existing established access off Charlcombe Lane. It is noted that the site has not been used for the stabling of horses for some years. However, the existing established equestrian use of the site must be taken into account since this could reasonably recommence at any time without the need for planning permission to be obtained.

The building appears to be designed to stable up to two horses, which would likely require several visits a day to care for their welfare. There is no apparent livery business associated with the small stables so it is reasonable to expect that any new equestrian use at the site would be on a DIY basis. If leased out by the applicant, there is every likelihood that the new user or users of the site would not live within walking distance and would therefore travel to the site by car. In addition, it would be reasonable to expect infrequent vet/farrier visits and potentially also the occasional delivery.

Taking into account the existing lawful equestrian use of the site, it is considered that the total change in traffic generated by the small proposed dwelling would be negligible compared to the established use. Whilst local concerns regarding highway safety are noted, taking the above factors into account, it would therefore be unreasonable to object to the proposal on road safety grounds.

As discussed above, whilst it is noted that the village of Charlcombe sits just outside the city limits, the application site is not considered to be in an isolated, unsustainable location.

Overall, the proposal would comply with saved policies T.24 and T.26 of the Local Plan and the aims of the NPPF.

#### ECOLOGY

A completed bat survey has been submitted which concludes that no bat roosts are present in the existing building. The submission includes appropriate recommendations regarding working practices and these should be implemented. A condition is recommended requiring the ecological mitigation proposals and recommendations to be implemented. Subject to this condition, the proposed development would have an acceptable impact on local ecology in accordance with saved policies NE.10 and NE.11 of the Local Plan and the aims of the NPPF.

## OTHER MATTERS

In light of the concerns raised by a neighbour and the Parish regarding the accuracy of the plans, a second site visit was carried out to verify the dimensions shown on the submitted plans. This confirmed that the east elevation survey reflects the building on site. It may be that the difference from the Parish and neighbour's measurements comes from the point at which measurements are being taken (concrete slab level rather than external ground level).

It is not considered that the introduction of grasscrete to the north west corner of the field adjacent to the access would materially change the use of the field from agricultural to residential. A condition is recommended requiring agricultural access to the field to be retained in perpetuity.

## 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 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.

### **3 Materials (Compliance)**

The external stonework to be used shall be random rubble stone to match that of the existing building 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, D.4 and BH.6 of the Bath and North East Somerset Local Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

### **4 Roofing Materials (Bespoke Trigger)**

No construction of the roof of the development shall commence until a sample of all external roofing materials has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policies D.2, D.4 and BH.6 of the Bath and North East Somerset Local Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

#### **5 Parking (Pre-occupation)**

No occupation of the development shall commence until one parking space has been provided on site in accordance with the approved plans. This parking space shall be retained permanently thereafter.

Reason: To ensure that adequate and safe parking is provided in the interests of amenity and highway safety in accordance with Policies T.26 and T.24 of the Bath and North East Somerset Local Plan.

#### **6 Highways - 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.

#### **7 Gate Removal (Pre-occupation)**

No occupation of the development shall commence until the gate has been removed from the proposed access off Charlcombe Lane in accordance with the approved details. No gate shall thereafter be erected in this position without first obtaining permission from the Local Planning Authority.

Reason: To prevent vehicles waiting in the lane to access the site whilst the gate is being opened in the interests of highway safety in accordance with Policies T.26 and T.24 of the Bath and North East Somerset Local Plan

#### **8 Field Access (Compliance)**

Vehicle access to the adjoining field in association with the agricultural use of that land shall be retained in perpetuity.

Reason: In order not to compromise the agricultural use of the adjoining site in accordance with Policy ET.7 of the Bath and North East Somerset Local Plan 2007.

#### **9 Ecology - Compliance with Ecological Mitigation Proposals (Compliance)**

The development hereby permitted shall be carried out only in accordance with the ecological mitigation proposals and recommendations described in Section 4 of the approved Bat Survey report dated 12th July 2016 by Crossman Associates.

Reason: To avoid harm to bats and their roosts and provide biodiversity enhancements in accordance with Policy NE.10 of the Bath and North East Somerset Local Plan 2007 and the National Planning Policy Framework.

#### **10 Removal of Permitted Development Rights - No extensions or alterations (Compliance)**



Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no extension, external alteration or enlargement of the dwelling(s) or other buildings hereby approved shall be carried out unless a further planning permission has been granted by the Local Planning Authority.

Reason: Any further extensions or alterations require detailed consideration by the Local Planning Authority in order to safeguard the openness of the Green Belt and the natural beauty of this Area of Outstanding Natural Beauty.

#### **11 Removal of Permitted Development Rights - No means of enclosure (Compliance)**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no fences, gates, walls or other means of enclosure shall be erected or placed on the site without a further planning permission being granted.

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 Removal of Permitted Development Rights - No outbuildings (Compliance)**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no garages or other free standing buildings shall be erected within the curtilage of the dwelling(s) hereby approved, other than those expressly authorised by this permission, unless a further planning permission has been granted by the Local Planning Authority.

Reason: The introduction of further curtilage buildings requires detailed consideration by the Local Planning Authority to safeguard the appearance of the development and the amenities of the surrounding area in accordance with Policies D.2 and D.4 of the Bath and North East Somerset Local Plan.

#### **PLANS LIST:**

1 This decision relates to the following plans and information:

Drawing Nos. A01 (1:1250 Site Location Plan) and A02 (Existing Stables) received 24/8/2016

Bat Survey dated 12 July 2016 prepared by Crossman Associates received 24/8/2016

Planning, Design and Access Statement received 24/8/2016

Drawing no. A03 Revision 04 (Proposed Dwelling) received 14/11/2016

#### **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 Community Infrastructure Levy**

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

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

**Item No:** 07  
**Application No:** 16/04549/FUL  
**Site Location:** 186 The Hollow Southdown Bath Bath And North East Somerset BA2 1NG



**Ward:** Southdown      **Parish:** N/A      **LB Grade:** N/A  
**Ward Members:** Councillor P N Crossley      Councillor D M Romero  
**Application Type:** Full Application  
**Proposal:** Installation of a dormer (resubmission)  
**Constraints:** Affordable Housing, Agric Land Class 3b,4,5, Article 4, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,  
**Applicant:** Mrs Karina Sykes  
**Expiry Date:** 16th December 2016  
**Case Officer:** Emma Watts

## REPORT

Reason for reporting application to Committee:

The Group Manager has called the application to Committee owing to the extensive planning history at the site.

Description of site and application:

No. 186 is a semi-detached bungalow with hipped roof located on the north west side of The Hollow in Bath. The application property forms part of a row of similar semi-detached bungalows with hipped roofs. The wider vicinity comprises a greater variety of dwellings including two storey houses, and there is a large church located on the opposite side of the road. The locality is primarily residential in character. The site is located within the City of Bath World Heritage Site.

Retrospective planning permission is sought for the construction of a rear dormer window measuring approximately 5.3m wide, 2.5m high and projecting approximately 3.7m from the rear roof slope. The dormer window projects approximately 1.8m beyond the side roof hip to a depth of approximately 4.65m. As part of the roof extension the rear hipped roof on the north east side of the dormer (adjacent No. 184) has been built up to a vertical gable end. The dormer window is finished in hanging tiles.

Corrected plans have been submitted during the course of the application to accurately show the subject dwelling and extensions as built.

Relevant planning history:

15/04322/FUL- Erection of two storey rear extension and installation of new dormers to create loft conversion. Withdrawn 18/11/2015

15/05256/FUL - Erection of single storey extension and installation of dormer to rear to create loft conversion. (Resubmission). Refused 17/2/2016

Appeal allowed for single storey extension but dismissed for the dormer window 1/6/2016

16/03473/FUL - Installation of box dormer (Retrospective). Withdrawn 10/8/2016

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

No third party representations have been received.

Cllr Paul Crossley and Cllr Dine Romero:

In the event at the officer decides to refuse this application we would formally like to request that it is considered in public by committee.

The application amended proposals conform to officer requests to changes to the current built form. In our opinion the extension fits with the vernacular of the area and forms an extension that harmonises with the street and provides acceptable extension to the current bungalow.

(Officer note: this call in request was received outside the four week call in period as set out in the Scheme of Delegation).

### **POLICIES/LEGISLATION**

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

- Core Strategy (2014)
- Saved Policies in the B&NES Local Plan (2007)
- West of England Joint Waste Core Strategy (2011) which supersedes all 2007 Local Plan policies on Waste apart from Policies WM.4 and WM.9

The following policies of the Core Strategy (2014) are relevant to the determination of this application:

CP2: Sustainable construction

CP6: Environmental quality

B4: The World Heritage Site and its setting

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

D.2: General design and public realm considerations

D.4: Townscape considerations

SC.1: Settlement classification

T.24: General development control and access policy

T.26: On-site parking and servicing provision

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. The Plan has now been through examination and some policies can now be given substantial weight in the determination of planning applications. The following policies are relevant in the consideration of this application, but all can currently only be given limited weight:

D.2: Local character and distinctiveness

D.4: Streets and spaces

D.5: Building design

D.6: Amenity

ST.7: Transport requirements for managing development

National Policy:

The National Planning Policy Framework adopted March 2012

National Planning Practice Guidance

## **OFFICER ASSESSMENT**

### **Background**

Previous application 15/05256/FUL for a box dormer and single storey rear extension was refused on 17/2/2016. This application was for a taller dormer extending up to the height of the main ridge line. This decision was appealed with the outcome being a split decision allowing the single storey rear extension but dismissing the large box dormer (decision date 1/6/2016).

The current application follows pre-application discussions between Officers, the applicant and Ward Councillors. However, these were based on drawings which were inaccurate and which indicated that a reduction in the height of the dormer of approximately 0.65m could be achieved.

### **Design, character and appearance**

Whilst the amended dormer (as built) has been slightly lowered in height compared to the refused and dismissed scheme (approximately 0.5m lower), the corrected plans which have been provided during the course of the application show the total height of the

dormer to measure approximately 2.5m which is greater than that shown on the plans dismissed at appeal, which showed a total height of approximately 2.4m and on which pre-application discussions were based.

Furthermore, the dormer still partly extends along the side of the roof and projects out from the side roof slope of the original hipped roof.

The Appeal Inspector observed the following in regards to the slightly taller dormer:

"The box dormer provides additional bedroom accommodation to the rear where it covers most of the roof it is situated upon. It also partly extends down the side of the roof as previously indicated. Such a design dominates the rear roof and appears awkwardly designed where the top part continues down the side of the host dwelling's roof. For these reasons, the dormer appears unsympathetically designed and incongruous, and so adversely affects the character and appearance of the property and the immediate surrounds."

The reduced height dormer fails to address the issue of the dormer's sideward projection as identified by the Inspector. The proposed dormer, as built, is considered to be of an awkward and contrived design that is out of keeping with the hip-roofed bungalow and has a harmful impact on the character and appearance of the street scene owing to the dormer's extension along part of the side roof slope.

Furthermore, whilst every application must be assessed on its own merits, the proposed dormer has the potential to set a harmful precedent (box dormer projecting beyond the side roof slope) which, if repeated, would cause cumulative harm to the character and appearance of the street scene and the wider locality.

The NPPF attaches great importance to the design of the built environment, stating "good design is a key aspect of sustainable development...and should contribute positively to making places better for people". It stresses the need to plan positively for the achievement of high quality design for all development, including smaller developments like the proposed dormer extension. Whilst it states that local authorities should not impose architectural styles or particular tastes, it reinforces that it is also important to consider local character and distinctiveness. Furthermore, it states that "permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions". For the reasons given above, the proposed dormer is unsympathetically designed and causes material harm to the character and appearance of the street scene and the general locality, as well as being out of keeping with the original host building.

In conclusion, the proposed box dormer fails to overcome the previous reason for refusal, which was upheld at appeal, and fails to comply with Local Plan Policies D.2 and D.4, Core Strategy Policy CP.6 and the aims of the NPPF. The application is therefore recommended for refusal.

### **Impact on neighbours' amenities**

Given the siting of the proposed dormer, the lack of side-facing upper floor windows, and the relationship with neighbouring dwellings, the proposal would not cause harm to the

amenities of any neighbouring occupiers through visual impact, loss of light, overshadowing or loss of privacy.

### **Car parking provision and highway safety**

No changes are proposed to the existing access. The proposed dormer and associated loft conversion would create additional bedroom accommodation. However, there appears to be space for two policy-compliant parking spaces on the existing hardstanding on the site's frontage which is considered sufficient in this sustainable location. It is also noted that no concerns have been raised in regards to car parking provision in the assessment of the previous applications detailed above.

### **RECOMMENDATION**

REFUSE

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

1 By reason of its unsympathetic and incongruous design, the proposed dormer window causes harm to the character and appearance of both the host dwelling and the street scene. The proposal therefore fails to comply with saved Policies D.2 and D.4 of the Bath and North East Somerset Local Plan, including minerals and waste policies, adopted 2007, Core Strategy Policy CP6 and the aims of the National Planning Policy Framework.

### **PLANS LIST:**

1 This decision relates to the following plans: drawing No. 03 (proposed floor plans) and drawing No. 04 (proposed elevations) received 15/11/2016.

### **2 Decision Making Statement**

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



**Item No:** 08  
**Application No:** 16/03885/LBA  
**Site Location:** Great Dell Drive Through Royal Victoria Park Lower Weston Bath



**Ward:** Kingsmead      **Parish:** N/A      **LB Grade:** N/A  
**Ward Members:** Councillor Chris Pearce      Councillor Andrew Furse  
**Application Type:** Listed Building Consent (Alts/exts)  
**Proposal:** External alterations for the cleaning and re-lettering of the Shakespeare Monument  
**Constraints:** Affordable Housing, Agric Land Class 3b,4,5, Article 4, Article 4, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, Listed Building, MOD Safeguarded Areas, Park and Gardens of Historic Importance, SSSI - Impact Risk Zones, World Heritage Site,  
**Applicant:** Bath Shakespeare Society  
**Expiry Date:** 26th October 2016  
**Case Officer:** Laura Batham

## REPORT

The Chair has agreed that the proposal should be considered by Committee for the following reason:

'I have studied the application noting Cllr's comments & Bath Preservation Trust observations, the report presented to me has carefully assessed the proposed works however I believe this is an important monument which would benefit from being discussed at DMC & therefore recommend the application be determined by the DMC.'

### Site Description:

The Shakespeare Monument is located within the Great Dell garden of the Royal Victoria Park. The Monument is by C.E Davis and was one of his first commissions as the newly appointed Surveyor. The monument is classical in design, constructed in Bath limestone. The structure is a square plinth set on a stepped circular base. The monument is



decorated with a mixture of acanthus and laurel leaf design on each elevation. The inscription refers to the three hundredth anniversary of the birth of Shakespeare and on one side is the quotation 'Tongues speak. This was a man. Take him for all in all We shall not look on his like again'. The Monument is sited within the Grade I listed Park and Garden and forms part of this important example of an early municipal park.

Proposal:

Cleaning and re-lettering of Shakespeare Monument.

History:

None relevant

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Historic England:

This application should be determined in accordance with national and local policy guidance, and on the basis of your expert conservation advice.

Bath Preservation Trust:

Comment: The Trust is uncomfortable with the idea of re-chiselling the lettering on this monument, though we understand the need to ensure the monument is legible as the wording is one of the main reasons for its existence. If the case officer is minded to permit, we suggest perhaps that controlled cleaning of the monument should occur first, by sample panels, then after that it would be clear to what extent there needs to be re-cutting of letters and any re-pointing in lime mortar required. The condition of the stonework needs to be borne in mind, if friable the proposal to re-cut would not appear a good idea. We would also suggest that sample panels of re-cutting are also agreed.

Cllr Crossley: I visited the Dell during the summer and noted for myself the state of this monument. I think this is a great project by this society and its historical importance to the anniversaries of Shakespeare and the society as well as to Mayor Murch and Major Davis in my view outweighs any consideration that monuments have a life cycle and should simply be allowed to decay.

I think this restoration proposal is important to Bath and that should you reach the conclusion that this application be rejected it should be brought to Committee for a public determination of the application.

Cllr Furse: I have noticed the application below and as a 'fan' of the Great Dell wanted to understand how the application below is progressing.

I am told that the preferred solution by the society is to re-engrave the statue, and that this has been pursued for over 2 years. Only a few weeks ago I noticed how illegible the inscription now was, and personally see the re-engraving as the preferred solution.

I am also told that the Shakespeare Soc has the funds in place to re-engrave and this would clearly be subject to support from English Heritage.

Therefore, if the LB/planning are minded to refuse the suggested 're-engraving' way forward, then I feel that it is clearly in the public interest to have the decision heard by committee especially in this commemorative 400 years since Shakespeare's death.

Third Parties/Neighbours:

One letter of support received raising the following points:

- support this application and would definitely support the relettering.
- I think it is unfortunate that no proper heritage statement has been submitted with this application, which would give it greater strength.
- The architect referred to in the letter as 'a Mr C E Davis' is, of course, better known to Bathonians as Major Davis. He also designed the bandstand.
- completely opposed to the officer's idea of an interpretation board.

## **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)

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 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
- BH.6 - Development within or affecting conservation areas

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

Caring for Historic Graves and Cemetery Monuments by Historic England

## **OFFICER ASSESSMENT**

The application seeks consent for the cleaning and re-cutting of the inscription on the Shakespeare Monument. Pre-application advice was sought and the applicants were advised that the re-cutting proposal would cause harm to the significance of the listed monument. The monument was one of Charles Davis' first commissions as newly appointed city surveyor and therefore is of importance to the park. Royal Victoria Park is a Grade I listed park and garden and the relationship of this monument to the significance of the park is also of importance.

### Cleaning and repair proposals:

The application proposes to clean the monument using water and non-abrasive soft brushing. It is considered that the overall condition of the monument is good with only isolated areas requiring cleaning around the top of the monument. There is no objection to the proposal to clean the monument; however, details would be required to ensure it is not over-cleaned and that only the areas which require cleaning are addressed. This can be secured by condition.

There are elements of repair needed to address open joints and removal of weeds. The use of a lime mortar to infill open joints and prevent deterioration of the stone is supported as is the removal of weeds which can cause damage to the monument.

### Re-cutting of letters:

The re-cutting of the inscription is significantly more invasive than the first step of cleaning the monument and this work is considered to cause irreversible and significant damage. Whilst there are isolated areas of disrepair, as a whole, the inscription remains legible.

If the majority of the letters are still legible, although slightly weathered, then it is best practice not to carry out work to an inscription. Re-cutting will inevitably destroy the original work and falsify the naturally aged appearance of the stone. Once carried out it is work that cannot be undone.

The applicants have indicated the intention to clean the monument first and then re-assess the lettering. It is considered that this approach is more appropriate to ascertain the clarity of the letters. However, the isolated areas which require cleaning are located above the inscription and the letters largely do not require cleaning. As the majority of the monument remains legible in its current state prior to cleaning, it is not considered that subsequently re-cutting is necessary or appropriate.

### Other options:

The applicants have been advised that an interpretation board or plaque could be considered or consideration given to providing an online interpretation of the monument. This approach is recommended by Historic England who advises that the inscriptions should be recorded for future record and re-cutting resisted. Concerns have been raised with this option by the applicants due to funding requirements.

There is a duty under Section 16 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. The National Planning Policy Framework advises that when considering the impact of proposals on the

significance of a heritage asset, great weight should be given to the asset's conservation. It also advises that 'significance can be harmed or lost through the alteration or destruction of the heritage asset'. It is considered that the gentle, isolated cleaning and repair of the monument is appropriate for its conservation. However, the re-lettering of the monument would cause irreversible harm and is not considered necessary given that the letters are still legible.

The NPPF advises that harm, if less than substantial, should be weighed against the public benefits of the proposal. The works of concern would affect only a part of the listed monument and the harm caused to its significance would thus be less than substantial, however, this still requires justification in accordance with the guidance contained within the NPPF. The public benefits, given that the inscription remains legible, are not considered to be outweighed by the level of harm which would result.

The application is therefore recommended for refusal.

## **RECOMMENDATION**

REFUSE

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

1 The works to re-cut the letters of the monument would cause irreversible and less than substantial harm to the historic monument which is not outweighed by public benefits and the proposal is therefore contrary to Paragraph 132 of the National Planning Policy Framework and policy Policy BH.2 of the Bath and North East Somerset Local Plan.

## **PLANS LIST:**

0 Block plan and site location plan.

**Item No:** 09  
**Application No:** 16/04668/FUL  
**Site Location:** 13 Horsecombe Brow Combe Down Bath Bath And North East Somerset BA2 5QY



**Ward:** Combe Down                      **Parish:** N/A                      **LB Grade:** N/A  
**Ward Members:** Councillor Cherry Beath    Councillor Bob Goodman  
**Application Type:** Full Application  
**Proposal:** Provision of loft conversion with hipped side and rear pitched dormer.  
**Constraints:** Affordable Housing, Agric Land Class 3b,4,5, Article 4, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, SSSI - Impact Risk Zones, Water Source Areas, World Heritage Site,  
**Applicant:** Mr Matt Cochrane  
**Expiry Date:** 16th December 2016  
**Case Officer:** Christine Moorfield

## REPORT

This application is presented to committee as the property is owned by Cllr Cochrane.

This application relates to a semi-detached house located south of Bath city centre on Horsecombe Brow. Horsecombe Brow is a residential street characterised by mainly two storey semi detached properties. There are some single storey bungalows towards the end of the street.

The property is located within the Bath World Heritage Site.

The application seeks planning permission for a loft conversion including two dormers, one on the side and one on the rear roof slopes. Five rooflights are proposed on the front roof slope.

Relevant Planning History:

14/00198/FUL Single storey rear extension Permitted.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

One representation has been received in respect of this proposal.

The neighbour has requested that any window on the East end and facing their property is fitted with obscured glass so that they are not overlooked.

## **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.

Relevant Local Plan Policies:

D2 - General Design and public realm considerations

D4 - Townscape considerations

T24 - General development control and access policy

Relevant Core Strategy Policies:

CP6 - Environmental Quality

CP2 - Sustainable construction

B4 - World Heritage Site

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.1 General urban design principles

D.2 Local character and distinctiveness

D.6 Amenity

ST.1 Promoting sustainable travel.

## **LEGAL FRAMEWORK**

Town and Country Planning Act, 1990

## **NATIONAL PLANNING POLICY FRAMEWORK, MARCH 2014**

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

## NATIONAL PLANNING PRACTICE GUIDANCE

Due consideration has been given to the recently published NPPG

### OFFICER ASSESSMENT

Policy D.2 of the Local Plan states that development will only be permitted if, amongst other things, the character of the public realm is maintained or enhanced that the development is of a high quality and that the proposed development will not cause significant harm to the amenities of existing or proposed occupiers of residential premises. Policy D.4 states that development will only be permitted where, amongst other things, it responds to the local context in terms of appearance, materials, siting, spacing and layout and the appearance of extensions respect and complement their host building.

The proposal is for a loft conversion with two dormer windows in order to create a further bedroom with an en suite bathroom.

The design of the side dormer window as originally submitted was considered to be overly large and dominating within the roof of the host dwelling. In order to create the side dormer the existing ridge line and roof slope had been extended. This large addition to the existing roof was seen to dominate the roof form as seen from the street and to upset the balance of the pair of properties. The scale and location of the side dormer resulted in the rear dormer sitting off centre in the rear roof slope thereby creating an unbalanced addition to the rear roof.

The applicant was invited to submit revised plans showing the side dormer substantially reduced and the rear dormer located centrally within the roof slope. The applicant has submitted an amended plans which indicates the dormer windows ridge lines being set down by 15 cm from the existing ridge line and the width of the side dormer has been reduced to less than half the depth of the dwelling. The proposed en suite bathroom window will be located within the roof slope of the new dormer. The recommendation hereby made is made on the basis of these amendments which have been considered and are considered acceptable.

The semi-detached property to which the host property is attached has not been extended in this way and therefore, works to the roof of this property can be seen to unbalance the semi-detached pair of dwellings. However, it is recognised that within the street many properties have been extended to the side and this has altered the balance of many of the semi detached dwellings in the locality. Given that the dormer will be set down marginally from the existing ridge line it is considered that the dormer window will not unduly unbalance the appearance of the host property as part of a pair. Whilst the side dormer is large and will be visible from the street the amendment of setting it into the roof slope is seen to be render the proposal acceptable.

The neighbour has commented that the eastern window should be glazed with obscure glazing in order to protect their privacy. The rear dormer window is not seen to have a significant negative impacts in terms of overlooking and loss of privacy for the adjacent neighbours. However it is considered necessary for the eastern window which will serve the stairwell to be glazed with obscure glass in order to protect the neighbours privacy. The applicant has agreed to this and a condition to retain obscure glazing will need to be attached to any permission granted.

The proposals are not seen to cause harm to the character and appearance of the host property and character of the area and it is considered that the proposal adheres to policies D2 and D4 of the Local Plan and therefore permission is recommended.

## **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 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.

### **3 Materials (Compliance)**

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

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.

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

No construction of the external walls of the dormers shall commence until samples of the materials to be used in the construction of the external surface of the dormers 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.

### **5 Obscure Glazing and Non-opening Window(s) (Compliance)**

The proposed dormer window on the eastern elevation shall be obscurely glazed. Thereafter the window shall be permanently retained as such.

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



## **PLANS LIST:**

1 063 02- 01, 06, 03 and 04

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 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.