

Bath & North East Somerset Council

MEETING: **Development Management Committee**

MEETING DATE: **8th February 2017**

AGENDA
ITEM
NUMBER

--

RESPONSIBLE OFFICER: Mark Reynolds – Group Manager (Development Management) (Telephone: 01225 477079)

TITLE: **APPLICATIONS FOR PLANNING PERMISSION**

WARDS: ALL

BACKGROUND PAPERS:

AN OPEN PUBLIC ITEM

BACKGROUND PAPERS

List of background papers relating to this report of the Group Manager, Development Management about applications/proposals for Planning Permission etc. The papers are available for inspection online at <http://planning.bathnes.gov.uk/PublicAccess/>.

- [1] Application forms, letters or other consultation documents, certificates, notices, correspondence and all drawings submitted by and/or on behalf of applicants, Government Departments, agencies or Bath and North East Somerset Council in connection with each application/proposal referred to in this Report.
- [2] Department work sheets relating to each application/proposal as above.
- [3] Responses on the application/proposals as above and any subsequent relevant correspondence from:
 - (i) Sections and officers of the Council, including:
 - Building Control
 - Environmental Services
 - Transport Development
 - Planning Policy, Environment and Projects, Urban Design (Sustainability)
 - (ii) The Environment Agency
 - (iii) Wessex Water
 - (iv) Bristol Water
 - (v) Health and Safety Executive
 - (vi) British Gas
 - (vii) Historic Buildings and Monuments Commission for England (English Heritage)
 - (viii) The Garden History Society
 - (ix) Royal Fine Arts Commission
 - (x) Department of Environment, Food and Rural Affairs
 - (xi) Nature Conservancy Council
 - (xii) Natural England
 - (xiii) National and local amenity societies
 - (xiv) Other interested organisations
 - (xv) Neighbours, residents and other interested persons
 - (xvi) Any other document or correspondence specifically identified with an application/proposal
- [4] The relevant provisions of Acts of Parliament, Statutory Instruments or Government Circulars, or documents produced by the Council or another statutory body such as the Bath and North East Somerset Local Plan (including waste and minerals policies) adopted October 2007

The following notes are for information only:-

- [1] "Background Papers" are defined in the Local Government (Access to Information) Act 1985 do not include those disclosing "Exempt" or "Confidential Information" within the meaning of that Act. There may be, therefore, other papers relevant to an application which will be relied on in preparing the report to the Committee or a related report, but which legally are not required to be open to public inspection.

- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting the requirements of the above Act, other letters and documents of the above kinds received after the preparation of this report and reported to and taken into account by the Committee will also be available for inspection.
- [4] Copies of documents/plans etc. can be supplied for a reasonable fee if the copyright on the particular item is not thereby infringed or if the copyright is owned by Bath and North East Somerset Council or any other local authority.

INDEX

ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	16/04289/EFUL 20 December 2016	Hardrock Developments Ltd Ministry Of Defence, Warminster Road, Bathwick, Bath, Bath And North East Somerset Erection of 6 no. apartment blocks to provide 87 no. new dwellings (Partial revision of application 14/02272/EFUL).	Bathwick	Chris Gomm	Delegate to PERMIT
02	16/05094/FUL 16 December 2016	Beechen Cliff School Beechen Cliff School , Kipling Avenue, Bear Flat, Bath, BA2 4RE Extend bank southwards using existing on site spoil heap to create wider playing field.	Widcombe	Chris Griggs- Trevarthen	PERMIT
03	16/04499/FUL 12 January 2017	Flower And Hayes Ltd 17 Station Road, Welton, Midsomer Norton, BA3 2AZ, Erection of 6no. new dwellings following demolition of existing dwelling and outbuildings (resubmission) - revised plans	Midsomer Norton North	Tessa Hampden	PERMIT
04	16/04261/FUL 10 February 2017	B Hammick Unit 2, Lymore Gardens, Twerton, Bath, BA2 1AQ Erection of 5No Three-bedroom, 2No Two-bedroom and 1No One-bedroom flat following conversion and adaptation of warehouse	Westmoreland	Christine Moorfield	PERMIT
05	16/05453/FUL 10 February 2017	Mr & Mrs Strickland Box Bush, Bromley Road, Stanton Drew, Bristol, Bath And North East Somerset Erection of 2 storey annexe and single storey extension following demolition of existing single store annexe	Clutton	Alice Barnes	REFUSE

06	16/04960/FUL 10 February 2017	Lynas And Potter Beaumont House, Lansdown Road, Lansdown, Bath, Bath And North East Somerset Erection of three storey side extension to provide 3 no. residential apartments with associated parking and landscaping	Lansdown	Alice Barnes	PERMIT
07	16/05498/AR 10 February 2017	Mr Chris Eggleton Bristol Water Visitor Centre & Tea Room, Walley Lane, Chew Magna, Bristol, Display of 2no. externally illuminated entrance signs to replace previous signs to the entrance to Chew Valley Lake picnic area and Salt & Malt Cafe and public car park. (Resubmission)	Chew Valley North	Martin Almond	REFUSE
08	16/05771/FUL 20 January 2017	Mr And Mrs B Organ 6 Fairways, Saltford, Bristol, Bath And North East Somerset, BS31 3HX Erection of single storey front extension, installation of 2no windows to side elevations and construction of additional parking area	Saltford	Emma Hardy	PERMIT
09	16/05508/FUL 9 February 2017	Mrs Tracey Dean-Chalkley 18 Upper Camden Place, Walcot, Bath, Bath And North East Somerset, BA1 5HX Installation of proposed mansard roof and associated dormer windows to front and rear elevations	Lansdown	Laura Batham	REFUSE
10	16/05509/LBA 9 February 2017	Mrs Tracey Dean-Chalkley 18 Upper Camden Place, Walcot, Bath, Bath And North East Somerset, BA1 5HX Internal and external alterations to install mansard roof and associated dormer windows to front and rear elevations	Lansdown	Laura Batham	REFUSE
11	16/05059/FUL 15 February 2017	Mr A Pearce 5 Crown Hill, Upper Weston, Bath, Bath And North East Somerset, BA1 4BP Erection of single storey rear extension	Weston	Anna Jotcham	PERMIT
12	16/05060/LBA 15 February 2017	Mr A Pearce 5 Crown Hill, Upper Weston, Bath, Bath And North East Somerset, BA1 4BP Demolition of rear extensions and construction of new single-storey extension, replacement of dormer (front and rear) and casement (rear) windows and stone cleaning to front facade	Weston	Anna Jotcham	CONSENT

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

Item No: 01
Application No: 16/04289/EFUL
Site Location: Ministry Of Defence Warminster Road Bathwick Bath Bath And North East Somerset



Ward: Bathwick **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Matt Cochrane Councillor Steve Jeffries
Application Type: Full Application with an EIA attached
Proposal: Erection of 6 no. apartment blocks to provide 87 no. new dwellings (Partial revision of application 14/02272/EFUL).
Constraints: Affordable Housing, Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Article 4, Article 4, British Waterways Major and EIA, British Waterways Minor and Householders, Conservation Area, Forest of Avon, Hotspring Protection, LLFA - Flood Risk Management, MOD Safeguarded Areas, Sites of Nature Conservation Interest, SSSI - Impact Risk Zones, Water Source Areas, World Heritage Site,
Applicant: Hardrock Developments Ltd
Expiry Date: 20th December 2016
Case Officer: Chris Gomm

REPORT
The Proposal

Full planning permission (ref: 14/02272/EFUL) was granted in March 2015 for the demolition of the former MOD Warminster Road premises in Bath and the redevelopment of the site for residential purposes including 204 dwellings, two new accesses to

Warminster Road, public open space and associated infrastructure; demolition work was completed over the summer of 2016 and construction is currently at an early stage.

The current application seeks full planning permission for the erection of 6 apartment blocks (containing a total of 87 apartments) on a part of the site which the approved layout shows as being 6 terraced houses and 4 apartment blocks. The number of dwellings on the development site as a whole will be increased by 39 units as a result of the current proposal.

This application has been accompanied by an Environmental Statement analysing the following matters; Landscape & Visual Impact; Noise; Ecology; Heritage/Cultural impacts; and Transport & Access. The information submitted is sufficient to assess the potential environmental affects of the proposal and has been taken into account in the assessment of this application and the resultant recommendation.

The Site

The site is in an elevated hillside position and is visible from numerous vantage points across the city. It is within the Bath World Heritage Site (WHS) and Conservation Area. The site slopes down away from its boundary with Warminster Road.

To the north and east of the site the land slopes steeply down to the canal; this open land is designated as a Site of Nature Conservation Importance. To the west of the site are a number of residential properties in Darlington Road and Warminster Road as well as Bathwick St Mary Primary School. To the south and east of the site beyond Warminster Road are residential properties in St Christophers Close and Minster Way.

Relevant Planning History

DC - 14/02272/EFUL - PERMIT - 30 March 2015 - Demolition of existing buildings, erection of 204 no. dwellings; 2 no. accesses from Warminster Road, vehicular parking; open space; landscaping (including tree removal); pumping station; and associated engineering works.

DC - 14/05407/ODCOU - APP - 4 March 2015 - Prior approval request for change of use from office buildings (Class B1a) to 154 no. dwellings (Class C3).

DC - 16/01191/NMA - APPRET - - Non material amendment to 14/02272/EFUL (Demolition of existing buildings, erection of 204 no. dwellings; 2 no. accesses from Warminster Road, vehicular parking; open space; landscaping (including tree removal); pumping station; and associated engineering works.)

DC - 16/01456/NMA - APP - 26 April 2016 - Non-material amendment to application 14/02272/EFUL (Demolition of existing buildings, erection of 204 no. dwellings; 2 no. accesses from Warminster Road, vehicular parking; open space; landscaping (including tree removal); pumping station; and associated engineering works.)

DC - 16/01925/VAR - PCO - - Variation of Condition 33 attached to 14/02272/EFUL (Erection of 204 no. dwellings with 2 no. accesses from Warminster Road, vehicular

parking; open space; landscaping (including tree removal); pumping station; and associated engineering works, following demolition of existing buildings).

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Ward Member (Cllr Cochrane)

I have reservations with the planning application as it currently sits, the change particularly to the proposed blocks of flats that will front onto Warminster Road appear to be of significantly greater mass and bulk to the existing plans, particularly the Easternmost two blocks that are very close to Warminster Road will significantly alter the views on entry into Bath and the World Heritage Site. Four floors of elevation fronting onto the main road and even more when viewed from the river will be a significant departure to other buildings in this part of the city.

I also note the growing opposition amongst local residents to this alteration of the existing plans, as well as objections from the Bath Heritage Trust to the architectural style proposed by the developer. With such a large change to an already controversial site I would urge that if the plans are minded to be approved that they are referred to the Development Management Committee for full scrutiny.

B&NES Highways: No objection

B&NES Urban Design: OBJECTION

The loss of terraced housing and mews in favour of blocks has an unacceptable impact on the massing, form, scale and bulk of buildings facing Warminster Road. The setting of the blocks is pinched and of very poor design; this indicates overdevelopment. The resultant increase in parking from these blocks and the increase of parking spaces elsewhere in this proposal diminish the quality of the public realm further e.g. a parking courtyard becomes a giant car park. This highways and parking dominated public realm indicates overdevelopment. It is completely unacceptable to present proposals for this site in this piecemeal manner. This development is very prominent in the city scape and must be designed and presented in drawings comprehensively. That proposals are not presented comprehensively indicates that they have not been thought about in a holistic manner and this increase the risk of poor design throughout.

B&NES Arboriculture: No objection subject to a condition securing a detail Arboricultural Method Statement and Tree Protection Plan.

B&NES Landscaping: No objection

B&NES Housing Services: No objection

Support is given to exclude any additional requirement for affordable housing resulting from this proposed increase in density; previously agreed levels of affordable housing provision across the site as a whole is secured.

B&NES Conservation Team: Comments:

The revised proposal increases the scale of these buildings by adding a storey to the side wings and a pavilion on top of the building behind a pediment. This diminishes the architectural balance of the approved scheme resulting in a rather ungainly composition.

This will not benefit the Warminster Road street scene and or respect the genuine universal value of the Bath World Heritage Site.

B&NES Contaminated Land: No objection subject to conditions

Wessex Water: No comment

Environment Agency: No comment

B&NES Parks Officer: No objection. The development will generate a demand for an increased quantum of public open space and allotments however this can be funded by the associated Community Infrastructure Levy contribution.

B&NES Archaeology: No objection. The archaeology condition imposed on the earlier permission has been discharged and the site is no longer of any archaeological interest

B&NES Flooding and Drainage: No objection. The drainage strategy has been approved and the drainage condition imposed on the earlier permission has been discharged.

B&NES Environmental Health: No objection subject to a condition requiring the submission of a noise assessment.

B&NES Waste Services: Vehicle tracking for a large refuse collection vehicle is required as well as plans showing bin storage locations and details.

B&NES PROW: No objection

Historic England: Comment that they objected to the original application and raised fundamental concerns in relation in relation to the scheme's impact on the World Heritage Site and Conservation Area. They highlight that the current application only makes minor amendments to the original scheme and as such their earlier comments remain relevant

B&NES Education: An education contribution of £14,543.64 is required.

Substantive comments have been received from 21 members of the public (including Bath Preservation Trust), all of whom object to the application. Objections can be summarised as follows:

- Replacing 6 dwellings with 2 blocks of flats is a major change and of major concern;
- It is vast overdevelopment;
- This latest amendment is a step too far;
- There was assurance that the properties would not exceed a certain height;
- The proposed blocks of flats are 7-storeys in height;
- Views will be obstructed and spoilt;
- The new properties will have nice views but at the expense of existing residents views;
- Loss of privacy, properties in Minster Way will be overlooked;
- The blocks of flats will front one the main roads into historic Bath;

- The development is a poor example of Georgian pastiche;
- The proposed buildings will be totally out of keeping;
- The pastiche architecture does not attempt to match anything locally;
- The development will harm the World Heritage Site and Conservation Area;
- The buildings on Warminster Road will be overbearing;
- The buildings will dominate the skyline;
- Parking allocation is insufficient;
- There will be an increase in traffic and congestion in the area;
- There will be an increase in noise and pollution as well as an increase in accidents;
- Sound will bounce off of these buildings;
- The Travel Plan cannot be achieved;
- Parking is restricted in this areas and it is not clear where residents will park;
- These properties will not benefit first time buyers due to the asking prices;
- The proposed buildings will block natural light;
- Where is the care home and convenience store previously promised?
- Where is the cycle path over the Avon and school land?
- The tree lined approach to the city has been lost;
- The school (Bathwick St Mary's) is already oversubscribed;
- The site office at the entry appears to have no planning permission;

POLICIES/LEGISLATION

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
- Neighbourhood Plans (where applicable)

The following Core Strategy policies are relevant:

Policy DW1: District Wide Spatial Strategy

Policy B1: Bath Spatial Strategy

Policy B4: The World Heritage Site and its Setting

Policy SD1: Presumption in favour of Sustainable Development

Policy CP2: Sustainable Construction

Policy CP3: Renewable Energy

Policy CP5: Flood Risk Management

Policy CP6: Environmental Quality

Policy CP7: Green Infrastructure

Policy CP9: Affordable Housing

Policy CP10: Housing Mix

Policy CP13: Infrastructure Provision

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

Policy IMP1: Planning obligations
Policy D2: General design and public realm considerations
Policy D4: Townscape considerations
Policy SR3: Provision of recreational facilities to meet the needs of new development
Policy ES3: Development involving gas and electricity services
Policy ES4: Adequacy of water supply
Policy ES5: Foul and surface water drainage
Policy ES9: Pollution and nuisance
Policy ES10: Air quality
Policy ES12: Noise and vibration
Policy ES15: Contaminated land
Policy HG4: Residential Development in the urban areas and R.1 settlements
Policy HG7: Minimum residential density
Policy WM.4: Waste recovery and recycling in new development
Policy GDS.1: Site allocations and development requirements
Policy NE.1: Landscape Character
Policy NE.3: Important hillsides (Bath and Radstock)
Policy NE.4: Trees & woodland conservation
Policy NE.9: Locally important wildlife sites
Policy NE.10: Nationally important species and habitats
Policy NE.11: Locally important species & habitats
Policy NE.12: Natural features: retention, new provision and management
Policy NE.13: Water source protection areas
Policy BH.2: Listed buildings and their settings
Policy BH.6: Development within/ affecting Conservation Areas
Policy T.1: Overarching access policy
Policy T.3: Promotion of walking and use of public transport
Policy T.5: Cycling Strategy Improved facilities
Policy T.6: Cycling Strategy: cycle parking
Policy T.7: Cycling Strategy: strategic cycling network
Policy T.24: General development control and access policy
Policy T.25: Transport assessments and travel plans
Policy T.26: On-site parking and servicing provision

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. 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 relevant policies have substantial weight

Policy SCR1: On-site renewable energy requirement
Policy SCR5: Water efficiency
Policy SU1: Sustainable drainage policy

Policy D1: General urban design principles
Policy D2: Local character and distinctiveness
Policy D3: Urban fabric
Policy D4: Streets and spaces
Policy D5: Building design
Policy D6: Amenity
Policy D10: Public realm
Policy NE2: Conserving and enhancing the landscape and landscape character
Policy NE6: Trees and woodland conservation
Policy CP7: Green infrastructure
Policy NE1: Development and Green Infrastructure
Policy PCS1: Pollution and nuisance
Policy PCS3: Air quality
Policy PCS5: Contamination
Policy PCS7: Water source protection zones
Policy PCS7A: Sewage Infrastructure
Policy PCS8: Bath Hot Springs
Policy H1: Housing
Policy H3: Residential uses in existing buildings
Policy H7: Housing accessibility
Policy LCR7B: Broadband
Policy LCR9: Increasing the provision of local food growing
Policy ST1: Promoting sustainable transport
Policy ST3: Transport infrastructure
Policy B4: The World Heritage Site
Policy BD1: Bath Design Policy
Policy SB12: Former MOD Warminster Road

The following relevant policies have significant weight

Policy D8: Lighting
Policy HE1: Historic environment
Policy NE2A: Landscape setting of settlements
Policy NE3: Sites species and habitats
Policy PCS2: Noise and vibration
Policy ST7: Transport requirements for managing development
Policy B1: Bath Spatial Strategy

OFFICER ASSESSMENT

Principle of Development

As stated the wider MOD Warminster Road site benefits from full planning permission for 204 dwellings; the principle of residential development on this site is therefore well established and cannot be reasonably revisited. The current application seeks to redesign the majority of the part of the development which fronts Warminster Road itself; this proposed redesign involves, amongst other things, increasing the number of dwellings along the Warminster Road frontage by a total of 39 units.

There is no objection in principle to an increase in the number of dwellings proposed on the Warminster Road site; there is no planning policy capping the total number of units

here, on the contrary the emerging Placemaking Plan (Policy SB12) requires a minimum (rather than a maximum) of 150 dwellings on the site. Whether an additional 39 dwellings on the site is acceptable, in the form proposed, is dependant upon whether the direct and indirect impacts of the proposed increase (including the impact of the design changes necessary to facilitate that increase) are acceptable in planning terms. These key potential impacts are dealt with in turn in the following paragraphs.

Design and Impact on the Character of the Area (including Heritage Assets)

This is the most controversial issue and the focus of many of the objections to the application. All of the principal buildings along the Warminster Road frontage (within this current application site) are to be blocks of flats. This application seeks permission for a number of design changes to each of these buildings in order to facilitate the increase in the number of units within; these changes are summarised as follows:

- Block of Flats 3 (BF3): Redesign of upper storeys including the inclusion of an additional storey of accommodation within the roof resulting the ridge height being raised by 60cm. The overall height of the building (measured at Warminster Road) will be 12.020m from 11.430m. No change is proposed to the footprint of the building.
- Block of Flats 4 (BF4): As above. The overall height of the building (measured at Warminster Road) will be 12.285m from 11.690m, an increase of 60cm. No change is proposed to the footprint of the building.
- Block of Flats 1 (BF1): Accommodation added to the roof storey resulting in the height of the building rising from 11.35m to 13.140m. However the amended proposals also include lowering the building further into the hillside to off-set the rise in height. As a result the ridge height of this building will be 1m higher than that previously approved. The footprint of the building will be slightly increased (By 42sqm).
- Block of Flats 2 (BF2): Accommodation added to the roof storey resulting in the height of the building rising from 11.35m to 13.140m. However with the building being lowered into the site as above, this results in an overall increase of 1.54m. The footprint of the building will be slightly increased (By 42sqm).
- Block of Flats 7 (BF7): This block replaces a terrace of three houses. Accommodation is added to the roof level resulting in the building being raised in height from 11.75m to 12.34m. Again however the building is to be lowered on the site resulting in an overall reduction in ridge levels of 81cm. There will be a meaningful increase in the building's footprint (113.37sqm); however the elevation facing Warminster Road is of identical length as approved. The previously approved private gardens and parking area situated to the rear of the terrace is replacement by a larger communal parking area serving both BF7 and BF6.
- Block of Flats 6 (BF6): This block replaces a terrace of three houses. Accommodation added to the roof level resulting in the building being raised in height from 11.75m to 12.34m. Again however the building is to be lowered on the site resulting in an overall increase of 19cm. The footprint of the building will be slightly increased (by 47.16sqm); however the elevation facing Warminster Road is of identical length as approved. The previously approved private gardens and parking area situated to the rear of the terrace is replacement by a larger communal parking area serving both BF7 and BF6.

As can be seen, the proposed design amendments revolve around the inclusion of additional residential floor space within the roof of each building and the consequential changes deemed necessary to enable that. The pitches of most of the roofs has been increased and the profile of each roof altered. Cosmetic changes are proposed to all of the buildings although the architect's interpretation of the Georgian style continues to prevail.

The proposed scheme represents a reduction in design quality as compared to that previously approved however this reduction in quality is considered to be marginal in the context of what has previously been approved; it is not considered that it constitutes harm. The extant planning permission and in particular the nature of what can be constructed on this site irrespective of the outcome of the current application carries very significant weight.

The majority of the buildings are to be increased in height and this, combined with a change to the profile of each roof, will result in increased bulk and massing; this increase in bulk and massing however will not be significant. BF4 and BF5 are situated in the closet position to the road but these buildings will only be increased in height by 60cm; it will be difficult to perceive such a small change from street level or any other vantage points. The proposed changes to the form of the roof/upper storeys are unfortunate but ultimately do not result in a building which is fundamentally unacceptable in the context of the approved scheme. The changes in height of BF1 and BF2 are greater but the impact of this increase on the character of the area will be limited by virtue of the position of these buildings set much further back (and much lower) than Warminster Road. The amendments to the heights of BF7 and BF6 (a slight reduction and very slight increase respectively) again will be difficult to perceive beyond the application site. Despite its reduction in height, the massing of BF7 will be increased by virtue of its greater footprint however the bulk, massing and impact of the building on its surroundings will not be significantly greater than that previously approved. BF6 and BF7 are also set back from Warminster Road behind a line of proposed tree planting.

BF6 and BF7 replace six terraced houses (in two terraces) in the same position. Whilst it could be reasonably assumed that this amendment involves significant design external design amendments, it does not. The approved terraced dwellings were very large properties and each terrace had the appearance of a large block or villa. As such the replacement of these two large terraced blocks with two blocks of flats does not represent a significant change in design terms. As stated above BF6 is only 19cm higher than the terrace it replaces and BF7 is actually lower. Similarly in terms of architectural detailing the proposed blocks of flats are similar to the terraces which they replace; the Warminster Road elevations are very similar to the approved terraces with the key changes relating to the roof level. The change from houses to flats necessitates the provision of a larger car parking area in place of private parking and gardens. This parking area is in a discrete location to rear of buildings and as such will have a minimal impact upon the streetscene and public realm. There is considered to be no design-based reasons for resisting the replacement of the previously approved terraces with the two blocks of flats now proposed.

Stylistically the buildings will continue to be of a Georgian pastiche style and whilst this is not to everyones taste (as set out in the objections above) this is nevertheless the style of the approved scheme and the style which the remainder of the development will be constructed to; to deviate from this style at this stage would be perverse. Good quality

materials are proposed including natural roof slates, timber windows, and Bath stone ashlar. The proposed development, in this amended form, is considered to be acceptable in design terms.

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. This site is within the Bath Conservation Area (and World Heritage Site) and for the reasons set out above it is not considered that the proposed development will undermine the character or appearance of said Conservation Area, or the Outstanding Universal Values of the World Heritage Site. The changes to the previously approved scheme sought by this application are limited in scale and in many cases will be difficult to perceive beyond the application site itself.

There is also a duty placed on the Council under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 'In considering whether to grant planning permission for development which affects a listed building or its setting' to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.' There are a small number of listed buildings in the vicinity of the application site but it is not considered that the development will have a harmful impact upon their setting. Hampton House, a Grade II Victorian villa, is situated approximately 100m to the east although a greater distance will exist between Hampton House and the proposed blocks themselves. The Grade II listed canal retaining wall and various listed properties in Hampton Row, including the fine Grade II* listed Cleveland Baths, are situated to the north of the site beyond the canal and railway. The proposed development by virtue of the distances involved and the changes in topography, as well as intervening buildings, will preserve the setting of the aforementioned listed buildings.

The application is considered to accord with Policy HE1 (historic environment) of the emerging Placemaking Plan which carries significant weight as well as Policies D1-D5 and Policy B4 (WHS) and BD1 (Bath Design Policy) of the emerging Placemaking Plan all of which carry substantial weight. In addition the application accords with Core Strategy CP6 in respect of design matters and Policies D2 and D4 of the Saved Local Plan. As well as Policy BH6 (conservation areas). The application accords with the site specific allocation policy of the emerging Placemaking Plan (Policy SB12) in respect of design and heritage matters.

Impacts on the Amenity of Local Residents

A number of local residents have understandably raised objections to the application; the residents of Minster Way will be amongst those most affected by the site's redevelopment and in many cases their existing views across the city will be totally or partially obscured by this development. Be that as it may the scheme currently under consideration will not have a significantly greater impact on local residents than that which already has planning permission (impact on views is dealt with separately in 'other issues' below).

The key differences between that which has been approved and that currently proposed are bulleted in the design section above. Of the six blocks of flats proposed, four of them

(BF3, BF4, BF6 and BF7) will be the subject of height increases of less than 1m, (relative to Minster Way properties) or in the case of BF7 a reduction in height. A height increase of this scale cannot have a meaningful detrimental impact upon the levels of amenity enjoyed within dwelling houses which are situated a minimum of 37m (approx) distant (the majority are considerably further). The two remaining blocks (BF1 and BF2) will be the subject of a greater increase in height but this will still no more than 1.54m; these blocks are situated an even greater distance from dwelling houses in Minster Way, they are much lower on the site further down the slope, and there is significant intervening existing and proposed tree planting. The proposed development will therefore not lead to unacceptable levels of overshadowing/loss of light nor visual domination.

It is the case that all of the proposed buildings will have an additional storey of residential accommodation with some of those windows facing properties in Minster Way. Be that as it may, it is not considered that these windows will lead to unacceptable additional loss of privacy. Ultimately the development as previously approved includes a substantial number of residential units (and the windows serving them) facing towards the existing properties in Minster Way. The proposed development does not represent a significant increase in the number of windows and nor therefore the level of actual or perceived overlooking. Furthermore, as set out above, the distances involved (i.e. those between the proposed flats and the existing properties) are substantial and well in excess of what is usually considered to be the minimum permissible.

The application accords with Policy D6 of the emerging Placemaking Plan, which carries substantial weight, as the impact of the proposed development on amenity will be acceptable. The application also accords with the site specific allocation policy (Policy SB12) of the emerging Placemaking Plan in respect of residential amenity.

Highways Matters

The proposed increase in the number of dwellings necessitates a corresponding increase in car parking spaces. The additional parking spaces have generally been provided by expanding previously approved parking courts, and in the case of the flats replacing terraced housing (BF6 and BF7) in place of private domestic gardens. In addition basement car parking is provided beneath BF3 and BF4.

As stated a total of 87 flats are proposed (51 x one-bedroom flats; 28 x two-bed flats and 8 x three-beds); a total of 93 parking spaces are proposed to serve them. This equates to one allocated parking space per flat with a surplus of 6 spaces. The layout also shows a number of unallocated visitor parking spaces in the vicinity.

The adopted (saved) Local Plan sets out the council's current parking standards (the emerging Placemaking Plan standards are yet to be finalised and are awaiting modification). The Local Plan requires a maximum of 1 space per one-bed unit and 2 spaces per two/three bedroom units; in addition 1 visitor space is required for every 4 one/two bed units. The Local Plan requirement for this development is therefore in the region of 133 parking spaces. Against this maximum there is a 'shortfall' of around 40 spaces but given that the standards are expressed as maximums the application is not contrary to saved Local Plan T.26. 93 spaces is considered to be an appropriate level of car parking given the site's sustainable location and this level of car parking provision is not objectionable to the Council's Highways Team.

The proposed increase in the number of dwellings will also result in increased volumes of traffic using the local highway network, including Warminster Road itself. The highway team have raised no objection to the increased levels of vehicular movement and are content that no unacceptable highway impacts will result. Accordingly the application accords with Policy T1, T6, T24, T25 and T26 of the Saved Local Plan as well as emerging Policies ST1 and ST3 of the Placemaking Plan which carry substantial weight.

Affordable Housing

Core Strategy Policy CP9 requires the provision of 40% affordable housing on this development. The original planning permission secured 40% affordable housing across the MOD Warminster Road site as a whole which equates to 81 units.

87 units are proposed in total by the current application and as stated this represents an increase of 39 units above that previously approved. Following this increase (and the addition of another dwelling approved on another phase) the total number of dwellings on the Warminster Road site will be 244 as opposed to 204 as originally approved (i.e. an increase of 40).

As such, in order to comply with Policy CP9, 16 additional units of affordable housing should be secured by this planning application (16 is 40% of 40); however no additional affordable housing is proposed.

The current application includes 24 units of affordable housing (18 units in BF2 and 6 units in BF1) but these units do not address the 16 unit shortfall as these form part of the 40% affordable housing (81 units) already secured by the earlier permission across the Warminster Road site as a whole.

As a result of increasing the total number of dwellings on the Warminster Road site by 40 but not proposing a corresponding increase in the quantum of affordable housing, affordable housing provision across the Warminster Road site as a whole is recalculated as 33% - this is clearly not a policy compliant position.

It is argued that providing a policy compliant quantum of affordable housing (i.e. the full 40% which is 98 units) is not financially viable. Case law has established that when assessing viability, developers are entitled to receive a reasonable level of profit and as such some schemes can be deemed to be unviable even when returning seemingly large profit levels. The developer's viability appraisal concludes that a policy compliant scheme (i.e. 40% affordable housing) would only return a 13% profit; this is well below minimum levels established by case law.

The developer's projected profit has not been taken at face value; the Council has instructed (at the developer's expense) independent development viability experts to scrutinise the developer's projections and assumptions. The Council's experts project a slightly higher profit (15.69%) but this still does not represent a reasonable return. The Council's experts have gone on to assess the viability of the revised proposal (33% affordable housing) and have concluded that this revised scheme would return a 19.33% profit - which is within acceptable parameters. It must be noted that the Council's viability experts have identified that the 33% affordable housing scheme will generate a surplus of

£400k; given that there is a sub-policy shortfall in affordable housing provision it is reasonable for this surplus £400k to be commuted to the Council to fund the off-site provision of affordable housing; the developer has not challenged this approach and as such it is recommended that this additional obligation forms part of the requisite S.106 Agreement. It is considered that any additionally identified planning obligations (see below) should be deducted from this £400k figure as to require obligations in addition to the £400k will push the development into unviability.

Policy CP9 is clear that viability must be taken into account and therefore on that basis the application accords with Policy CP9 as the maximum viable quantum of affordable housing will be secured.

Other Planning Obligations

The original S.106 Agreement secures a wide variety of planning obligations some of which relate to strategic infrastructure whereas others fund specific works. These obligations remain secured and the developer will continue to be obliged to provide them irrespective of the current full planning application.

The current application proposes to increase the number of dwellings on site by 39 and therefore consideration must be given as to whether it is necessary (and reasonable) to increase the obligations proportionately. A number of matters covered by the original obligations have since been replaced by the Community Infrastructure Levy (CIL). It is therefore not considered to be appropriate to seek increased contributions in respect of education, public open space, allotments and strategic transport matters for example; the increase in CIL receipts will fund such matters. It is also the case that the proposed development does not in itself generate the need for additional mitigation measures to offset the impact of increasing the number of dwellings on the site, the need to secure additional or increased planning obligations as part of the current planning application/S.106 Agreement is therefore limited.

Notwithstanding the above however, shortly after the original planning permission was granted in 2015 the Council adopted the document 'Planning Obligations' as a Supplementary Planning Document (SPD); this introduces a number of additional obligations some of which will need to be secured by this permission to ensure policy compliance i.e. the provision of fire hydrants and the provision of targeted training and recruitment.

Other Matters

- Core Strategy Policy CP10 states that new housing development must provide for a variety of housing types and sizes. The current application seeks permission only for flats with no dwelling houses forming part of the proposal. Be that as it may, this application only relates to one part of the much larger MOD Warminster Road site the majority of which comprises family homes. The proposed flats are a good mix of one, two and three bedroom units. The proposal, seen in the context of the wider approved scheme, complies with CS Policy CP10.
- Policy SB12 of the emerging Placemaking Plan, specifically in relation to this site, requires that important views over, out of and into the site must be considered. The

impact of development on private views is not a material planning consideration and therefore this element of Policy SB12 can only be interpreted as relating to public views and vistas. Public views from various vantage points in the areas will certainly change as a result of this development especially the view across Bath from Warminster Road and from the Camden area looking back, however for the reasons set out in the design/heritage section above it is not considered that undue harm will result (especially in the context of what has already been approved) Private views from Minster Way will be dramatically changed and local objection to this consequence of the development is understood, but as stated this is not material planning consideration and in any case the change to the view will not be significantly different to that resulting from the previously approved scheme.

- The Waste Team have identified that further information is required in relation to the requisite bins stores and the ability for waste vehicles to access them. Some additional information has been received but no further observations have been received from the Waste Team. This is not a significant issue; it is recommended therefore that this matter is dealt with by a condition requiring waste matters to be submitted to and approved by the Council prior to first occupation.
- A number of new detailed policy requirements have been recently introduced as a result of the Placemaking Plan (PMP) gaining meaningful weight. New PMP requirements include the provision of rainwater harvesting in new developments and energy efficiency measures to reduce carbon emissions. It is too late in the design process and therefore impracticable to apply these new requirements to the current application as to do so could require fundamental design changes; there could also be viability consequences. It is not considered reasonable to apply these new PMP requirements to the current application therefore.
- The undeveloped part of the wider former MOD site comprises part of a Site of Nature Conservation Interest (SNCI). The adjoining Kennet and Avon Canal is also a designated SNCI. The site lies within 1.2km of the nearest component site of the Bath & Bradford on Avon Special Area of Conservation (SAC). Ecological surveys have previously identified a wide range of species across the wider MOD site including lesser and greater horseshoe bats from the SAC; the canal itself is a known bat commuting corridor. The built-form of the wider former MOD site redevelopment however will avoid the SNCI and will focus on those parts of the site previously occupied by MOD buildings. The current application site (i.e. the majority of the Warminster Road frontage) is the part of the former MOD site most distant from the canal and SNCI and as such the impact of current application on ecological interests will be limited. Be that as it may, the imposition of the previously imposed condition (Condition 19) to secure a Wildlife Protection and Enhancement Scheme is considered necessary to ensure that the previously secured enhancements remain secured.

Conclusion

The principle of redeveloping this site for residential purposes is well established by the extant 2015 planning permission. Permission is in place for 204 dwellings across the Warminster Road site as a whole and the current proposal seeks to increase that number by 39. There are no explicit planning policies resisting an increased number of dwellings

on this site, and the applicable Placemaking Plan policy (Policy SB12) states only that there must be a minimum of 150 units. Accordingly whether an increase in the number of dwellings, in the form proposed, is acceptable is dependant upon whether the impacts that that increase will have are acceptable in planning terms.

The key considerations in this case are considered to be design matters and in particular the impact of the proposed development on the character and appearance of the surrounding area (including the impact of the development on the Conservation Area and World Heritage Site); the impact of the proposed development on neighbouring residents and; the impact of the proposed development on highway considerations. These matters must be considered in the context of what already has permission as this carries significant weight.

The design of the proposed development in its amended form is acceptable and follows the established form and architectural style of the rest of the development. The proposed buildings are generally taller and of greater bulk and massing compared to the extant consent but not significantly or unacceptably so; the increases are limited and in somecases negligible. For this reason it is considered that the impact of the proposed development on its surroundings will be acceptable and that the character and appearance of the Conservation Area will be preserved. There will be no unacceptable impacts upon the World Heritage Site including its Outstanding Universal Values. The proposed changes do not constitute harm to any heritage assets, designated or otherwise. The impact of the proposed development on the amenity of neighbouring residents will be acceptable and no greater than that of the previously approved scheme. The level of parking to serve the proposed 87 units is acceptable and in accordance with the maximum levels prescribed by the saved Local Plan. The impact of the development on the highway network will also be acceptable.

It is concluded that the proposed development will not have an unacceptable impact and no harm will be caused to heritage assets. Notwithstanding this, it is acknowledged that the differences between the current scheme and that previously approved represent a marginal reduction in design quality but it is considered that this reduction is of limited impact and is outweighed by the benefits of the proposal in anycase. The provision of 39 additional dwellings is a meaningful benefit in respect of meeting the city's housing needs and the benefits that the scheme brings in terms of securing the viability of the whole development is significant. Accordingly subject to conditions and the prior completion of a S.106 Agreement as specified below, the application is acceptable and complies with the relevant planning policies and all other relevant material considerations; it is therefore recommended that permission be granted.

RECOMMENDATION

Delegate to PERMIT

CONDITIONS

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

1. The provision of affordable housing on-site as per the approved drawings;

2. The provision of fire hydrants on site in accordance with a scheme to be agreed with the local planning authority and a financial contribution of £1000 per hydrant to cover 5 years subsequent maintenance OR a financial contribution of £1500 per hydrant to fund provision and 5 years subsequent maintenance.

3. The provision of targeted training and recruitment as part of the construction phase;

4. A financial contribution of £400k to enable the delivery of affordable housing within the District less the sum of financial contributions secured in relation to 2 and 3 above;

B. Subject to the prior completion of the above agreement, authorise the Group Manager to PERMIT subject to the following conditions (or such conditions as may be appropriate):

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 The development hereby approved shall be undertaken in accordance with the submitted Construction Management Plan approved in writing by the local planning authority by letter dated 18 January 2016 (LPA Ref: 15/05486/COND) with the exception of the working hours specified in that document. The working hours on site are hereby limited to 7:30am to 6pm (Monday to Fridays) and 8am to 1pm on Saturdays. There shall be no working on Sundays, Bank Holidays or Public Holidays.

Reason: To protect the amenities of the occupants of adjacent residential properties and wider environment and to ensure the safe operation of the highway. This element of the development is adjacent to Warminster Road and as such much closer to neighbouring residential properties than other parts of the scheme.

3 Prior to first occupation 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. The following levels shall be achieved: Maximum internal noise levels of 35dB LAeq, 16hr and 30dB LAeq, 8hr for living rooms and bedrooms during the daytime and night time respectively. For bedrooms at night individual noise events (measured with F time-weighting) shall not (normally) exceed 45dB LAmax.

Reason: To ensure that internal noise levels within these plots remain within acceptable limits, given their proximity to Warminster Road in the interest of residential amenity

4 Before the dwellings are first occupied, new resident's welcome packs shall be issued to purchasers which should 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., together with complimentary bus tickets for each household member to encourage residents to try public transport. The content of such packs shall have been approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable development.

5 The development hereby approved shall be undertaken/subsequently occupied in accordance with the approved Travel Plan (Ref: Transport Planning Associates, August 2016)

Reason: In the interests of sustainable development

6 No development or works of demolition shall take place (within each phase) until a Detailed Arboricultural Method Statement with Tree Protection Plan relating to that phase has been submitted to and approved in writing by the Local Planning Authority and details within the approved document implemented as appropriate. The final method statement shall incorporate a provisional programme of works; supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and certificates of completion. The statement should also include the control of potentially harmful operations such as the storage, handling and mixing of materials on site, burning, location of site office, service run locations and movement of people and machinery.

Reason: To ensure that trees to be retained are not adversely affected by the development proposals. [NB: this information has been previously approved (Ref: 15/05486/COND) but will need to be amended to reflect the changes approved by this permission].

7 The development hereby approved shall be undertaken in accordance with the submitted Written Scheme of Investigation for Archaeological Evaluation (Cotswold Archaeology) approved in writing by the local planning authority by letter dated 21 December 2015 (LPA Ref: 15/05505/COND).

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.

8 The development hereby approved shall be undertaken in accordance with the submitted archaeological evaluation (Cotswold Archaeology) approved in writing by the local planning authority by letter dated 3 March 2016 (LPA Ref: 16/00816/COND). The agreed programme of archaeological work shall be carried out by a competent person and completed in accordance with the approved written scheme of investigation. 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 is within an area of potential archaeological interest and the Council will wish record and protect any archaeological remains. The site may produce significant archaeological findings and the Council will wish to publish or otherwise disseminate the results.

9 The development hereby approved shall be undertaken in accordance with the submitted Composite Contamination Report (March 2016, Integrale Limited) and Report on Supplementary Soil Gas Monitoring & Contamination Analyses (June 2014, Integrale Limited) both approved in writing by the local planning authority by letter dated 25th April 2016 (LPA Ref: 16/01732/COND)

Reason: In order to ensure that the land is suitable for the intended use 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

10 The development hereby approved shall be undertaken in accordance with the submitted Remediation Strategy and Method Specification (Ref: 9202/RMS) approved in writing by the local planning authority by letter dated 22 June 2016 (LPA Ref: 16/02834/COND)

Reason: In order to ensure that the land is suitable for the intended use 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

11 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: In order to ensure that the land is suitable for the intended use 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.

12 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of the aforementioned conditions and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of the aforementioned conditions, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the aforementioned conditions.

Reason: In order to ensure that the land is suitable for the intended use 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.

13 A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period to be agreed with the Local Planning Authority and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives

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

Reason: In order to ensure that the land is suitable for the intended use 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.

14 Prior to the installation of any drainage infrastructure, details of the means of surface and foul water drainage shall be submitted to and approved in writing by the local planning authority. The submitted details shall include details of how the scheme shall be maintained and managed after completion and, in respect of foul drainage, the agreed points of connection and capacity improvements required to serve the proposed development phasing. If surface water run-off from this site is proposed to drain into the canal, details of discharge rates, connection points and pollution prevention measures will also be required.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system and 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. [NB these details have been previously approved (Ref: 16/01601/COND) but will need to be amended to reflect the changes approved by this permission.

15 Prior to first occupation a hard and soft landscape scheme shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include details of all walls, fences, new pedestrian and cycle paths, trees, hedgerows and other planting which are to be retained; full details of all boundary treatments, annotated against the site plan including materials and finishes, sample panels of any stonework and finished ground levels; a planting specification to include numbers, density, size, species and positions of all new trees and shrubs; details of the surface treatment of the open parts of the site; and a programme of implementation. The development shall then be undertaken in full accordance with the details approved no later than the end of the first planting season following first occupation of the development.

Reason: To ensure the provision of an appropriate landscape setting to the development and provide appropriate tree planting to compensate for the trees removed through the development, and to ensure that the external appearance of the development is satisfactory in order to protect the character and appearance of the Conservation Area, the setting of adjoining Listed Buildings and the setting of the World Heritage Site [NB these details have been previously approved (Ref: 16/01601/COND) but will need to be amended to reflect the changes approved by this permission.

16 Sample panels of all the external materials and finishes and demonstrating coursing, jointing and pointing to the masonry and all hard paved surfaces are to be erected on site and shall be approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. The development shall be completed in full accordance with the approved details and sample panels.

Reason: To ensure that the external appearance of the development is satisfactory in order to protect the character and appearance of the Conservation Area, the setting of adjoining Listed Buildings and the setting of the World Heritage Site.

17 Prior to the commencement of development in respect of buildings BF3 and BF4, full details shall be submitted to and approved in writing of the reinstatement and/or making good of the stone boundary wall fronting Warminster Road to the south of blocks BF3 and BF4. The wall shall be made good or reinstated with natural stone, a sample panel of which shall be displayed and kept on site for reference until the development is completed. The development shall then take place in full accordance with the details agreed.

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

18 Drawings to a minimum 1:10 scale (also indicating materials, treatments and finishes) of the following items shall be submitted to and approved in writing by the Local Planning Authority before the relevant part of the work is begun, unless otherwise agreed in writing by the Local Planning Authority:

- Windows - to include types, sections and method of opening (including lintel detailing and wall returns), materials, colour and finishes and surrounds
- External doors - to include joinery details, materials, colour and finishes and external architraves and margin lights (if any)
- porch canopies
- Rainwater goods

All details shall show relationship to adjoining materials in plan and section. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the external appearance of the development is satisfactory in order to protect the character and appearance of the Conservation Area, the setting of adjoining Listed Buildings and the setting of the World Heritage Site.

19 Prior to the commencement of the relevant part of the works 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) Details of all necessary update surveys and pre-commencement checks for badger and other wildlife as applicable, with findings to be reported to the Local Planning Authority prior to works commencing including full details of any further mitigation measures required
- (ii) Details of all necessary wildlife protection and precautionary measures to include a scale plan showing exclusion zones around retained habitats, and specifications for fencing of these zones; details of timing of works to avoid nesting birds, bats and other wildlife; details of all other necessary measures as applicable
- (iii) Details including numbers positions and specifications of proposed features such as bird and bat boxes within the development to including nesting provision for swift; details to be shown on all plans and drawings as applicable

(iv) Details of all other wildlife features, native planting and habitat provision and enhancements in accordance with approved ecological reports

All works within the scheme shall be carried out in accordance with the approved details, unless otherwise approved in writing by the local planning authority. The works shall be carried out prior to the occupation of any part of the development. Notwithstanding the above, development may commence on Phase 1 prior to approval of the badger elements of Wildlife Protection and Enhancement Scheme.

Reason: to avoid harm to wildlife including protected species

20 Prior to the commencement of each phase of the development full details (relating to that phase) of proposed lighting design scheme and specifications with lux level contour plans, demonstrating provision of dark corridors and avoidance of light spill onto adjacent habitats vegetation and features used by bats and other wildlife, in accordance with the recommendations and aspirations of the approved lighting impact study, have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include proposals to assess and demonstrate post-construction compliance once the site is occupied. The development hereby permitted shall be carried out only in accordance with the approved lighting design scheme and specifications.

Reason: to avoid harm to wildlife and protected species [NB. these details have been previously approved (Ref: 16/00927/COND) but will need to be amended to reflect the changes approved by this permission.

21 Each and every dwelling hereby approved shall be allocated at least one parking space.

Reason: To ensure that the dwellings are served by sufficient parking provision.

22 Details of all bin/recycling facilities, including their location and appearance shall be submitted to and approved in writing by the local planning authority. The bin/recycling facilities shall be installed in accordance with the details so approved and shall thereafter be available for use by residents prior to first occupation of the first dwelling. The details submitted for approval shall include plans demonstrating that each bin/recycling facility can be accessed by refuse collection vehicles in a manner which is to the satisfaction of the local planning authority.

Reason: To ensure the proper management and collection of waste and recycling within the development.

23 No development shall commence until details of the existing and proposed ground levels, and finished floor levels of each dwelling have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason: For the avoidance of doubt and to clarify the finished ground levels of the development. This is a condition precedent because the ground levels have the potential to affect the overall impact of the development. Therefore these details need to be agreed before work commences as they could not easily be amended after.

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

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

PLANS LIST:

1 The follow plans/drawings are hereby approved:

- Site Location Plan: Drawing No. 5688U/000
- Unit Mix Plan (layout): Drawing No. 5688U/3-002 Rev I

- Block of Flats 1 Elevations: Drawing No. 5688U/051/Rev F
- Block of Flats 1 Floor Plans: Drawing No. 5688U/050/Rev E
- Block of Flats 2 Elevations: Drawing No. 5688U/053/Rev E
- Block of Flats 2 Floor Plans: Drawing No. 5688U/052/Rev E
- Block of Flats 3 & 4 Elevations: Drawing No. 5688U/055/Rev G
- Block of Flats 3 & 4 Floor Plans: Drawing No. 5688U/054/Rev I
- Block of Flats 3 & 4 Vehicle Tracking Plans: Drawing No. 12290-SK57 Rev P2
- Block of Flats 3 & 4 Vehicle Tracking Plans: Drawing No. 12290-SK57 Rev P2
- Block of Flats 6 Elevations: Drawing No. 5688U/061/ Rev E
- Block of Flats 6 Floor Plans: Drawing No. 5688U/060/Rev G
- Block of Flats 7 Elevations: Drawing No. 5688U/063/Rev F
- Block of Flats 7 Floor Plans: Drawing No. 5688U/062/Rev G

- Flats Comparison Plan and Section: Drawing No. 5688U/FC/BF6
- Flats Comparison Plan and Section: Drawing No. 5688U/FC/BF7
- Street Elevation Comparison: Drawing No. #Pln/5688U/SK100

2 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

3 Condition Categories

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

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

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

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

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

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

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

4 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.

5 This permission is accompanied by an agreement under Section 106 of the Town and Country Planning Act 1990.

Item No: 02
Application No: 16/05094/FUL
Site Location: Beechen Cliff School Kipling Avenue Bear Flat Bath BA2 4RE



Ward: Widcombe **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor I A Gilchrist Councillor Jasper Martin Becker

Application Type:	Full Application
Proposal:	Extend bank southwards using existing on site spoil heap to create wider playing field.
Constraints:	Affordable Housing, Agric Land Class 3b,4,5, Article 4, Article 4, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, Sites used as playing fields, SSSI - Impact Risk Zones, World Heritage Site,
Applicant:	Beechen Cliff School
Expiry Date:	16th December 2016
Case Officer:	Chris Griggs-Trevarthen

REPORT

Cllr. Ian Gilchrist has requested that the application be determined by committee and gave the following comments:

The bare bones of the application gives no hint of the adverse effects on neighbouring properties that the development would have.

In accordance with the Council's Scheme of Delegation, the application was referred to the chairman of Development Control Committee who has decided that the application should be determined by committee.

DESCRIPTION

The application site comprises part of the Beechen Cliff School playing fields. The hillside at Beechen Cliff is broad split into three levels; the lower field which slopes gradually down to the south and shares a boundary with a number of properties along Greenway Lane; the central plateau which is fairly level and contains a number of the schools' existing playing pitches; and, the upper level which contains the majority of the school buildings.

The existing bank between the lower field and the central plateau is approximately 3m in height and transects the playing fields.

The site is located within the Bath Conservation Area and World Heritage Site and there are a series of Public Rights of Way ("PROWs") which run across the playing fields (BC43/1, BC43/2, BC43/3, BC53/1 and BC53/3). The Grade II listed, Greenway Lodge, lies adjacent to the southern boundary of the playing fields.

The proposal is to utilise on-site spoil from recent and future building projects to extend the existing bank southwards to create a wider playing field on the central plateau which can accommodate a full size rugby pitch.

Some spoil from the recently completed humanities block building (ref: 15/04824/FUL) has already be deposited on the bank. The application is therefore considered to be partially retrospective.

The school have submitted a Masterplan in support of their application to demonstrate how the proposed development will fit in with their longer term aspirations for development on the school. However, it is important for members to note that the proposal to extend the bank must be determined on its own merits and that proposals shown within the

Masterplan do not fall to be considered as part of this application. Officers have not assessed the impacts of any of the proposals shown within the current version of the Masterplan.

PLANNING HISTORY

The school has been subject to a number of planning applications over recent years. The most relevant have been highlighted below.

10/00540/FUL - PERMIT - 14 July 2010 - Provision of a synthetic pitch to replace existing sports pitch and an additional 5-a-side synthetic sports pitch; both with sports fencing and lighting.

11/00573/VAR - PERMIT - 9 December 2011 - Variation of condition 3 of application 10/00540/FUL in order to substitute submitted sports lighting report/assessment with a new lighting proposal (Provision of a synthetic pitch to replace existing sports pitch and an additional 5- a-side synthetic sports pitch; both with sports fencing and lighting.)

11/03451/FUL - PERMIT - 6 October 2011 - Erection of new two storey classroom block including staircase and lift following removal of existing temporary single storey building

12/04503/FUL - PERMIT - 18 December 2012 - Erection of a new Science lab and Gym with associated changing facilities following demolition of existing temporary building

12/04515/FUL - PERMIT - 17 January 2013 - Alterations and extension to existing Sixth Form Block to form a new Student Accommodation and Classroom Block

13/05288/FUL - PERMIT - 31 January 2014 - Proposed demolition and replacement of existing Bolton Suite teaching block, including atrium link to existing Sixth Form Student Accommodation and Classroom Block

15/04824/FUL - PERMIT - 11th January 2016 - Erection of two storey 8 no. classroom block following demolition of existing temporary 'Pratten' classroom block. Altered access to the existing science block and associated landscaping works.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

HIGHWAYS OFFICER: No objection

DRAINAGE AND FLOOD RISK: No objection, informative suggested

ARBORICULTURALIST (Verbal comments only): No objection, subject to conditions.

PUBLIC RIGHTS OF WAY TEAM: No objection, informative suggested

SPORTS ENGLAND: No objection, recommends conditions

WALES AND WEST UTILITIES: Comments only - Informative suggested

COUNCILLOR IAN GILCHRIST: The bare bones of the application give no hint of the adverse effects on neighbouring properties that the development would have.

WIDCOMBE ASSOCIATION: The Widcombe Associate feel that more information should be provided to demonstrate the relationship of the proposed pitch extension to the neighbouring residential properties and also, similarly, regarding the relationship of the longer levelling to these and other properties, through cross-sections as well as plans. They also have concerns about the retrospective nature of the development.

GREENWAY LANE AREA RESIDENTS FORUM: Have identified the following concerns:

1. Retrospective nature of the application;
2. The proposal represents creeping development as it forms part of the comprehensive Masterplan proposals;
3. It affects the public footpaths and details should be required as part of this application.
4. The raised bank will increase the compacted area where natural drainage is inhibited. The proposals will likely cause winter flooding of the footpath, private properties and the highway. A full flood risk assessment study is required;
5. The footpath network would be detrimentally affected, as the area at the base of the bank would be restricted for walkers, resulting in a sense of insecurity and loss of open aspect;
6. Application does not provide details of timescale, construction or drainage;
7. Extending the sports areas nearer to residential areas increases the potential for nuisance due to noise and disturbance, overlooking, loss of privacy and bad language;
8. Beechen Cliff Hill is a highly sensitive part of the World Heritage Site. It is visible from the city centre and from the Fosse Way, has associations with Jane Austen and is a key part of Bath's green infrastructure and wildlife links.

They also consider that the plans produced lack detail and raise concerns about the traffic implications of the development, due to the narrowest of Poet's Corner and Greenway Lane. They identify potential safety & congestion issues. There is concern about the intensification of the use of the playing fields, particularly at evenings and weekends to the detriment of local residents. Conditions are requested to confine the use of the pitch to school hours.

BATH PRESERVATION TRUST: Comment

Information provided is inadequate to make a proper assessment of the impact, particularly in terms of the visual/landscape impact upon the World Heritage Site.

More detail required on the quantities of spoil involved, the time scales, a method statement and final landscaping plan.

Difficult to assess the impact upon the setting of the listed Greenway Lodge

THIRD PARTIES/NEIGHBOURS: 27 letters of objection have been received. The main issues raised were:

The application is retrospective

It represents creeping development of the school which is presented in their masterplan

It adversely affects the PROWs which cross the playing fields

No Flood Risk Assessment has been submitted

Harm to the amenity of the public open space

Noise, overlooking and nuisance

Harm to the World Heritage Site

Concern about land stability and landslip

Concerns about surface water drainage into adjoining properties

Significant traffic implications arising from intensification of the use

Overbearing character of the proposed bank
Concern about proposals shown in the masterplan
Inaccurate plans and drawings
Concern about need for sports fencing which might arise
Piecemeal development
Proposed bank is too close to properties bordering the fields
Loss of light from adjoining properties
Loss of open space
Concern about cumulative impact of proposals
Damage to properties arising from stray balls
Concern about impacts upon trees and hedge
Beechen Cliff is an important hillside in the World Heritage Site which should be protected
Conditions restricting community use of the site are requested

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

RELEVANT CORE STRATEGY POLICIES

B4 The World Heritage Site and its setting
CP6 Environmental Quality

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

D.2 General Design and public realm considerations
D.4 Townscape considerations
SR.4 New sports & recreational facilities within or adjoining settlements
SR.9 Protection of recreational routes
ES.5 Foul and surface water drainage
ES.12 Noise and vibration
ES.14 Unstable land
NE.1 Landscape character
NE.3 Important hillsides
NE.4 Trees and woodland conservation
BH.2 Listed buildings and their settings
BH.6 Development within or affecting Conservation Areas
T.24 General development control and access policy

PLACEMAKING PLAN

Following the Examination hearings the Inspector has now issued her Interim Statement and has advised the Council of her recommended Main Modifications required to make

the plan sound. The Main Modifications and Minor Proposed Changes are now subject to public consultation prior to the Inspector issuing her Final Report. The following policies can now be given substantial weight:

D1 Urban Design Principles
D2 Local Character & Distinctiveness
D6 Amenity
NE2 Conserving and enhancing the landscape and landscape character
NE6 Trees and woodland conservation
PSC6 Unstable land
LCR6 New and replacement sports and recreational facilities
ST2A Recreational routes

The following policies, as modified by the Inspector, have significant weight:

HE1 Historic Environment
NE2A Landscape setting of settlements
PSC2 Noise and vibration
ST7 Transport requirements for managing development

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

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

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

OFFICER ASSESSMENT

The main issues to consider are:

1. Principle of development
2. Character and appearance
3. Residential amenity
4. Surface water drainage and flood risk
5. Trees and woodland
6. Highways safety
7. Public rights of way
8. Community use
9. Other matters
10. Conclusion

PRINCIPLE OF DEVELOPMENT: The proposal to extend the existing bank southwards is intended to provide additional space for new sports facilities, i.e. increasing the size of the existing playing pitch to a full sized rugby pitch. Policy SR.4 permits the creation of new or replacement sports facilities within an existing settlement provided that they meet a number of criteria.

Criterion 1 requires that new sports facilities complement the existing pattern of recreational facilities. Given that this proposal involves the enlargement of an existing playing pitch on an existing area utilised as playing field, it is considered to clearly complement the existing pattern of recreational facilities at Beechen Cliff.

Criterion 2 requires that the facilities are in a readily accessible location well served by transport modes. The site is within a built up area of Bath which well served by public transport and is accessible from a variety of different public footpaths which cross the playing fields.

Criteria 3 and 4 require that there would be no adverse impact on public safety and that the amenities of local residents are not adversely affected by air, noise or light pollution. These matters are discussed further in the report below.

In light of the above and the discussion on criteria 3 and 4 in the report below, it is considered that the requirements of policy SR.4 are met and that the proposed development is acceptable in principle.

Sport England has also been consulted on the application and raises no objection to the proposal.

CHARACTER AND APPEARANCE: Beechen Cliff School playing fields are a significant green area which represents an important hillside within the built up area of Bath under Local Plan policy NE.3. The site has also been identified within the emerging Placemaking Plan as a site which forms part of the landscape setting of Bath under policy NE2A. The site is visible and prominent from the Wellsway to the south and in other long views, particularly from the south and west.

Whilst the examining Inspector has proposed a slight modification to the wording of policy NE2A, the designation of this site as part of the landscape setting of Bath has not been queried. Policy NE2A can therefore be given significant weight.

Policy NE2A requires that any development should seek to conserve and enhance the landscape setting of settlements and their landscape character, views and features. Development that would result in adverse impact to the landscape setting of settlements that cannot be adequately mitigated will not be permitted.

The proposed bank would be extended southwards by between approximately 7m - 13m across its length. The shortest part of the extended bank would be in the south-east with the largest extension on the south-west side of the bank.

The revised bank would broadly repeat the line of the existing bank and would run approximately parallel to the proposed new rugby pitch. Although slightly steeper in some areas and slightly shallower in others, the proposed bank profile would be broadly similar to the existing profile.

Given the scale of the proposed development, the change to the landform of the site is relatively minor. The school has indicated that it intends to implement the bank in stages

to accommodate spoil as it arises from any current and future development projects on the school site. Whilst the bank is being extended and re-profiled, the topsoil will be stripped off the bank and temporary construction fencing will be erected around it. This has the potential to alter the green character of the hillside introducing the incongruous features of exposed subsoil and construction fencing. However, these features will be temporary in nature. Once the subsoil has been consolidated and profiled, the topsoil regraded back over the new profiled bank and the area reseeded with grass, the appearance of the hillside will revert to the same green character as before. A condition is proposed to ensure that when the bank is not being constructed that the land is restored to grass and that any construction fencing is removed. This will ensure that the landscape is not harmed for extended periods of time.

The new alignment and profile of the bank will not significantly alter the landscape character, or the appearance in important views, of this important green hillside. Furthermore, the proposals do not include any external lighting and so the area will retain its dark character during the evenings and night times.

The proposals are therefore considered to conserve the landscape setting of Bath and are also considered to preserve the outstanding universal values of the Bath World Heritage Site. The proposals are therefore also considered to preserve the character and appearance of the Conservation Area.

Greenway Lodge is a grade II listed building immediately adjoining the southern boundary of the playing fields. It is considered that the playing fields form part of the setting of this heritage asset. However, the proposed bank extension will remain over 30m from the boundary with Greenway Lodge and will not significantly affect any views to or from the property. Furthermore, in light of the above conclusions about the proposed development retaining the overall green and open hillside character of the site, it is considered that the proposal will preserve the setting and significance of the heritage asset.

RESIDENTIAL AMENITY: The proposed bank realignment brings it closer to the southern boundary of the playing fields which borders a number of properties on Greenway Lane. These properties mostly turn their backs onto the playing field, but all are situated at a lower level and there are a number of existing windows which face on to the playing field.

The proposed bank would remain at least 8m from the boundary with properties on Greenway Lane (as shown on section A-A) increasing to over 35m further to the west (as shown on section B-B).

The proposals would offer additional, slightly elevated views towards the properties at Greenway Lane for anyone standing at the top of the revised bank. However, this would not result in any significant additional detriment to the privacy of occupiers over and above the views already available from the existing playing field. The elevated views from the revised bank position are still a sufficient distance from the neighbouring properties to prevent any harmful increase in overlooking or harmful loss of privacy.

The closest property to the proposed bank is 71 Greenway Lane. The relationship between the proposed extended bank and 71 Greenway Lane is demonstrated in section A-A. At its nearest point, the bottom of the extended bank would be approximately 8m

from the boundary with 71 Greenway Lane and the top of the extended bank would remain approximately 13m from the boundary. The boundary to the playing fields contains a hedgerow and a large tree at this point which does provide a degree of screening for 71 Greenway Lane. The garden of 71 Greenway Lane is situated on land set down from the level of the playing field at its boundary. Given these two factors, views into the garden of 71 Greenway Lane are difficult to obtain. The development will increase the viewing angle towards the garden from the south-east corner of the bank. However, given the retained gap from the boundary and the boundary screening, this increased angle will not offer any significantly greater or more harmful views over the garden of 71 Greenway Lane such as to have any unacceptable impact upon residential amenity.

The retained distance, alongside the local topography and the orientation of the bank to the north, means that there will be no significant loss of light or overbearing impact upon occupiers on Greenway Lane.

The extended bank will enable the school to accommodate a slightly wider sports pitch on level ground. Whilst this proposal will mean that the margins of the sports pitch now extend slightly closer to the properties on Greenway Lane and will enable slightly larger scale activities/games to take place on this part of the playing fields, it is not considered to be such a significant increase in activity as to result in any significant additional noise or disturbance impacts (including stray balls being kicked into residential gardens) over and above the existing situation.

As discussed above, the proposals do not include any external lighting for the extended playing pitch and therefore light spill onto neighbouring properties is not an issue.

In light of the above, it is considered that the proposed development will not result in any significant impact upon residential amenity over and above the existing situation.

SURFACE WATER DRAINAGE AND FLOOD RISK: Concerns have been raised about potential flood risk arising from the proposal. The application site is located within flood zone 1, which is classified as being at the lowest risk of flooding. There is no requirement for this application to be supported by a Flood Risk Assessment (FRA).

Whilst the bank would create a marginally steeper profile in places, this would not reduce the area available for rainwater absorption and would not increase discharge rates in any significant way.

Furthermore, the Council's Drainage and Flood Risk Team have reviewed the application and raised no objection to the proposals.

The proposals are therefore considered not to have any significant adverse effect in terms of flood risk.

TREES AND WOODLAND: Concern has been raised about the potential impacts upon trees located on the southern boundary of the playing fields. Having reviewed the drawings, the Council's arboriculturalist is satisfied that sufficient distance is maintained between the proposed extended bank and any trees to prevent any harm arising.

However, care will need to be taken during the construction of the bank to avoid harm to retained trees. An arboricultural method statement and tree protection plan is therefore required as a condition.

HIGHWAYS SAFETY: Vehicular access to the school site is via Kipling Avenue and the surrounding streets, all of which are often heavily parked. Access to the school during peak times can therefore be difficult.

However, the material for the proposed bank is to be provided from on-site sources only. It is intended to accommodate the spoil arising from any current and future development projects. This avoids material/spoil having to be transported to the site to extend the bank and reduces the level of spoil that needs to be removed from the school site arising from any future building projects. This approach can be secured by a planning condition which will prevent the import of any material to the site. This measure is supported by the Highways officer as a means to avoid any conflicts between HGVs and local highways network.

Subject to the above discussed condition, it is therefore considered that the proposals will not adversely affect highways safety.

PUBLIC RIGHTS OF WAY: The PROW team originally raised some concerns about the routes of the footpaths across the playing field as shown on the proposed plans. These routes appeared to deviate from the definitive line of the PROW as shown on the Council's official records. Upon investigation it appears that the definitive line of the PROWs across the Beechen Cliff playing fields has not been maintained for parts of its route. The school will therefore need to apply to the PROW team for a diversion to rectify the situation in respect of these anomalies. An informative is suggested in regard to this matter.

However, the irregularities with the existing routes of the footpaths across the playing fields do not materially alter the consideration of this application. The proposed extension to the existing bank does not affect the definitive route of any of the PROWs which cross the playing fields. Upon clarification of these matters, the PROW team have indicated that they have no objection to the proposals.

Other concerns have been raised about the potential for the proposals to impact upon the quality of the PROW routes across the playing fields. However, the definitive routes will remain unchanged and, whilst the bank will extend closer to one of the footpaths, it is only 3m in height and is sloped away from the path. It will not appear overbearing or create any significant sense of insecurity to the users of the footpath. The proposed development will therefore not adversely affect the recreational value or amenity value of the route and the enjoyment of users of the PROW will not be compromised.

COMMUNITY USE: In its response to the application Sports England recommended a condition seeking to secure community use of the playing pitch, beyond the schools' own activities. However, concerns have also been raised by local residents about additional community use of the site and the impacts that might arise from this in terms of traffic and disturbance issues.

Currently, there are no controls on the use of the playing field by the school including community use. The school have also indicated that there is currently no community use of the pitch. The enlargement of the playing pitch to a full size rugby pitch does increase its attractiveness as a sports facility and will slightly increase the intensity of the use, i.e. it will be able to accommodate larger games and matches. However, any increase in use is likely to be minimal. Furthermore, given that the pitch is grass and not artificial, there is a limit to the potential hours it can be used without compromising the surface condition of the pitch.

It is therefore considered that a condition restricting the use of the playing pitch is not necessary.

Furthermore, because the development only involves the expansion of an existing pitch, there is no policy basis for compelling the school to use the pitches for community use. It is therefore considered unreasonable to apply the conditions recommended by Sports England.

OTHER MATTERS: Some comments have been made about land instability and potential for landslip arising from the development. However, there is no indication or evidence of any geological instability in the area of the application site and the gradients involved in the development are not significantly greater than the existing gradients. It is therefore considered that the proposals will not result in any risk of landslip or land instability.

Many comments have been received about proposals shown within the school's Masterplan document which was submitted with the application. Concern was raised about the lack of information and the potential creation of precedent for these future proposals. However, as is made clear at the start of this report, the Masterplan does not fall to be considered as part of this application. This application is concerned with the extension of the existing bank to create a wider playing pitch only. Any future proposals will need to be the subject of separate planning applications which will be assessed on their own merits.

Notwithstanding this, the Masterplan document can still be used as a guide to the school's future development aspirations and intentions, but, as it has not been the subject of any formal consultation or approval, this should only be afforded very limited weight.

A number of comments have been received about the partially retrospective nature of the application. However, the fact that the development has already commenced is not a material consideration in respect of the consideration of this application. Members should therefore not take into account the partially retrospective nature of this proposal when determining this application.

CONCLUSION: The proposed extension to the playing field bank and the creation of a wider playing pitch at Beechen Cliff School represents a relatively small scale change to the existing landform. The proposals are considered not to adversely affect the landscape setting of setting of Bath, the World Heritage Site, the Conservation Area or the setting of the nearby listed building. It will not have any significantly adverse effect upon residential

amenity, flood risk, trees or existing PROWs. It will also reduce the need to export spoil arising from current and future development projects, to the benefit of the local highways network.

The proposals are therefore considered to accord with the above listed relevant policies of the Bath and North East Somerset Core Strategy, the Bath and North East Somerset Local Plan and the emerging Bath and North East Somerset Placemaking Plan and, in accordance with paragraph 17 of the National Planning Policy Framework, should be approved without delay.

RECOMMENDATION

PERMIT

CONDITIONS

1 Standard Time Limit (Compliance)

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

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

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

No material to be used in the construction of the extend bank shall be deposited on the site until a detailed arboricultural method statement with tree protection plan following the recommendations contained within BS 5837:2012 identifying measures to protect the trees to be retained, has been submitted to and approved in writing by the Local Planning Authority. The statement shall include proposed tree protection measures during carport construction and landscaping operations and arboricultural supervision and monitoring. The statement should include the control of potentially harmful operations such as the position of service runs and soakaways, storage, handling and mixing of materials on site, 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 no excavation, tipping, burning, storing of materials or any other activity takes place which would adversely affect the trees to be retained in accordance with policy NE.4 of the Bath and North East Somerset Local Plan and CP7 of the Core Strategy.

This is a condition precedent because the works comprising the development have the potential to harm retained trees. Therefore these details need to be agreed before work commences.

3 No imported material (Compliance)

No material from outside of the school grounds shall be used in the approved development.

Reason: To avoid the import of material onto the site in the interest of highways safety in accordance with policy T.24 of the Local Plan.

4 Restoration of current bank (Compliance)

The land within the application site shall be laid to grass within 3 months of the date of this planning permission.

Reason: To ensure that the character and appearance of the important hillside is preserved in accordance with policies NE.1 and NE.3 of the Bath and North East Somerset Local Plan and policy CP6 of the Bath and North East Somerset Core Strategy and to ensure that the land is restored when the bank is not being actively constructed.

5 Program of works for future phases (Bespoke Trigger)

No material to be used in any phase of the construction of the extend bank (as shown on drawing no. 2135-18 B) shall be deposited on the site until a program of works has been submitted to and approved in writing by the Local Planning Authority for that phase. The program of works shall include:

Details of the amount of material to be deposited;

Existing and proposed levels for that phase;

Details of the restoration of the land following that phase of the construction of the extended bank;

Details of the erection and removal of any means of enclosure; and,

A timetable for all of the above

That phase of the development shall thereafter be undertaken in accordance with the approved program of works.

Reason: To ensure that the character and appearance of the important hillside is preserved in accordance with policies NE.1 and NE.3 of the Bath and North East Somerset Local Plan and policy CP6 of the Bath and North East Somerset Core Strategy and to ensure that the land is restored when the bank is not being actively constructed.

6 Plans List (Compliance)

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

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

PLANS LIST:

1 2135-4C	Existing Plan
2135-18 B	Proposed Site Plan with New Bank
2135-19	Section AA
2135-20	Section BB

DECISION MAKING STATEMENT

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

2 Condition Categories

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

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

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

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

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

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

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

3 INFORMATIVES

1. For the avoidance of doubt, the Masterplan drawings which have been submitted alongside this application are not approved. No indication of support or otherwise for the proposals shown within the Masterplan shall be taken from this decision.

2. All surface water will be managed on site during and after construction so as not to increase flood risk to others

3. Wales & West Utilities has pipes in the area. Their apparatus may be affected and at risk during construction works. The promoter of these works should contact them directly to discuss their requirements in detail before any works commence on site. Should diversion works be required these will be fully chargeable.

4. The issues highlighted in the PROW Response (dated 12th December 2016 and submitted on 13th December 2016) regarding the public rights of way on the site, must be addressed separately by the School. The Council requires the School to apply to the Public Rights of Way Team for a Diversion Order as soon as possible to address these issues.

Item No: 03
Application No: 16/04499/FUL
Site Location: 17 Station Road Welton Midsomer Norton BA3 2AZ



Ward: Midsomer Norton North **Parish:** Midsomer Norton **LB Grade:** N/A
Ward Members: Councillor B J Macrae Councillor Michael Evans
Application Type: Full Application
Proposal: Erection of 6no. new dwellings following demolition of existing dwelling and outbuildings (resubmission) - revised plans
Constraints: Affordable Housing, Agric Land Class 3b,4,5, Coal - Standing Advice Area, Conservation Area, Contaminated Land, Forest of Avon, Housing Development Boundary, SSSI - Impact Risk Zones,
Applicant: Flower And Hayes Ltd
Expiry Date: 12th January 2017
Case Officer: Tessa Hampden

REPORT

Reason for referral to committee

The application has been referred to Committee due to the objection comments received from the Town Council and the Local Ward Councillor. These are detailed within the representations section of this report.

Site description and proposal

The application relates to 17 Station Road, which is a detached dwelling set within a generous plot off Station Road in Midsomer Norton. The site also comprises a number of outbuildings/workshops. The site is within the Midsomer Norton and Welton Conservation Area.

The application seeks planning permission for the erection of six new dwellings following demolition of existing dwelling and outbuildings. This application originally proposed 7 units, but revised plans have been submitted during the course of the application which removed a residential unit from the site, reduced the scale of a dwelling, and amendments to parking/landscaping.

An application for 8 dwellings was recently refused and dismissed at appeal.

Relevant planning history

15/03416/FUL - Refused - 16 October 2015 - Erection of 8no dwellings following demolition of 1no dwelling and associated outbuildings - appeal dismissed

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Ecologist - no objection subject to condition

Highways - no objection subject to conditions

Environmental Health - no objection subject to conditions

Drainage - details required with regards to drainage strategy

Arboriculture - details required to ensure that drainage strategy does not impact upon tree routes.

Midsomer Norton Town Council - object

-The revised proposal of 7 dwellings was considered to still be an overdevelopment of the site.

-The Committee noted that the information requested by the Arboriculture Officer and the Drainage and Flooding Team had not been adequately addressed.

-The proposed choices of materials were considered to be unsatisfactory. Traditional materials should be used throughout.

-The Committee strongly objected to the demolition of No 17 Station Road.

-The entrance/interior walls should be retained to the original height and with the original materials to a maximum

Cllr Barry Macrae

- Objects to the development

- It is backland development and destroys the privacy of its neighbours;

- Overdevelopment

- On-site parking is totally inadequate (for owners/visitors/deliveries);

- Vehicle access is extremely poor

- Egress on to Station Road will directly conflict with the existing site access into the Welton Bag major employment site;

- The style/design submitted has no relevance or empathy with the surrounding historic terraces and the iconic brewery building mass.

6 objection/general comments have been received. These can be summarised as follows:

- Cramped form of development/overdevelopment of the site
- Loss of existing house
- Loss of green space and excessive hardstanding
- Impact upon boundary walls
- Ecological issues
- Impact upon the trees
- Highway safety
- Lack of parking
- Impact upon neighbouring occupiers including privacy issue, loss of light, noise and disturbance
- Contrary to Human Rights Act
- Cumulative impact of this and other developments
- Security issues
- Inaccurate drawings

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

- Core Strategy

SV1 Somer Valley Spatial Strategy

CP5 Flood Risk Management

CP6 - Environmental Quality

CP9 Affordable housing

Saved policies from the Bath and North East Somerset Local Plan - 2007

BH6 Conservation Area and their settings

D2 - General Design and Public Realm Considerations

D4 - Townscape Considerations

HG4 Residential development in the urban areas

NE4 Trees and Woodlands

NE10 Nationally important species and habitats

NE11 Locally important species and habitats

T24 - Highway Development Control Criteria

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. Following the Examination hearings the Inspector has now issued her Interim Statement and has advised the Council of her recommended Main Modifications required to make the plan sound. The Main Modifications and Minor Proposed Changes are now

subject to public consultation prior to the Inspector issuing her Final Report. The following policies can now be given substantial weight:

SD1 - Presumption in favour of sustainable development
CP2 - Sustainable construction
CP3 - Renewable energy
CP5 - Flood Risk Management
CP7 - Green Infrastructure
PCS7A - Foul sewage infrastructure
SCR1 - On site renewable energy requirement
SCR5 - Water Efficiency
SU1 - Sustainable drainage
D1, D2, D3, D4, D5, D6 - Design and amenity
D10 - Public realm
H7 - Housing accessibility
NE1 - Development and Green Infrastructure
NE2 - Conserving and Enhancing the Landscape and Landscape Character
NE6 - Trees and woodland conservation
PCS1 - Pollution and nuisance
LCR7B - Broadband - superfast infrastructure
ST1 - Sustainable transport

The following policies are relevant and have significant weight:

D8 - Lighting
NE2A - Landscape setting of settlements
NE3 - Sites, species and habitats
H1 Historic Environment
ST7 Transport requirements for managing development

The National Planning Policy Framework - published in March 2012

National Planning Practice Guidance

OFFICER ASSESSMENT

Principle of development

The application site is located within the Housing Development Boundary of Midsomer Norton where new residential development can be acceptable subject the compliance with the policies of the development plan. There is therefore no objection to the scheme in principle.

Character and appearance

The site is located within the Welton/Midsomer Norton Conservation and as such any development in this location must preserve or enhance the character and appearance of this part of the Conservation Area. The existing dwelling is set back from the road frontage sat within generous sized grounds. The site also comprises a number of outbuildings/workshops which are set within the site away from the public realm. A number of third parties have raised concerns with regard to the loss of the building. The

main dwelling itself is of some architectural merit. This is not a listed building but the main building and its setting is a positive attribute within the Conservation Area and as such can be seen to be a non designated heritage asset. The building is however set back from the main street and therefore its impact upon the street scene is reduced and the significance of the heritage asset is therefore limited. The building has also been altered significantly and is in parts in a poor condition. It is also noted that this building is not included within the current Midsomer Norton character appraisal, although this does not necessarily reduce its significance. The loss of this building was not raised as a reason for refusal at the previous planning decision, nor raised as an issue by the Inspector dealing with the subsequent appeal. However, any development must be of a high enough quality to ensure that the character and appearance of the Conservation Area is preserved.

Whilst a higher density of development is not objectionable in principle, the development must sit comfortably with the surrounding development. The proposal puts forward a semi detached unit fronting Station Road which is considered to follow the general building grain of the area, with the ridge of the roof set down from the neighbouring terrace reflecting the topography of the road. The Inspector previously noted that although the scheme would remove some of the open character from the front of the site, this would be compensated by the well designed frontage property, providing continuity to the street scene. A similar conclusion can be reached on this proposal. It is considered important to ensure that the front and side elevations of this property are constructed from natural stone and this can be secured through the inclusion of a condition on any permission. This will ensure that the character and appearance of the Conservation Area is preserved by presenting a high quality form in a position highly visible in the public realm. The agent has stated that they will explore re using the materials from the building to be replaced.

The overall scheme comprises a mixture of bungalows, dwelling and flats which is considered an acceptable mix, which does not conflict with the pattern of development in the surrounding area. The units within the site are of an acceptable design and scale and will ensure that the character and appearance of the Conservation Area is preserved.

The quantum of development has been reduced during the application process which allows for a higher degree of soft landscaping being present on the site, and the parking provided is now in more discrete locations. This aids in ensuring that the development does not appear cramped and the overall quality of the scheme is acceptable. This was a key concern in the previous application. The proposed scheme now allows more space between each unit, and the parking and access areas no longer dominate the scheme. Soft landscaping is also now provided to the front of a number of the units as opposed to solely within the rear private amenity spaces which aids in maintaining the open character of the site. The proposals allow for sufficient space between the dwellings and the boundaries of the site ensuring that there is a visual buffer between the application site and the surrounding built form.

Third parties have raised concerns with regards to boundary treatments; both with regards to existing and proposed. Appropriate boundary treatment can be secured through condition.

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

development, due to appropriate design, siting and scale of the development, preserve the character and appearance of this part of the Conservation Area.

Residential amenity

Impact upon existing occupiers

House plot 4 is sited in relatively close proximity to 35 Welton Road but it is important to note that this replaces an existing dwelling which is currently sited close to this shared boundary. Plot 4 has been designed so that the upper floor windows will be obscurely glazed to ensure that the occupiers of number 35 do not suffer from an unacceptable level of loss of privacy. Any overlooking from ground floor levels and from the outdoor amenity area can be reduced through the installation of appropriate screening. Whilst the level of activity may increase in this area due to the placement of the garden up to the boundary, this is not considered to result in harm at a level that would warrant a refusal of the application. The current situation places a parking/turning area at this point and as such, a level of noise and disturbance is already experienced.

Concerns have been raised with regards to loss of privacy resulting from windows serving the flats. This block has been reduced in scale due to the removal of one of the units. This results in the distance between 35 Welton Road and the flats being increased. On balance due to the change in levels, positioning of windows and the distance between this part of the development and the existing development, any loss of privacy would not be unduly harmful.

Plot 3 is sited in close proximity to the dwellings Station Cottages. This has been reduced in scale which provides a gap between the dwelling and the neighbouring built form. However, these units will be single storey, and given there are existing buildings in a similar location, and given the existing boundary treatment, this is not considered to be overbearing or result in a significant loss of light to these occupiers.

Overall there is not considered to be undue harm by reason of overbearing impact, loss of light, privacy, increase noise and disturbance or any other harm, which would be at a level which would justify refusing this application.

Living conditions of future occupiers

Plot 3 is situated adjacent to a building which is in commercial use as a carpentry business and as such generates a level of noise and disturbance that may cause issues with the living conditions of the future occupiers of this dwelling. It would be unreasonable for the adjacent business unit to have to change its operation due to any future complaints received from this new development. The development should therefore include measures to safeguard against future problems, which could include measures such as sound attenuation fencing. This could be secured through the inclusion of a condition on any permission.

Highway Development

The proposed access arrangements which are identical that that proposed under ref. 15/03416/FUL. The provision of a 4.8m wide shared-surface access will be sufficient to

accommodate 2-way traffic flow in accordance with Manual for Streets. The internal road layout will also be sufficient to accommodate service and emergency vehicles and will enable them to turn on-site so they can depart safely in a forward gear.

Under the previous application, concerns were raised regarding the severe gradient of the existing driveway serving the site. The provision of a 1:15 gradient under the current proposal will satisfy the guidance within the Design Manual for Roads and Bridges.

The current proposal will demand a maximum requirement of 16 no. spaces plus 1 to 2 visitor spaces in accordance with policy T.26 of the Local Plan. While a maximum of 3 no. spaces is required for plots 3 and 4 (4 bed dwellings), the provision of 2 no. spaces for each dwelling (plus 1 visitor space) will be acceptable due largely to the sites sustainable location close to Midsomer Norton town centre. The provision of secure and convenient storage for bicycles is acknowledged as this will serve to promote this sustainable mode of transport.

Ecological Considerations

Ecological surveys have been submitted and considered by the Council's Ecologist. The survey included surveys for bats, and two bat roosts were found, one in the main house and one in an outbuilding, both of which were for low numbers of pipistrelle. These will require an EPS licence and mitigation must be secured. The LPA must consider the three tests of the Habitats Regulations and the ability of the scheme to obtain an EPS licence.

Test 1 - Does the development meet a purpose of preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance to the environment?

The public benefits should be commensurate with the level of impact. There are sustainability benefits of providing a mixture of 5 additional dwellings close to the town centre of Midsomer Norton. Further, the development will result in jobs in the construction phase, and whilst this is only for a short period of time, this can be seen to be an economic benefit to the scheme. The test can be said to be passed.

Test 2 There is no satisfactory alternative

The development proposes the redevelopment of the site and to achieve the quantum of development put forward there is no alternative than what is put forward.

Test 3 - The action authorised will not be detrimental to the maintenance of the population of the species

The ecology report describes appropriate mitigation for bats. If this is implemented as described, the above test is likely to be met and an EPS licence would be likely to be obtained.

There are also trees and other vegetation which supports some wildlife value, measures to mitigate for impacts on these should be included within an overall ecological and protected species mitigation plan.

Overall the development is considered to be ecologically acceptable.

Arboriculture

Overall, compared to the recent refusal, the flats within the scheme have now been moved further away from the mature trees at the boundary of the site. Revised information has been submitted during the application process to overcome concerns raised by the Arboricultural Officer. It is noted that there are no drainage proposals in place, and any scheme that comes forward would need to be informed by the tree survey and avoid any damage to tree routes.

Overall, subject to conditions in relation to tree protection, there are no objections on these grounds.

Drainage

The Drainage Engineer has responded citing the application is not acceptable in the current form as no details have been provided with regards to surface water drainage. This was previously cited as a reason for refusal but the Inspector dealing with the appeal did not see any reason as to why the use of a sustainable drainage system could not be secured through the inclusion of condition. Therefore, in this case, a condition to secure this will be added to any condition to ensure that the proposal reduced surface water run off from the site and would not increase flood risk elsewhere.

Conclusion

Overall, the development is considered to preserve the character and appearance of the Conservation Area. Whilst it is somewhat regrettable that the existing building is to be lost, this is not considered to play a significant role in the Conservation Area, and given the scheme that is presented, coupled with the benefits of providing additional housing, the loss is not resisted. It is also noted that this was not previously raised as a reason for refusal or cited as an issue within the appeal decision.

The proposals would result in a scheme that would not harm highway safety or the residential amenity of the neighbouring occupiers. Further, the scheme is considered to be ecologically acceptable. It is therefore recommended that planning permission is granted for the proposals put forward.

RECOMMENDATION

PERMIT

CONDITIONS

1 Standard Time Limit (Compliance)

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

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

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

No development shall 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.

3 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.

4 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.

5 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.

6 Highways - Bound/Compacted Vehicle Access (Pre-occupation)

No occupation of the development shall commence until the vehicular access has been constructed with a bound and compacted surfacing material (not loose stone or gravel).

Reason: To prevent loose material spilling onto the highway in the interests of highways safety in accordance with Policy T.24 of the Bath and North East Somerset Local Plan.

7 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.

8 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

9 Highways - Visibility splays (Pre-occupation)

The development hereby permitted shall not be occupied until the visibility splays shown on the submitted plan (F1123/116A submitted under ref.

15/03416/FUL) have been provided with no obstruction to visibility at or above a height of 600mm above the nearside carriageway level. The visibility splays shall thereafter be maintained free of obstruction at all times.

Reason: To ensure visibility is maintained in the interests of highways safety in accordance with Policy T.24 of the Bath and North East Somerset Local Plan.

10 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.

11 Flood Risk and Drainage - Surface Water Discharge Rates (Pre-commencement)

No development shall commence, except ground investigations, until written confirmation from the sewerage company (Wessex Water) accepting the surface water discharge into their network including point of connection and rate has been submitted to the Local Planning Authority. If the sewerage company are not able to accept the proposed surface water discharge, an alternative method of surface water drainage, which has first been submitted to and approved in writing by the Local Planning Authority, shall be 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 the discharge rates are appropriate prior to any initial construction works which may prejudice the surface water drainage strategy.

12 Flood Warning Evacuation Plan (Pre-occupation)

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

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

13 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.

14 Ecological and Protected Species (Bats) Mitigation Scheme (Bespoke trigger)

Prior to the commencement of any works including site clearance, demolition or construction on site, an Ecological and Protected Species (Bats) Mitigation Scheme, produced by a suitably experienced ecologist (licensed bat worker) shall be submitted to and approved by the Local Planning Authority. This shall be accompanied by either (a) a copy of the European Protected Species licence required for the works in accordance with the Habitat and Species Regulations 2010, or (b) written confirmation that the works do not require an European Protected Species licence, and shall also include:

1. Full and completed ecological and bat survey findings, including update surveys if applicable
2. Full details of proposed bat mitigation for example a European protected species licence application method statement, together with specifications for replacement bat roost provision, with full details to be shown on scale plans and drawings as applicable
3. Full details of all other necessary ecological and wildlife protection and mitigation
4. Details of proposed soft landscaping and lighting design, with the objective of providing suitable, dark, bat flight-corridor habitats, connecting roost locations to adjacent vegetation, and designed to encourage long term use of the roost spaces by bats and to minimise risk of roost failure.

The development shall thereafter be implemented only in accordance with the approved Ecological and Protected Species (Bats) Mitigation Scheme.

Reason: to safeguard ecology and protected species including bats and their roosts

15 Ecological follow up report (Bespoke trigger)

Prior to occupation of the development, an ecological follow-up report produced by a suitably experienced ecologist (licensed bat worker) confirming and demonstrating, using photographs where appropriate, that works have been carried out in accordance with the Ecological and Protected Species (Bats) Mitigation Scheme, and all necessary ecological measures have been implemented and incorporated into the scheme, shall be submitted to the local planning authority and approved in writing prior to occupation of the development.

Reason: to ensure the ecological and protected species mitigation scheme is satisfactorily implemented

16 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 require detailed consideration by the Local Planning Authority because further development could result in overdevelopment of the site.

17 Noise Mitigation (Pre-occupation)

No development shall take place on site until a scheme to protect future residents of plot 3 from noise has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved before the development is brought into use.

Reason: To ensure that the occupiers of this unit are protected against any noise from the adjacent commercial use.

18 Materials - Submission of Schedule and Samples (Bespoke Trigger)

Notwithstanding the approved plans, 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.

19 Screening (Pre-occupation)

The dwellings hereby approved shall not be occupied until details of all proposed boundary treatment has 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, and to protect residential amenity, 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.

20 Water Efficiency - Rainwater Harvesting (Pre-occupation)

No occupation of the approved dwellings shall commence until a scheme for rainwater harvesting or other methods of capturing rainwater for use by residents (eg. Water butts) has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: In the interests of water efficiency in accordance with Policy SCR5 of the Placemaking Plan.

21 Plans List (Compliance)

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

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

PLANS LIST:

0 Revised Drawing 15 Nov 2016 F1123/100F PROPOSED SITE PLANS AND SECTION
15 Nov 2016 F1123/101E PROPOSED SITE SECTION AND SCHEDULES
15 Nov 2016 F1123/112D PROPOSED PLANS AND ELEVATIONS PLOT
15 Nov 2016 F1123/115D PROPOSED PLANS AND SECTIONS PLOTS 5 AND
15 Nov 2016 F1123/116D PROPOSED SITE PLAN SHOWING VEHICULAR MOVEMENTS

0 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

0 Works or demolition must not commence to any buildings on the site until an EPS licence has been obtained.

0 Condition Categories

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

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

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

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

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

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

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

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

Item No: 04
Application No: 16/04261/FUL
Site Location: Unit 2 Lymore Gardens Twerton Bath BA2 1AQ



Ward: Westmoreland **Parish:** N/A **LB Grade:** N/A

Ward Members: Councillor Colin Blackburn Councillor June Player

Application Type: Full Application

Proposal: Erection of 5No Three-bedroom, 2No Two-bedroom and 1No One-bedroom flat following conversion and adaptation of warehouse

Constraints: Affordable Housing, Agric Land Class 3b,4,5, Article 4, Contaminated Land, Forest of Avon, Hotspring Protection, LLFA - Flood Risk Management, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,

Applicant: B Hammick

Expiry Date: 10th February 2017

Case Officer: Christine Moorfield

REPORT

This application is presented to Committee as the Chair of Committee has noted the Ward Councillors detailed reasons for requesting the application to be determined by the DM Committee. The Officer's report has addressed many of the points raised however the application has attracted a number of comments as the change of use of the building is thought by some to be controversial and therefore it is considered by the Chair that the application be determined by Committee so the issues can be debated fully.

The application seeks permission to convert an existing warehouse unit to residential accommodation which will comprise 8 no. residential units located at Unit 2, Lymore Gardens, Twerton, Bath. The proposals also include the provision of 8 no. parking spaces (7 within the proposed garage area plus one to the rear of unit 4). The ratio of parking is 1 space allocated to each unit.

The application site is located within the Bath World Heritage Site but not the Conservation Area.

There is no relevant planning application history in relation to this site. However, PRE APP (16/00088/PREAPP) advice was given in respect of the conversion of this building into residential units. The scheme as indicated comprised the conversion of the warehouse to create around 15-20 studio and 1 or 2 bedroom flats and this was considered to be too many units. The applicant was advised that the principle of a residential conversion was considered acceptable in this location, subject to the off-street parking requirements being met and an appropriate level of residential amenity being achieved for the future residents.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Comments from Cllr Player

Cllr Player has commented that should the case officer be minded to approve this application then it is requested that it goes to Committee on the grounds that it is contrary to saved Policies T. 24 & T.26 and D.2 & D.4 of the Bath & North East Somerset Local Plan including minerals and waste, Adopted October 2007.

The main issues raised by Cllr Player are as follows but the full comments can be seen on the Councils Website.

Recycling and waste-The proposed location and storage space available is inadequate for this development.

Impact of the industrial units on the residential properties.-The proposed development is likely to result in a conflict between the residents and the industrial units to the rear of the site.

Highway safety and parking-At present there is high demand for on street parking in this area due to the high level of student accommodation. This situation will be exacerbated by this development due to the increase in residents trying to park within the locality. The level of parking provision, 1 space per unit, is unacceptable. The increase in traffic will be dangerous and there may be less on street parking as a result of this proposal. The parking layout is unacceptable and unusable.

The garage-The residents in the development are likely to cause congestion if they have to get out of their cars to open the garage door. The details in respect of the door are inadequate.

The balconies-The balconies should not be an alternative to amenity space. They will impact on the industrial units to the rear as residents are likely to complain if there is disturbance. The balconies indicate the type of residential units proposed and these are indicated not to be family houses. The layout of the units are not accessible to all.

Cycle store-Cycle storage should not be seen as an alternative to parking provision. It is unrealistic to assume cycle storage provision will reduce car ownership/traffic generation.

The acceptability of this residential conversion-There were issues previously raised in relation to the residential units adjacent to industrial uses contrary to the applicant's statement. There have been issues in relation to the two uses being located adjacent to each other. The history of the nearby residential accommodation has been wrongly stated.

Design and site layout-This proposal is over intensification of the site. This type of residency is not in keeping with this locality. The only flats in the area are next door and are similar to this proposal but these were used unlawfully for residential use for a number of years before action was taken.

Ecology-Concerned expressed that no Bat/Protected Species Survey has been carried out.

Drainage-It is understood that a stream runs under or very close to this Unit which seems to have been ignored.

NEIGHBOURS

5 Letters of support have been received

- The proposed units would contribute to needed homes in Bath
- These types of units allow people to get on the property ladder.

3 letters of comments have been received and 20 letters of objection have been received.

The main issues raised are as follows:

- Industrial units should be retained
- Impact of adjacent industrial units due to noise small dust etc. will cause future problems
- Units have a lot of bed spaces therefore could be occupied by a lot of people
- Given the number of possible resident's professionals possibly sharing there could be a massive number of cars generated
- Is this student accommodation and there is too much student accommodation in this area.
- Difficult access for emergency vehicles
- Difficulty accessing the site with construction vehicles
- Need for visibility splays will impact on parking
- Over development of the site.
- The site is prone to flash flooding and a water course runs beneath the building.
- Bats in the area
- This is a very busy area for traffic given the proximity of the school
- Letters of support are not from locals
- The car parking space to the rear blocks the adjacent units' fire exit
- There should be a traffic impact statement
- Design of units at odds with Victoria Character of the building and area.
- Possible overlooking and loss of privacy for residents.
- The parking area as shown to the rear of the building is not within the applicant's ownership
- Detract from the character of the area
- If the gates are locked the car will not be able to access the 8th car space
- Issues at a nearby site should not dictate a specific judgement in respect of this proposal
- The waste bin arrangement is unacceptable

- Family housing would be preferable.
- Impact on street parking which is limited and inadequate for level of use
- Traffic safety issues and traffic generation

CONSULTATION RESPONSES

HOUSING- No Comment

ECOLOGY- No Comment

ARCHAEOLOGY- There are no known archaeological sites or monuments in the immediate vicinity that are likely to be affected by the proposed development, and given the site has been previously developed, no further archaeological investigation or conditions will be required.

HIGHWAYS-

The application seeks permission to convert an existing warehouse unit to residential accommodation which will house 8 no. residential flats. The proposals also include the provision of 8 no. parking spaces (7 within the proposed garage plus one to the rear of unit 4) with 1 space been allocated to each unit.

The applicant sought advice at pre-planning stage under ref. 16/00088/PREAPP.

While Highways had no objection to the principle of the development, concerns were raised regarding the likely parking demand and the impact it may have on the adjacent public highway. As parking is uncontrolled in the immediate vicinity of the site (namely Lymore Gardens, Lymore Avenue and Ivy Gardens) and the demand for parking is already high, any increase would likely result in indiscriminate parking thus obstructing the movement of traffic at these locations.

In respect of the scheme as originally submitted the Highway Engineer made the following recommendation- The applicant was asked to provide further information on the matters raised above in relation to parking and the provision of an adequate bin store to accommodate the 8 no. units proposed. Until such time as this information is received and subject to it satisfactorily meeting the requirements of Highways DC would not recommend for approval.

In response to these comments further information and amended plans were submitted. Highways considered these details in respect of the size of parking spaces and confirmation of the ownership and accessibility of the 8th space to be acceptable. The bin store has been relocated in line with these comments.

ENVIRONMENTAL HEALTH OFFICER-

The proposed development site is bordered by existing industrial/commercial units which raises concern in respect of potential noise nuisance. It is difficult to quantify the potential noise impact in the absence of an appropriate assessment.

Before any approval is issued, the applicant should be required to submit an assessment from a competent person to determine into which Noise Exposure Category in PPG24 the development falls. The noise exposure categories within PPG24 should be used to classify the development in relation to noise exposure.

If the assessment shows that the site falls into NEC C or D then refusal would be recommended on the grounds of excessive exposure to External Noise.

If it is determined that for other planning reasons that this development should be granted planning permission and the assessment determines the site to be NEC C only, then an advise must be imposed as planning conditions to ensure a commensurate level of protection against noise.

A noise survey has been submitted and as a result of this the EHO has not considered there to be an issue in this respect.

WASTE-

Currently there is space for 6x240L bins, when in fact there needs to be provision for 8 x 140L which will then need to be presented kerbside not 25m around a corner obstructed by a parking space.

Additionally there needs to be space for each property to have up to 188L of recycling provision, also to be presented kerbside.

Officer note:

In the light of these comments the bin store area was relocated and provision made to meet these requirements.

DRAINAGE AND FLOODING-

No in principal objection to the proposals and believe the redevelopment could offer good opportunities to make improvements to the existing surface water drainage regime with the use of more sustainable methods.

It should be noted that Lymore Gardens is at a relatively high risk of surface water flooding (due to its relatively low position and slope).

It must be demonstrated that the development will not increase surface water flood risk to the road or neighbouring land. Ideally all surface water will be managed on site and the applicant should be able to demonstrate betterment over existing surface water discharge rates.

Given the risks near to the development a condition in respect of ground investigations is considered necessary.

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 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

- o D2 - General Design and public realm considerations
- o D4 - Townscape considerations
- o T24 - General development control and access policy
- o T26 -On-site Parking and servicing provision.

Relevant Core Strategy Policies:

CP6 - Environmental Quality

B4 - Impact of development on the World Heritage Site

CP2 - Sustainable Construction

RELEVANT PLACEMAKING PLAN POLICIES

Following the Examination hearings the Inspector has now issued her Interim Statement and has advised the Council of her recommended Main Modifications required to make the plan sound. The Main Modifications and Minor Proposed Changes are now subject to public consultation prior to the Inspector issuing her Final Report. The following policies can now be given substantial weight:

D1 : General Urban Design Principles

D2 : Local Character and Distinctiveness

D6 : Amenity

ST1 : Promoting Sustainable Travel

ST7 : Transport Requirements For Managing Development

LEGAL FRAMEWORK

Town and Country Planning Act, 1990

NATIONAL PLANNING POLICY FRAMEWORK

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, 2014

Due consideration has been given to the recently published NPPG, March 2014

OFFICER ASSESSMENT

The main issues in relation to this proposal are as follows

The principle of the conversion of this building to residential

Access traffic generation and parking

Impact on residential amenity

Drainage

The principle of the conversion of this building to residential

Unit 2 is currently a 464.5 square metres warehouse which was used for commercial purposes. The warehouse use has been confirmed by residents and therefore on balance it is accepted that the authorised use is B8 warehouse. There are no specific policies which would prohibit the conversion of this warehouse to residential and saved policy HG12 allows such changes.

The application site is located within the housing development boundary where residential development is permissible in principle under saved Policy HG.12. This policy states that the conversion of non-residential buildings is generally accepted where the proposal is compatible with the character and amenities of adjacent established uses.

Development will only be permitted where it:

- Responds to the local context in terms of appearance, materials, siting, spacing and layout.
- The appearance of extensions respects and complements their host building.

The alterations proposed to facilitate this use are addressed below. This is a conversion of an existing building and therefore the mass bulk materials use and general appearance of the building remains primarily as existing. The main alterations proposed are to the rear of the premises.

Policy HG.12

Conversion of non-residential buildings is considered appropriate where it:

- is compatible with the character and amenities of adjacent established uses, taking into account the development itself together with any recent or proposed similar development;
- is not detrimental to the residential amenities of future occupants.

The proposed conversion of this building into residential units is considered acceptable. The application is for 8 residential units (C3) use. These units have to be considered on this basis and the fact that there has been reference within the application to these units not providing family housing this matter does not impact on the principle of residential units in this location. Who occupies the units is not a matter for consideration in relation to this application.

Access traffic generation and parking

The proposals includes the provision of 8 no. parking spaces (7 within the proposed garage plus one to the rear of unit 4) with 1 space been allocated to each unit.

The Highway Engineer has raised no objection to the principle of the development, however concerns were initially raised regarding the likely parking demand and the impact it may have on the adjacent public highway. As parking is uncontrolled in the immediate vicinity of the site (namely Lymore Gardens, Lymore Avenue and Ivy Gardens) and the demand for parking is already high, any increase would likely result in indiscriminate parking thus obstructing the movement of traffic in this location.

Based on the area of the existing warehouse unit, the current maximum parking demand based on policy T.26 of the Local Plan is 2 to 3 spaces (Use Class B8) while the maximum parking demand for the proposed scheme is 15 spaces.

While the demand for parking associated with the proposed residential development is significantly greater than that for the existing use (up to 5 times greater), Highways Development Control have acknowledged that the actual difference in shortfall is not considered so severe (less than double the existing) to warrant refusal of this application.

With just one space per unit being available, future residents may even make a conscious decision not to have a vehicle or just to restrict vehicle ownership to one for each unit.

It is also likely that the reduction in vehicular movements associated with a B8 use (which would typically be larger commercial vehicles) will improve the safety and operation of the local highway network. Overall it is envisaged that the reduction in such trips associated with the existing warehouse use will outweigh any concerns in relation to a parking shortfall of just 3 to 4 spaces (relative to the existing shortfall).

The site is located in a highly sustainable location having good access to a wide range of services, facilities, employment opportunities and public transport. In addition to the various bus links that serve the locality, Oldfield Park railway station is located approximately 900m from the site which serves urban centres such as Bath, Bristol and Keynsham.

The proposal to provide secure and convenient storage facilities for bicycles is acknowledged as this will encourage future occupants to use more sustainable modes of transport as opposed to relying on a private vehicle for day-to-day travel needs.

Initially the spaces provided were considered acceptable in number i.e. one space per unit but sub-standard in size and they have since been amended to comply with the Manual for Streets size of 2.4m x 4.8m. Concerns were expressed in relation to the space located to the rear of unit 4. The location was questioned but further information has shown that the area is within the ownership of the applicant and the owners have a right of access to this area which will provide cycle storage space and a car parking space to access this area. Furthermore, the bin store which was indicated at the rear has been relocated and shown on a revised plan.

Interested parties have questioned how the garage door will work. The door is shown on the plans to be a sliding door with a pedestrian door in it and there is no reason to assume this means of access to the building should not work.

The parking provision in association with this proposed conversion is seen to be acceptable and to comply with saved policy T.26 of the Local Plan.

During the consideration process of this application the Place Making Plan has progressed and the standards stipulated for new residential development for parking (minimum standards) are significantly higher than that proposed within this scheme. In this situation the proposal cannot provide the level of off street car parking spaces that the Place Making Plans seeks.

This scheme results in the retention of this building and this substantial benefit has to be weighed against the limited scope for providing the level of car parking provision within this site. The judgement is that the provision of one space per unit coupled with the potential loss of heavy vehicles which could be generated by the warehouse use of the building in this sustainable location would not warrant the refusal of this application. Thus the overall impact in terms of vehicular movements is likely to be negligible and not to compromise highway safety within the locality.

To conclude, while the shortfall in parking is a concern, Highways DC envisage that this will not have a detrimental impact on the safety and operation of the local highway network. The reduction in potential vehicles associated with the current use of the property outweighs the concerns relating to the parking shortfall.

Character, Design and Appearance

The existing warehouse is considered to make a positive contribution to the streetscape character of Lymore Gardens. The building forms part of an industrial/commercial block of warehouse type buildings. The surrounding area consists of residential dwellings in the form of two storey terrace blocks to the north, south and west. The key structural components of this building are considered to be in good condition. Therefore the conversion of this building as opposed to redevelopment of the site is supported. The current size and scale of the existing warehouse building is shown to be retained by this proposal.

The proposed alterations are primarily internal with works to the external envelope being minimal. The proposed alterations are considered sympathetic to the character and appearance of the building and will retain its historic/industrial appearance and visual presence within the street.

The building has a wide spanned roof, with a ridge running parallel to the road, and is high enough to provide two floors of accommodation and a central room in the roof space above. Over the parking area flats 7 and 8 will be wider (2 truss spaces) but only use the first floor and roof space and therefore these 2 units are the smaller two bedrooled units proposed. The rest of the building will be sub-divided in a modular form between the main trusses. Unit 6 having one bedroom whilst units 1-5 use the building's full depth and include two bedrooms (a double and single) with a family bathroom on the ground floor, an open plan kitchen, dining and living space above, with access to the third bedroom centrally positioned in the roof space.

Externally, the rear loading bay is to be removed and this is seen as a benefit. The upgrading and opening up of the end lean-to (behind the walling) between the application building and unit 4 to the north will provide a shared access with bike storage and refuse waste bin storage. A more centrally positioned pedestrian access to the flats will be introduced directly off Lymore Gardens.

The existing window openings to the front elevation and south of this access, serving the internal parking area will be effectively infilled, with a similar treatment to the new 'garage' door which spans two of the recessed panels that are at present adjacent to Lymore Gardens. To the north of the pedestrian doorway the windows are glazed with a new balanced three light casement unit, serving the front ground floor bedrooms.

The existing warehouse already has a series of translucent panels in the roof to the front and back. These will be replaced with a regular pattern of new roof lights across the middle of the roof slope to the front elevation. These will be high level openings which are not considered to result in an unacceptable level of privacy for existing and or proposed residents. To the rear a similar regular pattern of new roof lights will be in a line across the roof. The applicants have sought to introduce 6No inverted dormers, which provide light into the building and also provide a small sitting out amenity space. Subject to details of the materials to be used for the garage door and details of glazing to be provided across the balcony areas these details are considered acceptable.

The building immediately behind the warehouse, has a lower ridge line and eaves, and has a series of mono-pitched roofs (northern lights) and these allow limited views through the roof valleys towards the open space beyond and the rear gardens of the terraced housing on Claude Avenue.

Any residential proposal has to be considered to comply with saved local plan policies along with Place Making Plan policies which now have substantial weight. In this respect the units as proposed are considered to comply with saved Local Plan Policies D2 and D4. The proposal is also seen to comply with policies D1 and D2 of the draft Place Making Plan.

Residential Amenity

The surrounding area consists of other commercial and industrial related uses. These uses are located to the rear and side of the subject site and would therefore be relatively screened from view. The Environmental Health Officer has commented that there are potential concerns in respect of potential noise nuisance.

The noise assessment submitted has been considered and it demonstrates that noise need not be considered as an issue in respect of this development. Therefore the Environmental Health Officer has not made any further comments in respect of the application. However a condition in respect of the provision of sound attenuation measures is considered necessary to safeguard the amenity of residents.

The provisions of rear balcony windows provide an outlook to the rear. Windows on the rear elevation face onto the roof of the neighbouring warehouse. Whilst this may not create overlooking issues in relation to loss of privacy, it is noted that this outlook is limited for future residents. However the agent has agreed to the provision of some glazed screening to help reduce any disturbance from the adjoining business premises.

In respect of the PREAPP the applicant was advised that there is a possibility of contamination on the site and as such given the previous commercial use of this site, it is suggested that a condition requiring a desk top study should be attached to any permission granted.

The proposal includes high level roof lights to the front roof slope/elevation and this will provide lighting to the accommodation but is not considered to detract from the amenity at present enjoyed by residents on the opposite side of the road through loss of privacy.

Drainage

Concerns have been raised by interested parties that there is an underground water course in close proximity to the site and as it was a laundry building in the past there are drainage issues in relation to this building. The drainage engineer has no in principal objection to the proposals and has commented that the redevelopment could offer good opportunities to make improvements to the existing surface water drainage regime with the use of more sustainable methods. It is stated that Lymore Gardens is at a relatively high risk of surface water flooding (due to its relatively low position and slope).

The drainage engineer has commented that it must be demonstrated that the development will not increase surface water flood risk to the road or neighbouring land and ideally all surface water should be managed on site and betterment should be provided over the existing surface water discharge rates. A condition in relation to this matter is necessary.

Other matters raised

Ecology- No comments have been received from the council's ecologist in respect of this proposal although bats were raised as an issue by neighbours.

Fire escape for adjacent unit- a fire escape door exists on the rear elevation of the adjacent unit. Whilst this door is evident and there has been a sign attached above the door which indicates it is a fire door, it does exit onto land that the agent has confirmed is within the applicant's ownership. The proposed car parking space as shown which is located in the position of an existing loading bay will not obstruct the door but will allow access past the car. Therefore the use of this area and any legal rights of way are civil matters between the owners. As the layout drawing shows it is not considered that the provision of a car parking space in this location should obstruct this door making it unusable however it is considered appropriate for a condition to be attached to any permission granted to ensure that the access area adjacent to the car parking space is kept clear of obstructions.

Local History- Reference has been made to residential use at Unit 1 Quality Food at Lymore Gardens. This residential use which had not secured the necessary planning permission was investigated by the Councils Enforcement Officer. However the case was closed because following further investigation it was determined that the residential units had been in situ in excess of four years and therefore exempt from further formal enforcement action. The use of these premises had not been the subject of the necessary considerations should a planning application been submitted for the use.

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 Sound attenuation (Prior to occupation)

On completion of the works but prior to any occupation of the approved development, the applicant shall submit to and have approved in writing by the Local Planning Authority, an assessment from a competent person to demonstrate that the development has been constructed to provide sound attenuation against external noise in accordance with BS8233:2014. The following levels shall be achieved: Maximum internal noise levels of 35dBLAeq,16hr and 30dBLAeq,8hr for living rooms and bedrooms during the daytime and night time respectively. For bedrooms at night individual noise events (measured with F time-weighting) shall not (normally) exceed 45dBLAmax.

Reason: To protect future occupants of the development from exposure to external noise.

4 Ground investigations /drainage (Pre commencement)

No development shall commence, except ground investigations and remediation, until an appropriate method of surface water drainage has been 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.

5 Contaminated Land (Compliance)

Prior to the commencement of development a Desk Study and Site Reconnaissance (Phase 1 Investigation) survey shall be undertaken to develop a conceptual site model and preliminary risk assessment. A Phase I investigation should provide a preliminary qualitative assessment of risk by interpreting information on a site's history considering the likelihood of pollutant linkages being present. The Phase I investigation typically consists of a desk study, site walkover, development of a conceptual model and preliminary risk assessment. The site walkover survey should be conducted to identify if there are any obvious signs of contamination at the surface, within the property or along the boundary of neighbouring properties.

Should any contamination be found then mitigation measures must be submitted to and approved in writing by the Local Planning Authority thereafter the development shall be carried out in accordance with the measures as identified.

Reason 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.

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 Parking (Pre-occupation)

No occupation of the development shall commence until the par parking space associated with that number unit has been provided on-site and must 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.

8 Materials (Compliance)

All work of making good shall be finished to match Unit 2 Lymore Gardens in respect of type, size, colour, pointing, coursing, jointing, profile and texture.

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

9 Materials - Submission of Schedule and Samples (Bespoke Trigger)

No use of the garage area shall commence until details of the materials and finishes of the materials to be used in the construction of the sliding door 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.

10 balcony materials and details - (Prior to first occupation)

Flats 1-5 shall not be first occupied until details of glazed screening to be placed across the balcony areas 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 prior to first occupation of these units.

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.

11 Bicycle Storage and waste storage (Pre-occupation)

No occupation of the development shall commence until the bicycle storage and storage for waste bins has been provided in accordance with the details which have been submitted to and approved in writing by the Local Planning Authority. The bicycle and waste storage shall be retained permanently thereafter.

Reason: To secure adequate waste storage on site and off-street parking provision for bicycles to promote sustainable transport use in accordance with Policy T.6 of the Bath and North East Somerset Local Plan.

12 Emergency Escape (Compliance)

The strip of land adjacent to car parking space 8 to the rear of the premises shall be kept clear of obstructions at all time in order to provide emergency egress from the neighbouring building.

Reason: To safeguard the exit from the adjacent building in the event of an emergency.

PLANS LIST:

1 PLANS 001 002 003 004 005 006 007B 008B 009B 015B 010A 011A 012A 013A 014 017 018 and 016.

2 Condition Categories

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

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

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

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

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

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

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

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

4

We would strongly advise the applicant to review the West of England Sustainable Drainage Developer guide. http://www.bathnes.gov.uk/sites/default/files/sitedocuments/Planning-and-Building-Control/Planning-Policy/LDFGeneral/bd6457_woe_developer_guide_complete_72dpi.pdf

This document details the standards we would expect the developer to meet. In particular, at full application stage we would expect the applicant to have carried out an initial investigation into the existing surface water drainage system and an estimate of current brownfield runoff rates.

We would expect the applicant to have completed a 'Proof of concept' - see page 37 of the West of England Sustainable Drainage Developer guide.

Environment Agency surface water flood risk mapping suggests that for a 1in100 year rainfall event, flood depths on Lymore Gardens could be up to 0.15m. Given this risk of flooding on Lymore Gardens, the applicant may want to consider the level of finished floor

levels and may wish to raise these to around 300mm above 1in100 depths. The applicant may also consider the influence of any drop curbs or driveways that may encourage flood water to enter the site.

We would encourage the applicant to explore what opportunities there are to green parts of the site so that less water discharges straight to the sewer system.

It is likely that the site currently drains surface water to a Wessex Water sewer. For any new proposed connections to the Wessex Water system, discharge rates and connection points must be agreed with Wessex Water.

Item No: 05
Application No: 16/05453/FUL
Site Location: Box Bush Bromley Road 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: Erection of 2 storey annexe and single storey extension following demolition of existing single store annexe
Constraints: Affordable Housing, Airport Safeguarding Zones, Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenbelt, SSSI - Impact Risk Zones,
Applicant: Mr & Mrs Strickland
Expiry Date: 10th February 2017
Case Officer: Alice Barnes

REPORT

Reason for reporting application to committee

The application is being reported to the committee at the request of Councillor Karen Warrington.

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

Description of site and application

Box Bush Farm is located within the southern part of Stanton Drew. It is a detached dwelling located within the Green Belt. It is located outside of the housing development boundary. The site is of a rural character and is surrounded by open fields on three sides with the road on the western boundary. The site comprises the main dwellinghouse, a number of outbuildings and a single storey annexe.

This is an application for the erection of 2 storey annexe and single storey extension following demolition of existing single storey annexe.

The existing annexe is currently a single storey property and was granted permission in 1993. The application proposed to replace this with a two storey building to house a new residential annexe.

A rear extension was permitted as part of application 13/02265/FUL, the application proposed to alter the siting of the proposed extension from the previous permission but the proposed extension is of a similar design and size to the previous permission.

Relevant History

AP - 12/00076/HOUSE - DISMIS - 30 November 2012 - Restoration, alteration and extension of existing house following removal of existing extensions and garages

DC - 12/02056/FUL - RF - 17 July 2012 - Restoration, alteration and extension of existing house following removal of existing extensions and garages

DC - 13/00048/FUL - RF - 4 March 2013 - Restoration, alteration and extension of existing house following removal of existing extensions and garages (resubmission).

DC - 13/02265/FUL - PERMIT - 1 August 2013 - Alterations and extensions to existing dwelling following demolition of existing outbuildings and conservatory

16473 - Conversion of redundant agricultural building to form residential annexe, permission 30/06/1993

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Highways:

The site is accessed from Bromley Road where visibility is substandard, particularly to the south with the existing single storey annex building greatly restricting visibility. The

proposal to demolish this annex building and reconstruct a new two storey annex set back approx. 1.5m from its existing position is acknowledged as this will vastly improve visibility to the south and thus benefit the safety of the public highway. It is recommended that the boundary wall (stone gable wall of existing annex) be reduced to a height of no greater than 900mm. The proposal to set back the hedgerow fronting the site to the north of the access is also acknowledged and will help maximise visibility to the north.

Whilst the proposed development will result in an increase in residential accommodation on the site, it is noted that it is intended that the occupation of the residential annex is to remain ancillary to the occupation of the main dwelling as a single dwelling unit. As such, I do not consider that the proposed development will result in any material intensification in use of the site. Furthermore, it is believed that the benefits of the access improvements will outweigh any concerns relating to any increase in vehicular movements to and from the site.

Overall, Highways DC believe that the proposed development will improve the safety of the public highway at this location with the relocation of the annex building and the realignment of the hedgerow fronting the site.

Stanton Drew Parish Council: The Stanton Drew Parish Council support this planning application. Despite the site being outside the Housing Development Boundary the building massing does not overly dominate the main house and the plot, and the openness of the Green Belt is not harmed by the development.

The design is in accordance with the emerging Neighbourhood Plan Design Statement and in keeping with the conditions suggested by Highways. With reference to the past planning application for the main house reference was made, by the planning officer, that the development could be seen from the footpath to the east of the site. The application was subsequently granted and markedly improved the views to the property. The present application for development is aesthetically pleasing and fitting within its setting.

Councillor Karen Warrington: I support this application even though it is in Green Belt and outside the housing development boundary. The proposed extension will not harm the openness of the Green Belt, the current building sits in a large plot opposite residential properties. The situation of the development, with a hill behind, will not block any views.

I understand the extension will allow elderly parents to live next door to potential carers with the added benefit that there will be an opportunity to increase the splay from the property onto the road and thus increase the visibility.

Representations: No representations have been received

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
Bh.2: Listed buildings and their settings
Bh.6: Development within or affecting Conservation Areas.
T.26: On-site parking and servicing provision
GB.2: Visual amenities of the green belt.
HG.10: Housing outside settlements

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

Following the Examination hearings the Inspector has now issued her Interim Statement and has advised the Council of her recommended Main Modifications required to make the plan sound. The Main Modifications and Minor Proposed Changes are now subject to public consultation prior to the Inspector issuing her Final Report. The following policies can now be given substantial weight:

D.2: Local character and distinctiveness
D.3: Urban Fabric
D.5: Building design
D.6: Amenity
RE.4: Essential dwellings for rural workers
NE.2: Conserving and enhancing the landscape and landscape character
GB.1: Visual amenities of the green belt

The following policy is given significant weight

ST.7: Transport requirements for managing development

OFFICER ASSESSMENT

This is an application for the erection of 2 storey annexe and single storey extension following demolition of existing single storey annexe and outbuildings. The existing dwelling is located within the southern half of Stanton Drew. There is a cluster of houses to the south of the dwelling but the dwelling itself is largely surrounded by open countryside. The site is surrounded by a number of outbuildings.

Planning history

In 1993 an application was permitted for the provision of the conversion of an existing outbuilding to form a residential annexe. The building is conditioned to be tied to the main property as an annexe. The existing annexe is a single storey property providing accommodation over one floor including a bedroom, bathroom and kitchen.

The existing building has been extended to the rear of the property and this was permitted in 2013. The permitted extension involved the demolition of an existing extension and outbuildings so that the volume of buildings on site did not increase. The permitted single storey extension was not constructed and this application seeks a revised but similar design to the rear extension.

Principle

The proposed development will replace the existing single storey annexe with a two storey two bedroom property. The building has been described as being used as an annexe to the main dwelling. The existing dwelling is a four bedroom property and the proposed annexe would be a two bedroom property with associated dining room, study and utility room. The development includes the provision of a parking space opposite the entrance to the annexe separate to the parking area to the main dwelling. Given the number of rooms set over two stories it is no longer considered to provide ancillary accommodation to the host building. The proposed building including, two bedrooms, a utility room, dining room and study, providing self contained accommodation is not considered to be incidental to the enjoyment of the existing dwellinghouse. In this respect it cannot be considered to be an annexe and is regarded as being a new dwelling.

The application site is located within the green belt outside of the housing development boundary. Policy HG.10 allows for the construction of new dwelling outside the housing development boundary for dwellings to be used for agriculture and forestry. The proposed dwelling would not be used for agriculture and forestry and therefore the principle of residential development is not accepted.

Policy RE.4 of the placemaking plan is now given substantial weight. It states that new dwellings will only be permitted outside of a housing development boundary if there is an essential need or a rural worker to live on site. This is not the case at this site and therefore the proposed development does not comply with policy RE.4 of the emerging placemaking plan.

Green Belt

Permission was granted in 2013 for the extension of the existing dwelling. The permitted extension included the removal of existing structures and outbuilding so that there was no net gain in volume from the proposed extension. This included the construction of a rear extension for which a revised design is now proposed.

Paragraph 89 of the NPPF states that the construction of new buildings within the green belt is considered to be inappropriate development. The exceptions to this can include the limited infilling of villages. In this case the proposed building is located outside of the housing development boundary and the site is surrounded by fields on three sides. It

cannot be considered to be an infill plot and the provision of a new building in this location is considered to be contrary to paragraph 89 of the NPPF.

Paragraph 80 of the NPPF lists the five purposes of including land within the green belt which are as follows;

- to check the unrestricted sprawl of large built-up areas
- to prevent neighbouring towns merging into on 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

In this case the proposed development would result in a new dwelling within the open countryside. The provision of a new dwelling will encroach into the open countryside and therefore the proposed development is considered to conflict with one of the five purposes of including land within the green belt.

The provision of the new building will result in an increase in volume from the existing annexe building of 10%. As the proposed development is not regarded as an annexe being physically and functionally separate from the main house and of an overall size that would render it most suitable for independent occupation it is treated as a separate dwelling rather than an extension to the host building. In this respect it is considered as a replacement building. Paragraph 89 of the NPPF states that the construction of new buildings within the green belt is considered to be inappropriate development. Exceptions to this can include the replacement of a building providing it is not materially larger than the one it replaces. In this case the proposed replacement building will result in an increase in height from 4.5m to 7.1m. Therefore the proposed building will be materially larger than the one it replaces due to its height and does not comply with paragraph 89 of the National Planning Policy Framework.

The proposed development will increase the height of the building from a single storey to two stories. This will increase the visual prominence of the existing building within the green belt and the property will be clearly visible from the surrounding streetscene. Currently the existing annexe is a single storey and appears subservient to the existing building. The annexe was originally an outbuilding to the property and the existing structure still appears as an ancillary building to the main property. The increased height of the building to two stories will result in a building which would be tantamount to a second dwelling within the site which would no longer appear ancillary to the main building. The provision of a second storey would result in a building that would rise some distance above the existing boundary treatments and would be clearly visible from the surrounding green belt.

The existing property is located within an area with a rural character which is surrounded by fields on three sides. The increased height of the proposed building will harm the rural character of the surrounding area. The proposed development is therefore considered to harm the openness of the surrounding green belt.

Policy GB.2 of the local plan states that permission will not be granted for development visible from the green belt which would be visually detrimental to the green belt by reason

of its siting and design. As stated above the increased height of the building will result in a property which is harmful to the openness of the green belt and the development is not considered to comply with current green belt policy.

Highways

The highways officer has not objected to the application. The proposed development will utilise the existing access to the site and provide on site parking for the property. The proposed works will improve visibility to the south of the property and the highways officer has recommended that the boundary wall be reduced to a height of no greater than 900mm. The proposal to set back the hedgerow fronting the site to the north of the access is also acknowledged and will help maximise visibility to the north.

However the existing access has been in use for the existing dwelling and annexe with no harm to highway safety. Any highway benefits arising from the works to the entrance are not outweighed by the harm to the green belt identified above.

Amenity

The proposed building will be located adjacent to the side elevation of the existing building and will not impact on the amenity of nearby residential occupiers.

Alterations to permitted extension

The application permitted in 2013 included the provision of a single store rear extension. This has been revised so that the extension will sit in line with the existing dwelling rather than at a slight angle. The proposed alteration will not substantially change the design of the permitted extension and is considered to be acceptable.

The case for very special circumstances

No very special circumstances have been put forward to justify development within the green belt.

Conclusion

The proposed enlargement of the building will result in an independent residential building which due to its functional and physical separation and size cannot be considered to function as an annexe to the host building. The proposed building is considered to be a new dwellinghouse outside of the housing development boundary within the green belt. The provision of a two storey building will result in a building that will harm the openness of the surrounding green belt. The principle of the development is not accepted and it is contrary to local and national green belt policy.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed development is located within the Green Belt and outside of the housing development boundary 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 RE.4 of the emerging placemaking plan

2 The proposed development by reason of its siting, scale and design will result in a replacement building which is materially larger than the existing building. The increased 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 and GB1 of the emerging placemaking plan

PLANS LIST:

1 Existing site plan 20
Existing plans 21
Existing elevations 22
Proposed site plan 23
Proposed annexe plans 24
Proposed sectional elevation (west) 25
Proposed road elevations 26
Proposed north elevation 27
Proposed south elevation 28

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. The Local Planning Authority acknowledges the approach outlined in paragraphs 188-192 in favour of front loading and operates a pre-application advice service. Notwithstanding active encouragement for pre-application dialogue the applicant did not seek to enter into correspondence with the Local Planning Authority. The proposal was considered unacceptable for the reasons given and the 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:	16/04960/FUL
Site Location:	Beaumont House Lansdown Road Lansdown Bath Bath And North East Somerset



Ward: Lansdown

Parish: N/A

LB Grade: N/A

Ward Members: Councillor Patrick Anketell-Jones Councillor Anthony Clarke

Application Type: Full Application

Proposal: Erection of three storey side extension to provide 3 no. residential apartments with associated parking and landscaping

Constraints: Affordable Housing, Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,

Applicant: Lynas And Potter

Expiry Date: 10th February 2017

Case Officer: Alice Barnes

REPORT

Reason for reporting the application to committee.

The application is being referred to the committee at the request of Councillor Anthony Clarke

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

Description of site and application

Beaumont House is located on the northern slopes of Bath. The property is sited on a corner plot of Lansdown Road and College Road. The building comprises a block of flats located within the Conservation Area and World Heritage Site. The front elevation of the property faces Lansdown Road and there is also a vehicle entrance on College Road which provides access to the rear of the property.

This is an application for the provision of a three storey side extension to provide three additional apartments with associated parking and landscaping. The proposed extension will be constructed on the south side elevation of the building.

Relevant History

5890/4 - Details of the conversion into 7 flats and 2 maisonettes with associated parking, approved 18/11/77

5890/4 - Erection of a four storey extension at the side to provide three additional flats with garages beneath at the rear with new vehicle access to College Road, refused 07/03/78

5890/5 - Erection of a three storey extension to provide three flats with garage below at the rear and with a new vehicular access to College Road, refused 06/06/78

5890/6 - Formation of new vehicular access onto College Road, after demolition of part of the existing wall and provision of a parking area, approved 03/10/78

5890/7 - Erection of an extension at the side to provide a maisonette with garages beneath, refused, 03/04/79

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Highways: Beaumont House is located on the corner of Lansdown Road and College Road and has a main vehicular access to the front of the property off Lansdown Road. A secondary entrance onto College Road provides vehicular/pedestrian access to the rear part of the site. It is this access and the driveway to the SW corner of the site which is intended to serve the vehicle parking and turning area for the new extension.

It is noted that the surveys in August and November 2016 all show some existing use of the area to the rear of Beaumont House for parking. However, the same surveys show that the use of the main car park in the front of the building was generally well below the capacity for vehicle parking available. The survey analysis advises that maximum parking occupancy on-site was shown to be 5nr vehicles, with further parking capacity available in College Road to the north. The survey also alludes to the availability of on-street parking on Lansdown Road to the front of Beaumont House, but this would be undesirable given the restriction created to visibility to the right from College Road, and indeed visibility for drivers emerging from the front car park.

In view of the existing car parking use associated with the existing 9nr flats/maisonettes I am satisfied that the level of allocated parking at the rear (3nr spaces) for the three new apartments will provide an adequate level of provision. Furthermore, should any parking overspill into College Road its impact would be minimal and would not, in my view, result in any highway safety issues or problems.

Arboriculture: The application is supported by an arboricultural report and I am in general agreement with the contents. I note, however, that the tree survey is contained to the western side and immediately adjacent to the redline boundary.

The proposal indicates that the trees and shrubs along the southern boundary are to be retained and these could be protected during development by condition.

I consider that construction activities will inevitably extend into the area to the east of the property, fronting Lansdown Road. The existing hard surfacing should provide adequate

space for construction activities including the storage and mixing of materials. Precautionary measures can be put in place to avoid accidental damage to retained vegetation and trees.

It should be made clear to all operators that the verge in Lansdown Road is not to be used for any construction activities including deliveries and parking.

Wales and west utilities: The development must not build over any plant enclosures or apparatus

Ecology: The submitted ecological report makes appropriate recommendations regarding timing of works such as vegetation clearance, to avoid nesting birds, and avoidance of light spill. These should be secured by condition. I have no objection subject to conditions.

Councillor Clark: It is clear that there are significant problems identified by local residents. If you were minded to approve, I would suggest that the application should be considered by the Development Management Committee.

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

The gas supply pipe to Flat 5 is attached to the exterior wall of Beaumont House, running from ground level to the second floor, where the flat is situated. The proposed design does not include details of how the gas supply will be maintained to the existing flats. The loss of the gas supply would be harmful to existing residents.

No details are provided of how other utilities will be supplied. Disruption to utilities will cause problems to existing flats.

The building is over 150 years old. A new extension could damage its structure.

The plans do not show how the downpipe will be moved.

The extension is harmful to the appearance of the existing site. It is out of keeping with the surrounding area.

Car parking for existing flats will be rearranged. Not all cars could be accommodated leading to on street car parking.

The proposed development will remove the only significant area for outside recreation that exists at Beaumont

The width of the proposed parking spaces do not allow for a car door to be opened fully.

Increased usage of the car park will not allow for cars to enter and exit the site in forward gear.

Delivery vans may not be able to access the site.

The extension will block light from properties along Sion Road.

Properties along Sion Road are set below the application site and the development will appear overbearing to neighbouring properties.

The extension will affect the value to neighbouring properties.

The extension will overlook nearby properties.

Car parking will be moved adjacent to boundaries with neighbouring properties.

The extension will harm the character of the existing building and streetscene.

The application states that residents do not park in the rear car park. This is incorrect and it is used by residents.

Access to flats could be blocked with the construction period.

The construction site of the proposed block of flats is to be built directly on top of a reservoir water tank that was created in 1868 and subject of a restrictive covenant that we believe is still extant.

It is not clear from the application how the water sewerage from the three new flats will feed into the existing sewers.

Construction will increase traffic to the site.

The extension will significantly alter the appearance of the building.

The only grassed area within the site will be lost.

The human rights act states that a person has the substantive right to respect for their private and family life.

The extension will result in a sense of enclosure to the nearby properties.

The landscaping proposals are not adequate to mitigated against the impact of the development.

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

B4 - The World Heritage Site and its Setting

B1 - Bath Spatial Strategy

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

Ne.4: Trees and woodland conservation

NE10: Nationally important species and habitats

NE.11: Locally important species and habitats

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.

Following the Examination hearings the Inspector has now issued her Interim Statement and has advised the Council of her recommended Main Modifications required to make the plan sound. The Main Modifications and Minor Proposed Changes are now subject to public consultation prior to the Inspector issuing her Final Report. The following policies can now be given substantial weight:

- D.2 - Local character and distinctiveness
- D.3 - Urban Fabric
- D.5 - Building design
- D.6 - Amenity
- NE3 - Sites species and habitats
- NE6 - Trees and woodland conservation

The following policies have significant weight

- HE1 - Safeguarding Heritage Assets
- ST.7 - Transport requirements for managing development

OFFICER ASSESSMENT

This is an application for the provision of a three storey side extension to provide three additional apartments with associated parking and landscaping. The existing building is a three storey property which fronts on to Lansdown Road with an additional vehicle entrance from College Road. The building has originally been extended to the north and currently houses flats. The building has been set back from the road edge and sits behind a boundary wall and hedge.

Planning history

The planning history shows that the applications were made in the 1970s to construct a side extension in a similar location to the proposed extension. These extensions were of a different design to what is proposed and therefore do not form a direct comparison to the proposed development.

Principle

The application site is located within the city of Bath where the principle of residential development is accepted.

Design

The existing building was extended to the north with the provision of a three storey extension. The proposed extension has been designed to reflect the style of the existing extension. It would be constructed from Bath stone and will match the features on the existing dwelling. The extension has been set below the existing ridge line and will reflect the built form of the existing extension. Being set back from the road edge it will not appear to be visually prominent with the surrounding streetscene. The applicant has

submitted a replacement landscaping scheme which will enhance the setting of the existing building.

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

Beaumont House is located on the corner of Lansdown Road and College Road and has a main vehicular access to the front of the property off Lansdown Road. The proposed development would provide additional parking for the proposed flats to the rear of the site. The highways officer requested details of the current use of the parking area and the applicant has supplied a parking survey from Thursday 28th April (12.50pm), Monday 22nd August (6:30pm), Thursday 10th November (7:30pm) and Saturday 19th November 2016 (11:00am).

A secondary entrance onto College Road provides vehicular/pedestrian access to the rear part of the site. It is this access and the driveway to the SW corner of the site which is intended to serve the vehicle parking and turning area for the new extension.

The highways officer has advised that it is noted that the surveys in August and November 2016 all show some existing use of the area to the rear of Beaumont House for parking. However, the same surveys show that the use of the main car park in the front of the building was generally well below the capacity for vehicle parking available. The survey analysis advises that maximum parking occupancy on-site was shown to be 5nr vehicles, with further parking capacity available in College Road to the north. The survey also alludes to the availability of on-street parking on Lansdown Road to the front of Beaumont House, but this would be undesirable given the restriction created to visibility to the right from College Road, and indeed visibility for drivers emerging from the front car park.

In view of the existing car parking use associated with the existing 9nr flats/maisonettes the highways officer is satisfied that the level of allocated parking at the rear (3nr spaces) for the three new apartments will provide an adequate level of provision. Furthermore, should any parking overspill into College Road its impact would be minimal and would not, result in any highway safety issues or problems. It is also noted that the site is located to the north of the city centre with bus links into Bath city centre providing the option of sustainable travel.

Amenity

The proposed development would extend the side of the building to the south towards the nearby properties of 1a, 1, 3 and 5 Sion Road. Number 1a, 3 and 5 would view the building from an oblique angle. The view from number 1 would be of the side elevation.

The proposed development would extend the side of the building to the south towards the nearby properties of 1a, 1, 3 and 5 Sion Road. Number 1a, 3 and 5 would view the building from an oblique angle so that the development would not appear to be overbearing to the occupiers. Given the angle of development the proposed extension is

not considered to result in increased overlooking that would warrant refusal of the application.

The view from number 1 would be of the side elevation. The applicant has revised the plans to reduce the width of the proposed extension. The extension will be 18 m from the rear elevation of number 1 and no glazing will be included on the side elevations. Whilst the extension will be visible to the occupiers of number 1 on balance the provision of the extension is not considered to cause harm to the amenity of the neighbouring occupiers that would warrant refusal of the application.

Arboriculture

The arboricultural officer has raised no objection to the application. Construction activities could extend towards the trees and therefore conditions should be applied to ensure that construction activities do not harm the trees within the site.

Ecology

The applicant has submitted an ecology survey which has been referred to the ecology officer. The submitted ecological report makes appropriate recommendations regarding the timing of works such as vegetation clearance, to avoid nesting birds, and avoidance of light spill. The ecology officer has no objection provided this is secured by condition.

Conclusion

The proposed extension is considered to respect and complement the host building and will not harm the character of the surrounding Conservation Area. The proposed addition of three flats is not considered to result in harm to highway safety and the development will not harm the amenity of residential occupiers.

RECOMMENDATION

PERMIT

CONDITIONS

1 Standard Time Limit (Compliance)

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

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

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

No development shall take place until an arboricultural method statement with tree protection plan following the recommendations contained within BS 5837:2012 identifying measures to protect the trees to be retained, has been submitted to and approved in writing by the Local Planning Authority. The statement shall include proposed tree protection measures during site preparation (including clearance and level changes), during construction and landscaping operations. The statement should also include the

control of potentially harmful operations such as the position of service runs and soakaways, storage, handling and mixing of materials on site and movement of people and machinery. 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.

Reason: To ensure that no excavation, tipping, burning, storing of materials or any other activity takes place which would adversely affect the trees to be retained in accordance with policy NE.4 of the Bath and North East Somerset Local Plan and CP7 of the Core Strategy and NE6 of the emerging placemaking plan

3 Arboricultural (Compliance)

No development or other operations shall take place except in complete accordance with the approved Arboricultural Method Statement.

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

4 Highways (Compliance)

The areas allocated for parking and turning on the submitted plan 1612-AP(0)-12-B 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.

5 Highways - Construction Management Plan (Pre-commencement)

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

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

6 Ecology (Compliance)

The development hereby permitted shall be carried out only in accordance with the recommendations on pages 12 and 13 of the approved Extended Phase 1 Habitat Ecological Survey by Stark Ecology dated May 2016. Any new external lighting shall be designed to operated only when required and to avoid light spill onto boundary vegetation and hedgerows.

Reason: To avoid harm to wildlife including bats in accordance with policy NE.11 of the Bath and North East Somerset Local Plan and NE3 of the emerging placemaking plan

7 Plans List (Compliance)

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

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

PLANS LIST:

1 OS plan 01 B
Existing site plan 02 B
Existing plans 03 A
Existing elevations 04 A
Existing roof plan 05
Existing parking arrangement and swept path analysis SPA02 B
Proposed site location plan 10 D
Proposed site plan 11 D
Proposed ground floor plan 12 C
Proposed first floor plan, second floor plan and roof plan 13 C
Proposed elevations 20 C
Proposed elevations 21 C
Landscape masterplan R001 PS
Proposed sections 30 C
Proposed parking bays SK01 B
Proposed parking bays swept path analysis SPA01 B

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.

Item No:	07
Application No:	16/05498/AR
Site Location:	Bristol Water Visitor Centre & Tea Room Walley Lane Chew Magna Bristol



Ward: Chew Valley North

Parish: Chew Magna

LB Grade: N/A

Ward Members: Councillor Liz Richardson

Application Type: Advertisement Consent

Proposal: Display of 2no. externally illuminated entrance signs to replace previous signs to the entrance to Chew Valley Lake picnic area and Salt & Malt Cafe and public car park. (Resubmission)

Constraints: Affordable Housing, Airport Safeguarding Zones, Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Coal - Standing Advice Area, Forest of Avon, Greenbelt, Land of recreational value, Special Area of Conservation (SAC), Special Protection Area, Site Of Special Scientific Interest (SI), SSSI - Impact Risk Zones, Water Source Areas,

Applicant: Mr Chris Eggleton

Expiry Date: 10th February 2017

Case Officer: Martin Almond

REPORT

This application has been brought to Development Management Committee due to the support of Chew Magna parish Council which is contrary to the officer recommendation.

Advertisement consent is sought for the display of two externally illuminated entrance signs at the entrance to the car park and visitor centre at located at the northern end of Chew Valley Lane, Walley Lane, Chew Magna.

The visitor centre now comprises the Salt and Malt restaurant and takeaway and a retail unit selling binoculars and other optical items. Walley Lane is a Class 'C' road with a 50mph speed limit outside the site.

The site is located within the Mendip Hills Area of Outstanding Natural Beauty.

Relevant planning history:

WC 11971/B - New building to provide tea room and improved visitor facilities - approved 4th February 1994

DC - 14/01985/VAR - PERMIT - 15 July 2014 - Removal of condition 7 and variation of condition 8 attached to planning permission WC 11971/B dated 4th February 1994. (New building to provide tea room and improved visitor facilities)

DC - 16/03700/AR - WD - 16 September 2016 - Display of 2no. internally illuminated entrance signs

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Chew Magna Parish Council initial comments:

Supports this re-submitted application. The sign clearly shows the Visitor Centre etc. location on the 50mph restricted highway, which is on a shallow gradient, a bend and a junction with Denny Lane. With local testament, we consider that the signage would help make this hazardous area safer by allowing vehicles to moderate speed and indicate well before entering the site.

Chew Magna Parish Council updated comments:

Following the representation of support from Chew Magna Parish Council (above), and noting that the application will now be determined at Development Management Committee on 8th February 2017, we would like Committee to be aware of our comment of objection to the previous sign, (16/030700/AR).

Bearing in mind our objection to the internal illumination of the previous sign, the applicant withdrew this application and re-submitted with the modified design using external downlights, which we can consequently support.

Public comments seem primarily concerned with light pollution in an otherwise unlit rural lakeside area and the potential adverse affect on wildlife. We consider that an externally lit sign would be preferential when dark, both in appearance in this rural context, and in reducing light pollution.

It should be noted that the application to waive the historical restriction of evening opening at this site was permitted. (14/01985/VAR), thus allowing the Bristol Water Tearooms and immediate area to be lit after dark during the winter months.

Highways: The proposed signs will be located on either side of the entrance to the site. The applicant shall ensure that these signs remain clear of the visibility splay in both directions. From a highways perspective there is no objection to the proposal subject to condition relating to levels of illuminance and the signs being switched off and shall be non illuminated when the centre is closed to members of the public.

Third party comments:

Two objections received, summarised as follows:

- The lake, and its banks, and periphery are supposed to be a nature reserve.
- Already the new Salt and Malt building is lit up, well into the late evening, with light pollution streaming across the water and the picnic area.
- No extension of light pollution, certainly no illuminated signs.
- The signs that they say are being replaced have not been there for about 10/11 months.
- This used to be a cafe that closed at dusk but is now lit up until late in the evening across the lake and now they want to light the road up.

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 Core Strategy policies should be considered:

CP6 - Environmental Quality
B4 - World Heritage Site

*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.

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

D.2 General Design and public realm considerations
D.4 Townscape considerations
BH.17 Advertisement consent
NE.1 Landscape character
NE.2 Areas of Outstanding Natural Beauty

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. Following the Examination hearings the Inspector has now issued her Interim Statement and has advised the Council of her recommended Main Modifications required to make the plan sound. The Main Modifications and Minor Proposed Changes are now subject to public consultation prior to the Inspector issuing her Final Report.

The following policies can now be given substantial weight:

D2 Local character and distinctiveness
D3 Urban fabric
D6 Amenity

D9 Advertisements & Outdoor Street Furniture
NE2 Conserving And Enhancing The Landscape And Landscape Character

The National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) are also material considerations. The following sections of the NPPF are of particular relevance:

Section 7: Requiring good design
Section 12: Conserving and enhancing the historic environment

Applications for Advertisement Consent are determined in accordance with Regulation 7 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

OFFICER ASSESSMENT

Advertisement consent is sought for the display of two free standing externally illuminated adverts positioned on either side of the entrance to the northern car park at Chew Valley Lake. The signs advertise Salt and Malt which is located within the car park and occupies the former visitor centre and tea room as well as Bristol Water who control the land. At present the unauthorised adverts are internally illuminated with the current submission seeking to externally illuminate the signs.

The description of the proposal indicates that the two proposed signs will replace existing signage. From the information provided by the applicant and information available to the Council the existing signage was comprised of a single banner attached to the fence adjacent to the entrance. No consent had been granted for the display of the banner. It is the view of officers that the application cannot be described as a "replacement" for previous signage.

The NPPF clearly states that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. However, there are a number of policies in the Local Plan that are relevant material considerations, although they have not, by themselves, been decisive in the assessment.

AMENITY

'Amenity' is not defined exhaustively in the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. It includes aural and visual amenity (regulation 2(1)) and factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest (regulation 3(2)(a)). The Government's Planning Practice Guidance notes that: 'In practice, 'amenity' is usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood of an advertisement or site for the display of advertisements, where residents or passers-by will be aware of the advertisement'.

The Government attaches great importance to the design of the built environment. The National Planning Policy Framework (NPPF) notes that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning decisions should aim to ensure that developments add to the overall quality of the area; respond to local character and history;

and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. They should also be visually attractive. Specifically in relation to advertisements, the NPPF notes that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment.

Application 16/03700/AR for display of 2no. internally illuminated entrance signs was withdrawn prior to its determination with the applicant being advised by the case officer that:

"The size, design (inc. colours) and illumination of the signs are unacceptable in this location within the Mendip Hills Area of Outstanding Natural Beauty and within an area with a distinctly rural character whether they are illuminated or not.

Whilst the boxes are illuminated during opening hours such illumination is out of keeping with area and appears incongruous in a location devoid of illumination".

Whilst the method of illumination has been amended from the previously withdrawn scheme it is considered that this does not significantly alter the scheme so as to make it acceptable. The size, design and position of the proposed signs remains the same. During daylight hours when not illuminated the large size of the signs results in them being highly prominent and out of keeping with the rural character in this location, when illuminated this will be further emphasised.

The two signs are located within the Mendip Hills Area of Outstanding Natural Beauty (AONB) and within a distinctly rural area. The signs whether illuminated or not are highly visible due to their location, size and design and as such appear out of place within this location.

Each proposed sign is 3m wide, 2m high and 17cm deep. The proposed downlight illumination would add another 40cm to the height of each sign and at these dimensions the size of the signs is excessive and result in unsympathetic development which harms the natural beauty of the Mendip Hills AONB.

The illumination of the signs in this location is unacceptable due to it being out of keeping with the rural area and being incongruous in this location which is devoid of street lights and any other illuminated signage.

The applicant has highlighted that signs have previously been displayed at this entrance to the visitor centre. From the information submitted these signs appear to have been a single non-illuminated banner advertising the tea room set-back well within the entrance to the site given its attachment to the wooden fencing. No advertisement consent was granted by the Council for the display of such a banner sign. No weight can be attributed to the unauthorised signage when determining this application.

At the same entrance to the lake as the proposed signs, a brown tourist sign directing visitors to 'Chew Valley Lake' is positioned on the opposite side of the road to the entrance. This could be replaced or updated to include 'Salt and Malt' which would provide an acceptable alternative to the two proposed signs. This approach has recently been taken by The Community Farm, Denny Lane who have had a brown tourist sign recently installed within 100 metres of the proposed signs to replace an unauthorised sign.

The stretch of road between Ham Lane, Bishop Sutton and Wallycourt Road, Chew Stoke is devoid of authorised illuminated and non-illuminated signage and adverts save for directional adverts for the lake car parks and The Community Farm previously mentioned, any other signs or adverts that are currently being displayed are unauthorised.

PUBLIC SAFETY

The proposed advertisements do not create any significant issues of public safety. There are no highway objections to the proposed signs.

CONCLUSION

For the reasons set out in the above report the application is recommended for refusal.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed size, design, siting and external illumination of the signage is harmful to the rural character and natural amenity of the site, contrary to the requirements of Saved Policies BH.17, D.4 and NE.2 of the Bath and North East Somerset Local Plan (including mineral and waste policies) Adopted October 2007 and Policy NE2 of the draft Placemaking Plan 2016.

PLANS LIST:

1 This decision relates to drawings BLOCK PLAN, PROPOSED SIGNAGE, SIDE ELEVATION, TOP-DOWN ELEVATION, SITE LOCATION PLAN REVISED, SITE PLAN AND SITE LOCATION PLAN dated as received 10th November 2016.

2 In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. 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: 16/05771/FUL
Site Location: 6 Fairways Saltford Bristol Bath And North East Somerset BS31 3HX



Ward: Saltford **Parish:** Saltford **LB Grade:** N/A
Ward Members: Councillor F Haerberling Councillor Emma Dixon
Application Type: Full Application
Proposal: Erection of single storey front extension, installation of 2no windows to side elevations and construction of additional parking area
Constraints: Affordable Housing, Airport Safeguarding Zones, Agric Land Class 3b,4,5, Forest of Avon, Housing Development Boundary, SSSI - Impact Risk Zones,
Applicant: Mr And Mrs B Organ
Expiry Date: 20th January 2017
Case Officer: Emma Hardy

REPORT

Reason for reporting application to Committee:

The applicant is Ward Councillor Bryan Organ. The application is therefore being reported to Committee in accordance with the Council's Scheme of Delegation.

Description of site and application:

The application relates to 6 Fairways, a detached bungalow on the west side of the southern end of the close adjacent to Saltford Golf Club. The locality is characterised by detached bungalows of varying designs.

Planning permission is sought to erect a single storey front extension following the demolition of the existing front porch. The extension would measure approximately 4.7m

wide with a total depth of 2.4m, an eaves height of approximately 1.75m and an overall height of approximately 2.85m.

The application also proposes to insert one side window facing towards No. 7 Fairways and one side window facing towards the golf course. In addition a new area hardstanding is proposed to the front of the bungalow to accommodate two car parking spaces which would require a new dropped kerb.

Relevant recent planning history:

No relevant recent planning history.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Saltford Parish Council: support (Officer note: no planning reasons given).

No consultations.

No third party representations received.

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

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
- T.24: General development control and access policy
- T.26: On-site parking and servicing provision

Following the Examination hearings the Inspector has now issued her Interim Statement and has advised the Council of her recommended Main Modifications required to make the plan sound. The Main Modifications and Minor Proposed Changes are now subject to public consultation prior to the Inspector issuing her Final Report. The following policies can now be given substantial weight:

- D.2: Local character and distinctiveness
- D.5: Building design

D.6: Amenity

The following policy can be given significant weight:

ST.7: Transport requirements for managing development

National Policy:

The National Planning Policy Framework adopted March 2012

National Planning Practice Guidance

OFFICER ASSESSMENT

DESIGN, CHARACTER AND APPEARANCE

The proposed extension would be a proportionate addition that would leave the original building predominant. The extension would be compatible with the form and design of the host bungalow, continuing the original roof profile and eaves line and matching the front building line of the existing front projection.

The additional side windows would be in keeping with the existing fenestration and would have minimal impact on the character or appearance of the host building or the street scene.

The proposed materials would be in keeping with the original building and the street scene.

Overall, the proposed development would respond appropriately to the original bungalow and would be in keeping with the character and appearance of the street scene and general locality. The proposal would therefore comply with Core Strategy Policy CP6, saved Local Plan policies D.2 and D.4 and the aims of the National Planning Policy Framework.

IMPACT ON THE AMENITIES OF NEIGHBOURING OCCUPIERS

Given the siting of the proposed front extension, it would have no impact on the amenities of any neighbouring occupiers.

No. 7 Fairways has several obscurely glazed side windows facing towards the application site and is set at a slightly lower ground level than No. 6. There is one existing side window at the application property which faces towards No. 7. Taking all factors into account, it is not considered that the proposed side window would result in a harmful increase in overlooking for the occupiers of No. 7 compared to the existing situation.

The proposed side window on the south elevation would face towards the Golf Club so would have no impact on residential amenities.

Overall, the proposed development would maintain an acceptable standard of amenity for the occupiers of all neighbouring residential properties in accordance with the relevant provisions of saved Local Plan Policy D.2 and the aims of the National Planning Policy Framework.

CAR PARKING AND HIGHWAY SAFETY

The provision of two car parking spaces for the three bedroom dwelling would be acceptable. It is not considered that the creation of a new double width vehicle crossover in this location would have a harmful impact on the safe operation of the highway. The proposal would therefore comply with saved policies T.24 and T.26 of the Local Plan and the aims of the NPPF.

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 walling and roofing materials to be used shall be as stated on drawing No. 1626/02 or shall match those 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 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 Highways - Bound/Compacted Surface Material (Compliance)

The vehicular access and parking area shall be constructed with a bound and compacted surfacing material (not loose stone or gravel).

Reason: To prevent loose material spilling onto the highway in the interests of highways safety in accordance with Policy T.24 of the Bath and North East Somerset Local Plan.

PLANS LIST:

1 Drawing No. 1626/01 (Existing Floor Plans and Elevations) and drawing No. 1626/02 (Proposed Floor Plans and Elevations) received 25/11/2016 and un-numbered 1:1250 OS site location plan received 29/11/2016.

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 or send it direct to planning_registration@bathnes.gov.uk. Alternatively this can be sent by post to The Planning Registration Team, Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

3 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: 09
Application No: 16/05508/FUL
Site Location: 18 Upper Camden Place Walcot Bath Bath And North East Somerset BA1 5HX



Ward: Lansdown **Parish:** N/A **LB Grade:** II
Ward Members: Councillor Patrick Anketell-Jones Councillor Anthony Clarke
Application Type: Full Application
Proposal: Installation of proposed mansard roof and associated dormer windows to front and rear elevations
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, SSSI - Impact Risk Zones, World Heritage Site,
Applicant: Mrs Tracey Dean-Chalkley
Expiry Date: 9th February 2017
Case Officer: Laura Batham

REPORT

Reason for calling to committee:

The application was referred to the Chair by Cllr Annketell-Jones and the applicaiton was added to the agenda for the following reason:

I have read this application & the report presented to me which includes the request by the Ward Cllr that it be considered by the DMC. I note the reasons for refusal & acknowledge consultee comments support this view but I feel the issue should be debated in the public arena as in the past there had been approval for a similar scheme under the policy relevant at that time.

Site Description:

18 Upper Camden Place is a mid-terraced dwelling located in the world heritage site and conservation area. The property is grade II listed and forms part of 14 houses which step

up gradually from east to west. The dwellings are set higher and back from the road, into the hillside. Constructed in Bath stone, the dwelling has a low double pitched roof set behind a parapet wall.

Proposal:

Installation of proposed mansard roof and associated dormer windows to front and rear elevations

History:

14194 & LB/14194-1 Erection of a mansard roof - Consent 23.3.88

14194-2 & 14194-3 Erection of a mansard roof - Renewal of permission - Consent June 1993

DC - 07/02686/LBA - CON - 19 October 2007 - Internal alterations to include formation of bathroom at second floor and filling of opening at first floor

DC - 16/05509/LBA - PDE - - Internal and external alterations to install mansard roof and associated dormer windows to front and rear elevations

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Bath Preservation Trust:

The Trust objects to this application on the basis of overdevelopment of the listed building and subsequent harm to its special historic and architectural interest. Whilst we are sympathetic to the owners' desire to increase living space, the level of change proposed constitutes substantial harm which is not outweighed by public benefit.

This dwelling is part of an early 19th century terrace which steps down on the slope. Whilst we recognise there have been changes to roof profiles further up the terrace this dwelling is part of small group of buildings with a rhythmic and intended parapet low roof profile.

The proposed changes will completely interrupt this roofline, tower above it (in particular the chimneys and gable ends) have an overbearing and incongruous impact and substantially change the character of this section of the terrace. As a result of the changes there would be substantial upper floor internal fabric interventions and loss of legible historic plan form which will again impact on the significance of the listed building.

Ecology: Requests a condition.

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
- Adopted Neighbourhood Plans

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

B4: The World Heritage Site and its setting
CP6: Environmental quality

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
BH.2 - Listed buildings and their settings
BH.6: Development within or affecting Conservation Areas

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. 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 have substantial weight
D.5: Building Design
D.6: Amenity
The following policies have significant weight
HE.1: Historic Environment

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.

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.

National Policy

The National Planning Policy Framework adopted March 2012 and National Planning Practice Guidance.

OFFICER ASSESSMENT

The application seeks consent for the complete removal of the historic roof structure, the addition of a new and higher roof in mansard form, demolition and rebuild of chimneys. The property is grade II listed and is located in the conservation area and world heritage site of Bath. The dwelling is set within a terrace where mansard roofs are not considered to be a prominent feature and the current roof has a very low profile with low parapet wall. The proposal is accompanied by a listed building application which will assess the impact of the works upon the fabric of the building.

Impact upon the listed building and character of the area:

The significance of this building as a building listed of special architectural and historic interest lies in its completeness as a historic building and the roof form and fabric is a critical element of this. The proposal results in the complete loss of the historic roof form and fabric. To facilitate the mansard roof, the application also proposes to demolish the chimneys to below the parapet level and re-build and raise the height of the chimneys. The resultant overall loss of historic fabric and form is considerable and cannot be supported. The supporting heritage assessment has not addressed the loss of historic fabric within the building and the resulting impact upon significance.

As well as loss of historic fabric, the proposals have a significant impact on the character and appearance of the building. The house is set within a section of terrace where mansard roofs are not a prominent feature. The roof was designed to have a low profile with low parapet wall. The mansard together with the new chimneys would be a prominent extension which would harm the character and appearance of the listed building as originally built. Whilst there are examples of mansard roofs in the area, it is not considered that this sets a precedent for these changes to the roof of this listed building. The mansard would be significantly higher than the adjacent buildings resulting in a large gable end walls which would be prominent and awkward in the street scene and cause harm to the character of the conservation area and world heritage site. The application states that the addition of the mansard roof would improve the appearance of the dwelling, add interest to the terrace and improve the street scene. It is not considered that the proposal would add interest to the terrace. Indeed, it rather results in significant loss of the critical components of the existing building. The terrace is already acknowledged to have special historic and architectural interest in its grade II listing. A mansard roof is not required to improve the appearance of the building and results in a significant change to the original character of the listed building.

It is considered that the proposals result in substantial harm to the listed building through loss significant parts of the building and impact on its original character.

The application has relied upon a previous consent granted in 1988 and renewed in 1993 for a mansard roof of a similar design; however, this was granted prior to the adoption of the current national and local policies. The current policies and best practice guidance have greater weight and a development granted under policies which are 20 years old is not considered to be a sufficient reason for approval. Policies evolve and represent a snapshot in time rather than an unchangeable element which must thereafter be permitted.

The National Planning Policy Framework advises that 'where a proposed development will lead to substantial harm of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. The applicants have indicated that there is a need for additional accommodation within the property for their family. Public benefits are defined in national guidance as a benefit which is of a nature or scale to be of benefit to the public at large and should not just be a private benefit. The personal preferences for an increase in accommodation are not a public benefit for the building and not a sufficient justification for the level of harm proposed. The proposed alterations do not represent sustainable development which can be weighed against the level of harm caused to the dwelling.

Design and Amenity:

The dwelling is set into the hillside with the rear gardens rising to the north of the site. The additional of the mansard roof would include the addition of windows overlooking the gardens; however, this level of overlooking would not be significant in comparison to the existing situation. The addition would not cause any significant loss of amenity or a significant increase in overlooking of the neighbouring dwellings.

Ecology:

It is noted for completeness that the extensive works proposed in ecological terms would require a precautionary approach due to the potential for protected species to be present and should the application have been supported a condition would to this effect would have been imposed.

Conclusion:

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. It is considered that the proposals would result in substantial harm to the special historic and architectural interest of the building. This level of harm is not outweighed by any public benefits and refusal is therefore recommended.

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. It is considered that the proposals would result in substantial harm and would not preserve or enhance the character of the conservation area.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed complete removal of the historic roof structure, the addition of a new and higher roof in mansard form, demolition and rebuild of the chimneys, would result in substantial harm to the listed building and this level of harm is not outweighed by any public benefits. The alterations would also cause harm to the character of the conservation area and world heritage site. As such the proposal is considered contrary to section 16 of the Planning (Listed Buildings and Conservation Areas) Act, Saved Local Plan Policies BH.2, BH.6, Policy B4 of the Core Strategy, Placemaking Plan Policy HE1 and the advice contained within the NPPF.

PLANS LIST:

1 This decision relates to drawings 231/21, 231/11 A, 231/a and location plan received on 11th November 2016.

2 In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. 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 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: 10
Application No: 16/05509/LBA
Site Location: 18 Upper Camden Place Walcot Bath Bath And North East Somerset BA1 5HX



Ward: Lansdown **Parish:** N/A **LB Grade:** II
Ward Members: Councillor Patrick Anketell-Jones Councillor Anthony Clarke
Application Type: Listed Building Consent (Alts/exts)
Proposal: Internal and external alterations to install mansard roof and associated dormer windows to front and rear elevations
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, SSSI - Impact Risk Zones, World Heritage Site,
Applicant: Mrs Tracey Dean-Chalkley
Expiry Date: 9th February 2017
Case Officer: Laura Batham

REPORT

Reason for calling to committee:

The application was referred to the Chair by Cllr Annketell-Jones and the applicaiton was added to the agenda for the following reason:

I have read this application & the report presented to me which includes the request by the Ward Cllr that it be considered by the DMC. I note the reasons for refusal & acknowledge consultee comments support this view but I feel the issue should be debated in the public arena as in the past there had been approval for a similar scheme under the policy relevant at that time.

Site Description:

18 Upper Camden Place is a mid-terraced dwelling located in the world heritage site and conservation area. The property is grade II listed and forms part of 14 houses which step up gradually from east to west. The dwellings are set higher and back from the road, into the hillside. Constructed in Bath stone, the dwelling has a low double pitched roof set behind a parapet wall.

Proposal:

Internal and external alterations to install mansard roof and associated dormer windows to front and rear elevations

History:

14194 & LB/14194-1 Erection of a mansard roof - Consent 23.3.88

14194-2 & 14194-3 Erection of a mansard roof - Renewal of permission - Consent June 1993

DC - 07/02686/LBA - CON - 19 October 2007 - Internal alterations to include formation of bathroom at second floor and filling of opening at first floor

DC - 16/05508/FUL - PDE - - Installation of proposed mansard roof and associated dormer windows to front and rear elevations

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Bath Preservation Trust:

The Trust objects to this application on the basis of overdevelopment of the listed building and subsequent harm to its special historic and architectural interest. Whilst we are sympathetic to the owners' desire to increase living space, the level of change proposed constitutes substantial harm which is not outweighed by public benefit.

This dwelling is part of an early 19th century terrace which steps down on the slope. Whilst we recognise there have been changes to roof profiles further up the terrace this dwelling is part of small group of buildings with a rhythmic and intended parapet low roof profile.

The proposed changes will completely interrupt this roofline, tower above it (in particular the chimneys and gable ends) have an overbearing and incongruous impact and substantially change the character of this section of the terrace. As a result of the changes there would be substantial upper floor internal fabric interventions and loss of legible historic plan form which will again impact on the significance of the listed building.

Historic England:

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

Ecology: Requests a condition.

Third Parties/Neighbours:
No comments received

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

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. 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 have significant weight
HE.1: Historic Environment

OFFICER ASSESSMENT

The application seeks consent for the complete removal of the historic roof structure, the addition of a new and higher roof in mansard form, demolition and rebuild of chimneys, associated alterations to the plan form of the building and upgrading of historic fabric to meet fire precautions as a result of the changes. The property is grade II listed and is located in the conservation area and world heritage site of Bath.

The significance of this building as a building listed of special architectural and historic interest lies in its completeness as a historic building and the roof form and fabric is a critical element of this. The proposal results in the complete loss of the historic roof form and fabric. The new roof form and additional storey result also in a change to the historic plan form of the building and necessary upgrading of fabric to meet fire regulations. The proposals also involve alteration of the staircase at second floor to enable the addition of the staircase to the new floor which would cause damage to the historic staircase. To facilitate the mansard roof, the application also proposes to demolish the chimneys to below the parapet level and re-build and raise the height of the chimneys. The resultant overall loss of historic fabric and form is considerable and cannot be supported. The supporting heritage assessment has not addressed the loss of historic fabric within the building and the resulting impact upon significance.

As well as loss of historic fabric, the proposals have a significant impact on the character and appearance of the building. The house is set within a section of terrace where mansard roofs are not a prominent feature. The roof was designed to have a low profile with low parapet wall. The mansard together with the new chimneys would be a prominent extension which would harm the character and appearance of the listed building as originally built. Whilst there are examples of mansard roofs in the area, it is not considered that this sets a precedent for these changes to the roof of this listed building. The mansard would be significantly higher than the adjacent buildings resulting in a large gable end walls which would be prominent and awkward in the street scene. The application states that the addition of the mansard roof would improve the appearance of the dwelling, add interest to the terrace and improve the street scene. It is not considered that the proposal would add interest to the terrace. Indeed, it rather results in significant loss of the critical components of the existing building. The terrace is already acknowledged to have special historic and architectural interest in its grade II listing. A mansard roof is not required to improve the appearance of the building and results in a significant change to the original character of the listed building.

It is considered that the proposals result in substantial harm to the listed building through loss significant parts of the building and impact on its original character.

The application has relied upon a previous consent granted in 1988 and renewed in 1993 for a mansard roof of a similar design; however, this was granted prior to the adoption of the current national and local policies. The current policies and best practice guidance have greater weight and a development granted under policies which are 20 years old is not considered to be a sufficient reason for approval. Policies evolve and represent a snapshot in time rather than an unchangeable element which must thereafter be permitted.

The National Planning Policy Framework advises that 'where a proposed development will lead to substantial harm of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. The

applicants have indicated that there is a need for additional accommodation within the property for their family. Public benefit is defined in national guidance as a benefit which is of a nature or scale to be of benefit to the public at large and should not just be a private benefit. The personal preferences for an increase in accommodation are not a public benefit for the building and not a sufficient justification for the level of harm proposed. The proposed alterations do not represent sustainable development which can be weighed against the level of harm caused to the dwelling.

It is noted for completeness that the extensive works proposed in ecological terms would require a precautionary approach due to the potential for protected species to be present and should the application have been supported a condition would to this effect would have been imposed.

Conclusion:

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. It is considered that the proposals would result in substantial harm to the special historic and architectural interest of the building. This level of harm is not outweighed by any public benefits and refusal is therefore recommended.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed complete removal of the historic roof structure, the addition of a new and higher roof in mansard form, demolition and rebuild of the chimneys, associated alterations to the plan form of the building and upgrading of historic fabric to meet building regulations as a result of the changes would result in substantial harm to the listed building and this level of harm is not outweighed by any public benefits. As such the proposal is considered contrary to section 16 of the Planning (Listed Buildings and Conservation Areas) Act, Saved Local Plan Policy BH.2, Placemaking Plan Policy HE1 and the advice contained within the NPPF.

PLANS LIST:

1 This decision relates to drawings 231/21, 231/11 A, 231/a and location plan received on 11th November 2016.

2 In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. 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 chose not to withdraw the

This is an application to construct a new single-storey building with a rectangular footprint across the rear of the cottage following the demolition of existing rear extensions. The proposals also seek to replace existing dormer/casement windows and remove the paint from the front elevation however these works do not require planning permission. The proposal is accompanied by a listed building application (16/05060/LBA) which will assess the impact of all of the proposed works upon the historic fabric of the building.

Relevant planning history:

98/00504/LBA - CON - 12 August 1998 - External and internal alterations to include removal of ground floor bathroom and replace on 2nd floor, improve finishes and joinery items.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

No comments received, although one letter of support from the neighbours at no. 3 Crown Hill which was addressed to the applicants has been forwarded to the planning officer.

POLICIES/LEGISLATION

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

- Core Strategy
- Saved Policies in the B&NES Local Plan (2007)*
- Joint Waste Core Strategy
- Adopted Neighbourhood Plans

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

Policy CP6 - Environmental quality
Policy B4 - The World Heritage Site and its setting

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

The following 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:

Policy BH.2 - Listed buildings and their settings
Policy BH.6 - Development within of affecting Conservation Areas
Policy D.2 - General design and public realm considerations
Policy D.4 - Townscape considerations

Placemaking Plan

Following the Examination hearings the Inspector has now issued her Interim Statement and has advised the Council of her recommended Main Modifications required to make the plan sound. The Main Modifications and Minor Proposed Changes are now subject to public consultation prior to the Inspector issuing her Final Report. The following policies can now be given substantial weight:

Policy D1 - General Urban Design Principles
Policy D2 - Local Character and Distinctiveness
Policy D5 - Building Design
Policy D6 - Amenity

The following policy is given significant weight:

Policy HE1 - Historic Environment

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

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

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

OFFICER ASSESSMENT

The application seeks permission to demolish the existing rear extensions and construct a new single-storey building across the rear of the cottage. Works to replace the dormer and casement windows and remove paint from the front elevation of the building are also proposed but do not require planning permission. The proposal is accompanied by a listed building application (16/05060/LBA) which will assess the impact of all of the proposed works upon the historic fabric of the building.

Principle of development:

The principle of a rear single-storey extension in this location is acceptable, subject to compliance with policies of the development plan and any other material considerations.

Character, design and appearance:

The design of the rear extension proposes a simple rectangular structure across the rear width of the cottage. This will provide a kitchen and living space with large glazed screen doors opening out onto the garden. Stained grey horizontal timber boarding will feature either side of the screen doors. A sloping glazed lantern light over stairs at the rear of the property will connect the extension to the main building. The sloping lantern light is a necessary feature to accommodate the change in land levels to access the rear ground level but it also serves to visually separate the principle building and extension. The

design of the lantern light has been refined during the planning application process in response to feedback from the Conservation Officer and is considered acceptable. Additional separation is provided by the use of different materials (the roof will be sedum and lead and the extension will be faced in timber and glazing). The flat roof which continues (minus the sedum) over the built form of the extension to form an angled canopy supported on steel posts helps to reduce the bulk and dominance of the extension.

It is considered that the proposed design and materials for the rear extension are acceptable given the resulting simple and subservient form and that they will offer an improvement to the existing situation. Conditions requiring details of the screen doors and samples of walling and roofing materials have been added to the parallel listed building consent (16/05060/LBA).

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 design, scale, massing and use of materials will not cause serious harm to the character and setting of the listed building.

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 extension will not be visible from the street and therefore there will be no harm to the appearance or visual quality of the Conservation Area.

Residential amenity:

The garden at no. 5 Crown Hill is divided by high stone walls which offers a strong sense of privacy and enclosure. It is considered that the proposed structure respects the surrounding area and would not cause any undue loss of amenity or overlooking.

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 Sedum roof (Compliance)

If, within a period of five years from the date of the development being completed, the sedum roof indicated on approved plan 497.17.A received 4 January 2017 dies, is removed or becomes seriously damaged or diseased it shall be replaced.

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

3 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 19 Oct 2016 Drawing 497.21 BLOCK PLAN

14 Oct 2016 Drawing 497.1 EXISTING GROUND FLOOR PLAN

14 Oct 2016 Drawing 497.2 EXISTING FIRST FLOOR PLAN

14 Oct 2016 Drawing 497.3 EXISTING SECOND FLOOR PLAN

14 Oct 2016 Drawing 497.4 EXSITING SECTION

14 Oct 2016 Drawing 497.5.A EXISTING ELEVATIONS

4 Jan 2017 Drawing 497.16.A PROPOSED GROUND FLOOR

4 Jan 2017 Drawing 497.17.A PROPOSED SECTION

4 Jan 2017 Drawing 497.18.A PROPOSED ELEVATION

2 Condition Categories

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

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

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

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

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

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

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

planning_registration@bathnes.gov.uk. Alternatively this can be sent by post to The Planning Registration Team, Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

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

Item No: 12
Application No: 16/05060/LBA
Site Location: 5 Crown Hill Upper Weston Bath Bath And North East Somerset BA1 4BP



Ward: Weston **Parish:** N/A **LB Grade:** II
Ward Members: Councillor Colin Barrett Councillor Matthew Davies
Application Type: Listed Building Consent (Alts/exts)
Proposal: Demolition of rear extensions and construction of new single-storey extension, replacement of dormer (front and rear) and casement (rear) windows and stone cleaning to front facade
Constraints: Affordable Housing, Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, Listed Building, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,
Applicant: Mr A Pearce
Expiry Date: 15th February 2017
Case Officer: Anna Jotcham

REPORT

The application is being referred to the committee as the applicant works within Planning Services at Bath and North East Somerset Council.

No. 5 sits within a row of cottages (with some modern infilling) on Crown Hill in Weston. The property is grade II listed and is located within the Bath Conservation Area and World Heritage Site designation. The historic building is likely to originate from the early C18 with later C18 and early C19 alterations. The building has also been altered in the C20, in particular with a series of haphazard extensions to the rear.

This is an application to demolish the existing rear extensions and construct a new single-storey building with a rectangular footprint across the rear of the cottage. The proposals also seek to replace dormers / casement windows and remove the paint from the front elevation. The proposal is accompanied by a planning application (16/05059/FUL).

Relevant planning history:

98/00504/LBA - CON - 12 August 1998 - External and internal alterations to include removal of ground floor bathroom and replace on 2nd floor, improve finishes and joinery items.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Conservation Officer - Support following amendments to glazed lantern light.

No formal third party comments were received although one letter of support from the neighbours at no. 3 Crown Hill which was addressed to the applicants has been forwarded to the planning officer.

POLICIES/LEGISLATION

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

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

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

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

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

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

Policy CP6 - Environmental quality
Policy 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.

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

The Cleaning of Bath Stone, Bath and North East Somerset Council (2010)
Energy Efficiency & Renewable Energy Guidance For Listed Buildings and Undesignated Historic Buildings (2013)

Placemaking Plan

Following the Examination hearings the Inspector has now issued her Interim Statement and has advised the Council of her recommended Main Modifications required to make the plan sound. The Main Modifications and Minor Proposed Changes are now subject to public consultation prior to the Inspector issuing her Final Report. The following policy is given significant weight:

Policy HE1 - Historic Environment

OFFICER ASSESSMENT

The application seeks permission to demolish the existing rear extensions and construct a new single-storey building across the rear of the cottage. Works to replace dormer and casement windows and remove paint from the front elevation of the building are also proposed.

Demolish existing and construct new rear extension:

There are currently two extensions to the rear of the building albeit joined in an ad hoc fashion. One appears to be historic, although much altered, and was formally an outhouse to the principle building. The other is of a modern construction. Whilst the historic extension has some detailing that is of some value it is not regarded that this is of such significance that would justify the retention of the structure. Generally the rear of the building is regarded as visually of poor quality and this is having a detrimental impact on the appearance and presentation of the building. Consequently, there is support for the removal of the existing rear extensions and a replacement structure.

The design of the replacement rear extension proposes a simple rectangular structure across the rear width of the cottage. This will provide a kitchen and living space with large glazed screen doors opening out onto the garden. Stained grey horizontal timber boarding will feature either side of the screen doors. A sloping glazed lantern light over stairs at the rear of the property will connect the extension to the main building. The sloping lantern light is a necessary feature to accommodate the change in land levels to access the rear ground level but it also serves to visually separate the principle building and extension. The design of the lantern light has been refined during the planning application process in

response to feedback from the Conservation Officer and is considered acceptable. Additional separation is provided by the use of different materials (the roof will be sedum and lead and the extension will be faced in timber with glazing). The flat roof which continues (minus the sedum) over the built form of the extension to form an angled canopy supported on steel posts helps to reduce the bulk and dominance of the extension.

It is considered that the proposed design and materials for the rear extension are acceptable given the resulting simple and subservient form and that they will offer an improvement to the existing situation. Conditions requiring details of the screen doors and samples of walling and roofing materials will be attached to the decision notice.

Replace dormer and casement windows:

The application proposes to reconstruct the upper front and rear dormer windows with a lead faced structure and appropriately detailed flush casement windows. The modern casement windows to the rear elevation will be similarly replaced. The Conservation Officer has inspected the windows and is satisfied that they appear to be largely made up of modern fabric. Consequently, their replacement is considered to be a good opportunity to improve their appearance and detailing. Details of casement window details have been submitted with the application and are considered acceptable. The new windows will be slim profile double glazed units. The use of double glazing is considered acceptable because it will be installed at discrete locations at a high level and/or at the rear of the property. Furthermore, the replacement windows will introduce a pattern of glazing more appropriate to the period of the heritage asset, thereby offering a heritage gain. This is consistent with the Council's guidance on retrofitting measures. Windows will be timber and painted to match the existing.

Stone cleaning:

It is proposed to remove the paint from the front facade of the building using a DOFF pressurized steam method. The specification for this method has been submitted with the application and is considered acceptable. It is likely that there will be some deteriorated stone beneath the paint and this will be made good with lime putty mortar to match the existing work. Conditions requiring samples of stone cleaning and lime mortar in the event that repairs are required have been attached to the decision notice.

Conclusion:

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 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 design, scale, massing and use of materials for the extension will not cause harm to the character and setting of the listed building. The proposed replacement dormer and casement windows, stone cleaning and repairs will preserve and enhance the listed building and the special architectural interest it possesses.

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 extension will not be visible from the street and therefore there will be no harm to the appearance or visual quality of the Conservation Area. The proposed works on the front elevation will offer an improvement to current situation and will enhance the appearance and visual quality of the Conservation Area.

In view of the above it is considered that the proposed works will not be harmful to the character and appearance of the listed building or the surrounding conservation area. The scheme satisfies the requirements of the adopted design and heritage related planning policies and is recommended for approval.

RECOMMENDATION

CONSENT

CONDITIONS

1 Time Limit - Listed Building Consent (Compliance)

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

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

2 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.

3 Stone cleaning (Compliance)

The development hereby permitted shall be carried out in accordance with the approved Stone Cleaning Assessment and Specification included within the 'Design, Philosophy and Access Statement' dated October 2016.

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

4 Stone Cleaning Sample (Bespoke Trigger)

No work shall commence on the stone cleaning hereby approved until a sample panel has been provided in-situ to establish the final parameters of the stone cleaning and approved in writing by the Local Planning Authority. The approved panel shall be kept on site for reference until the development is completed. Thereafter the work shall only be carried out in accordance with the approved sample panel.

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

5 Mortar Mix (Bespoke Trigger)

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

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

6 Extension - external glazing (Bespoke Trigger)

No installation of external glazing, shown on approved plan 497.18.A received 4 January 2017, shall commence until full details comprising appropriately scaled drawings and product specification have been submitted to and approved in writing by the Local Planning Authority. Thereafter the work shall only be carried out in accordance with the approved details.

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

7 Plans List (Compliance)

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

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

PLANS LIST:

1 19 Oct 2016 Drawing 497.21 BLOCK PLAN

14 Oct 2016 Drawing 497.1 EXISTING GROUND FLOOR PLAN

14 Oct 2016 Drawing 497.2 EXISTING FIRST FLOOR PLAN

14 Oct 2016 Drawing 497.3 EXISTING SECOND FLOOR PLAN

14 Oct 2016 Drawing 497.4 EXISTING SECTION

14 Oct 2016 Drawing 497.5.A EXISTING ELEVATIONS

4 Jan 2017 Drawing 497.16.A PROPOSED GROUND FLOOR

4 Jan 2017 Drawing 497.17.A PROPOSED SECTION

4 Jan 2017 Drawing 497.18.A PROPOSED ELEVATION

14 Oct 2016 Drawing 497.19 WINDOW CASEMENT DETAILS

14 Oct 2016 Drawing 497.20 INTERNAL DOOR DETAILS

2 Condition Categories

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

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

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

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

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

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

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

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