

## **BATH AND NORTH EAST SOMERSET COUNCIL**

### **Development Management Committee**

**Date 8<sup>th</sup> February 2017**

### **OBSERVATIONS RECEIVED SINCE THE PREPARATION OF THE MAIN AGENDA**

#### **ITEMS FOR PLANNING PERMISSION**

<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
01	16/04289/EFUL	Warminster Road, Bathwick,

#### **Planning History**

The planning history section of the main report makes reference to application (Ref: 16/01925/VAR) which sought to make a number of layout and design changes to the development as approved by the original permission. That application has now been permitted.

#### **Representations**

Two additional letters/emails of objection have been received since the main report was drafted. These objections relate to traffic concern, concern regarding the impact of air pollution, overdevelopment, increased danger for school children, no increased provision of community facilities, the land allocated to the school appears to have been reduced.

These additional representations have been taken into account and do not affect the original recommendation. Please note that the land to be transferred to the school is outside of the current application site and therefore is not affected by the current proposals. There is no proposal to reduce the size of this land.

#### **S.106 Agreement Clarifications**

The recommendation to delegate to permit is subject to the prior completion of a S.106 Agreement securing the matters listed in the main report.

The first requirement of the S.106 Agreement as listed in the report is '*the provision of affordable housing on-site as per the approved drawing*'. To clarify - the 'approved drawing' in question (should the committee be minded to permit) is the Unit Mix Plan Drawing No. 5688U/3-002 Rev I.

The obligations set out in the original S.106 Agreement will need to be carried forward to the current full application in order that those obligations continue to be secured should the original permission not be implemented – or should its implementation be delayed beyond the implementation of the current application (should it be permitted). As such it is recommended that the carrying forward of these obligations (in so far as they are still relevant, not discharged and not altered by the current application) forms an additional component of the recommendation.

For the avoidance of doubt, the original S.106 Agreement secured the following matters.

- 40% Affordable Housing including Lifetime and Wheelchair homes;
- Education contribution of £701,719.30 + 2,165 m2 of land for the adjacent primary school;
- £27,413.70 for youth service provision;
- Contributions of £32,907.60 for land purchase for POS;
- Contributions of £261,931.20 for construction costs of POS;
- Contributions of £344,452.05 for POS annual maintenance(10 years);
- Natural Green Space provision - on-site provision managed for a 10 year period or if not managed a contribution of £237,864.75 to cover this cost;
- Contributions of £8,063.55 to fund allotment land purchase;
- Contributions of £14,074.56 to fund allotment construction costs;
- Contributions of £16,257.42 to fund allotment maintenance over a 10 year;
- Public Transport, Walking and Cycling Provision and off-site highway works;
- £10,000 to upgrade the existing Bathampton bound bus stop to include a new shelter with Real time information;
- Contributions of £42,435 per annum for three years to subsidise the running of Service Number 4;
- Implementation of 1 car club space for 3 years to be reserved;
- Complimentary bus ticket provision as part of Travel Plan;
- Conservation Management Plan;
- Maintenance of Canal Towpath (£10,000)

Due to the number of permissions now affecting this site, and associated Deeds of Variation to the original S.106 Agreement it is further recommended that the S.106 Agreement contains a mechanism requiring the developer to clarify which permissions are being implemented (as some permissions overlap); this will enable the Council to effectively monitor the obligations. The Agreement should also require clarification of construction phasing.

#### Revised **RECOMMENDATION:**

Delegate to PERMIT

A, Authorise the Head of Legal and Democratic Services to enter into a Section 106 Agreement to secure:

1. The provision of affordable housing on-site as per Drawing No 5688U/3-002 Rev I (which taken together with the earlier permissions will represent 33% provision across the MOD Warminster Rd site as a whole);
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;
  5. Those obligations secured by the original planning permission (Ref: 14/02272/EFUL) that are yet to be discharged including alterations to triggers if necessary so that the obligations continue to be delivered in a timely manner, and any consequential changes.
  6. A mechanism requiring the applicant/developer to confirm which permission is being implemented in relation to each part/phase/plot of the development as well as clarification of phasing.
- B. Subject to the prior completion of the above agreement, authorise the Group Manager to PERMIT subject to the conditions listed in the main report (or such conditions as may be appropriate):

Item No.	Application No.	Address
05	16/04261/FUL	Unit 2 Lymore Gardens Twerton

Amended plans which correctly indicate the elevations of the building in line with the floor plans have been submitted. The Plans considered are as follows and replace those listed in informative 1

PLANS 001 002 003 004 005 006 007D 008C 009C 015B 010B 011B 012A 013B 014 017 018 019 020 and 016.

The first paragraph under the heading 'The principle of the conversion of this building to residential' within the officers assessment section of the report is replaced with the following text to provide further clarification in relation to the policies relevant to this change of use.

Unit 2 is currently a 464.5 square metres warehouse which was used for commercial purposes. The building is empty at present but the historic use as confirmed by information received is as a B8 warehouse. Saved local plan policy HG12 allows the conversion of a warehouse to residential subject to specified criteria which are outlined below.

Saved Local Plan Policy ET3 (3) seeks to retain small B1c B2 and B8 units but the policy recognises that where the continued use of the building would perpetuate unacceptable environmental or traffic problems the loss of the floor space may be acceptable. In this situation where the building is location immediately onto a residential street and the potential traffic generated and type of vehicles generated by this use it has been considered by the Highway Engineers that a warehouse use impacts on highway safety. The improvement in highway safety by this change of use in relation to the traffic

generated by a warehouse use in this specific location is considered to outweigh the desire to retain a warehouse unit of this size.

The NPPF requires planning policies to avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose and alternative uses of land or buildings should be treated on their merits. The NPPF also requires planning policies to be attributed weight in accordance with their compliance with the NPPF. ET3 is not seen to fully comply with the NPPF and therefore its weight is reduced.

The Placemaking Plan policy ED 2B which now carries substantial weight, stipulates that on non-strategic sites applications for residential development will normally be allowed. The exception to this is where there is a strong economic reason why this would not be appropriate.

In this situation the quantum of space to be lost is relatively small and as such it is considered unlikely that there is a strong economic reason why this would be inappropriate. It is recognised that the introduction of a non-employment use could impact on the remainder of the adjacent employment space and increase the risk that the whole site could be lost. This could, in the current demand/supply situation, potentially amount to a strong economic reason to resist the loss.

However, given the highway situation in respect of this proposal and the fact that this is an attractive old building which is considered worthy of retention and where this proposal will safeguard the future of the building this change of use is considered acceptable and seen to comply with the saved local plan policy ET3 the NPPF and Placemaking Policy ED 2B.

The Waste Officer has asked that details of the door to the bin store should be provided.

The following conditions are considered necessary.

{\b Waste storage area access details (Pre Occupation)}

Prior to the first occupation of these residential units details of the access to the waste storage area including door details and finishes shall be 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 ensuring the access to the storage area is acceptable and the appearance of the development is appropriate 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.

{\b Roof construction details (Pre demolition of front boundary wall)}

Prior to the commencement of the demolition of the section of front boundary wall adjacent to Unit 4 details of the construction of the roof, including materials and finishes, over the entrance waste store and rear car parking space at a scale of 1:20 shall be 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 ensuring the design detailing and appearance of the development is appropriate 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.

Additional advice in respect of ecology.

5-All species of bats and their roosts, and all birds, their nests and their eggs, are protected by law. Nests may not be disturbed while they are being built or used. A careful check for signs of active bird nests, bats, or other wildlife should be made of the interior and exterior of the building, prior to any works affecting these areas. Any active nests identified should be protected until the young have fledged. Works to the roof should be carried out by hand, lifting tiles (not sliding) to remove them, and checking beneath each one. If bats are encountered work should cease and the Bat Helpline (Tel 0345 1300 228) or a licenced bat worker should be contacted for advice.

The agent has clarified various matters in respect of the following details

The agent confirms the works will comply with the fire safety requirements. However should any doubts arise then there is the potential to install a sprinkler system as a catch-all solution.

Officer comment- The details in respect of fire safety will be covered by building regulations.

The neighbour's emergency access is retained as shown on the plans.

Officer comment- a condition in respect of this matter is included in the officers report.

The works as a whole are entirely within the applicant's ownership and will satisfy the separate legislation applicable to party walls etc. the use of an appropriate junction, as existing in these regards will ensure that run off is not materially changed.

Officer comment- The plans submitted indicate the land is all within the applicant's ownership.

The submitted plans show the reduction in the no parking zone where the white line is removed and a narrower dropped kerb results.

Officer comment- the plan indicating this arrangement is listed within informative 1.

The gates will be electronic as stated.

Officer comment- This is noted and the gates are referred to in the officers report.

<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
06	16/04960/FUL	Beaumont House, Lansdown

Following the publication of the report 13 further objections have been received on the application making the following additional comments;

The revised plans do not overcome the submitted objections

The revised landscaping plan does not overcome the concerns of neighbours.

Planting trees on the boundary could result in roots penetrating the wall of neighbouring properties.

There is the possibility of an underground water tank which could make the land less stable.

A parking bay has been located close to the window on one of the new flats which would be harmful to amenity.

The proposed new parking area will not provide enough parking for the site.

The applicants do not own the parking area to the east of the property.

Construction activities could encroach into the tree protection areas.

The parking survey is inaccurate some flats were unoccupied at the time of the survey

The existing car park cannot be used for construction activities.

The revised design will be overbearing to properties to the south of the site.

The additional cars will impact on the traffic flow outside of Beaumont

The parking plan does not take into account multiple occupancy.

The existing property is not currently fully occupied

The development will harm the world heritage site and Conservation Area

The proposal is overdevelopment of the land

The development will harm the amenity of the neighbouring properties

The development has not provided enough parking spaces and will cause harm to highway safety

The development will harm the amenity of residents to the south of the site within Sion Road.

The development will result in the loss of the communal area to the south of the building.

The construction activities will result in harm to the amenity of residents, the construction management plan condition is not sufficient.

The submitted information shows an area of land to be tarmacked outside of the applicants control.

A structural engineer should be required by condition to supervise the works

Officer comments:

The applicant has provided a parking survey to which the existing residents have raised concern that this is inaccurate. The parking survey has been taken over four days and includes two weekday evenings. The highways officer has raised no objection to the application and the council is satisfied that the development will provide a sufficient level of on site parking. Policy ST.7 of the emerging placemaking plan requires the provision of on site parking of two spaces for a two bedroom dwelling. However in this case the applicant has submitted a parking survey and the application site is located within a sustainable location. Therefore in this case the proposed parking level is parking is considered to be acceptable.

Concern has been raised that the proposed development will result in harm to the World Heritage Site and Conservation Area. The proposed extension has been designed to complement the design of the existing building. Matching materials will be used and the fenestration of the proposed building has been carefully designed to complement the existing building. The proposed extension will not be visually dominant within the streetscene so will preserve the character of the surrounding Conservation Area and World Heritage Site. The applicant has submitted a replacement landscaping scheme which will enhance the setting of the existing building. The proposed building is not considered to form part of the setting of the nearby listed building of the Royal High School.

Concern has been raised within the representations with regards to the structural integrity of the building. Paragraph 120 of the NPPF states that where a site is affected by land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

Concern has been raised that the construction activities will harm the trees. A condition is proposed to be attached to any permission requiring provision of tree protection measures and an arboricultural method statement before work commences. A construction management plan will also be required.

Concern has been raised that the parking or cars in front of the proposed flats will be harmful to the amenity of future occupiers. The proposed parking space will not be located directly in front of the proposed ground floor flat. Given that the area to the front of the building is used for parking this does not warrant refusal of the application.

Concern has been raised within the representation that the development will harm the amenity of neighbouring occupiers on Sion Road. As stated in the case officers original report 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 18m from the rear elevation of number 1. 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.

Glazing has been located on the side elevation of the building. This will provide light to bathroom windows so will be obscure glazed and will not result in the overlooking of properties to the south of the site.

Concern has been raised that the development will result in the loss of a communal area to the south of the site. The proposed landscaping plan shows an area of grass to the south of the site will be retained and it is noted that part of this area is currently given over to concrete. This does not warrant refusal of the application.

Concern has been raised that the construction activities will harm the amenity of nearby residents. Any construction works will be temporary in nature. A condition has been attached requiring the submission of a construction management plan which will allow for control of working hours of the development and the management of vehicles.

Concern has been raised that the proposed works will include work to land outside of the applications control. The submitted revised landscape plan does not show tarmacking works outside of land within the applicants ownership.

#### 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

Item No.	Application No.	Address
09 &10	16/05508/FUL & 16/05509/LBA	18 Upper Camden Place, Bath

#### Historic England:

Historic England has provided further comments regarding the proposed works to the listed building, confirming their objection to the proposal:

18 Upper Camden Place forms part of a Grade II terrace of 14 houses, which in turn is part of a longer stretch of terraces (separately listed), all within the Bath Conservation Area and World Heritage Site. They gradually step up Camden Road south to north and overlook their Lower Camden Place counterparts, likewise listed Grade II. The upper terrace is of late-18<sup>th</sup>, early-19<sup>th</sup> century, and is thought to be in part by John Eveleigh (an English surveyor and architect based in Bath). They take the form of three storeys with attics and basements; the list description specifying no.18 having 'paired windows to upper floors, canted bay to right with small central pediment and six-panel door glazed to top'. The heritage value derives from the more modest architectural set-piece terraces lining these streets, predominantly still uniform and repetitive in their form and appearance.

This application proposes a replacement roof to 18 Upper Camden Place. This will involve the loss of the original historic roof structure, its replacement with a mansard form and the introduction of staircase to access enlarged roofspace. To implement this scheme will require significant loss of historic roof fabric including chimney stacks, and a substantial elongation to the form of the three storey terraced dwelling.



The intended elevation terminates at the cornice and parapet, providing a strong architectural feature of stepped-up parapets and stacks. Cumulative alterations to the roof form along these terraces will incrementally change the historic character of this terrace.

As the application affects a listed building, the statutory requirement to have special regard to the desirability of preserving the building, its setting and any features of special interest (ss.16, 62, Planning (Listed Buildings and Conservation Areas) Act 1990) must be taken into account by your authority when making its decision. Under the National Planning Policy Framework 2012 it is a core planning principle to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations (para.17 NPPF). Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Where a proposal will lead to less than substantial harm of a designated heritage asset, this harm should be weighed against the public benefits of the proposal (para. 134).

We do not agree with the Heritage Impact Assessment's conclusion that the historic significance of this heritage asset is the irregular architectural composition. Whilst there have been alterations to surrounding properties, the prevailing form is one of uniformity and repetition. The roof form remains consistent in its historic arrangement along this terrace, and the assessment that it 'will not be uncharacteristic nor will it disrupt the roof form or appearance of the terrace', is wholly disagreed with. Notwithstanding, the raised mansard roof will involve the loss of a harmful extent of this significant historic structural component. This will need to be weighed against the public benefit of providing one additional bedroom.

We consider that the application does not meet the requirements of the NPPF, in particular paragraph numbers para. 134, and cannot currently support this proposal.

These comments concur with that outlined in the officer report and the recommendation remains that of refusal

#### Ecology:

Following initial guidance and further assessment of the applications the Ecologist has advised that an ecology survey is required in support of the application. Without the relevant survey the Local Planning Authority would be unable to discharge their duty as a competent Authority to ensure that potential protected species are safeguarded. As no survey has been submitted with the application and there is a risk of protected species being present within the roof space an additional reason for refusal is required for both applications:

1. There is insufficient information to adequately demonstrate that protected species will not be affected by the proposed demolition of the roof and as such the application is contrary to policies NE.10 of the Local Plan and CP6 of the Core Strategy.