

# Bath & North East Somerset Council

MEETING:	<b>Development Management Committee</b>	AGENDA ITEM NUMBER	
MEETING DATE:	<b>8th March 2017</b>		
RESPONSIBLE OFFICER:	Mark Reynolds – Group Manager (Development Management) (Telephone: 01225 477079)		
TITLE:	<b>APPLICATIONS FOR PLANNING PERMISSION</b>		
WARDS:	ALL		
BACKGROUND PAPERS:			
<b>AN OPEN PUBLIC ITEM</b>			

## BACKGROUND PAPERS

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

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

### **The following notes are for information only:-**

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

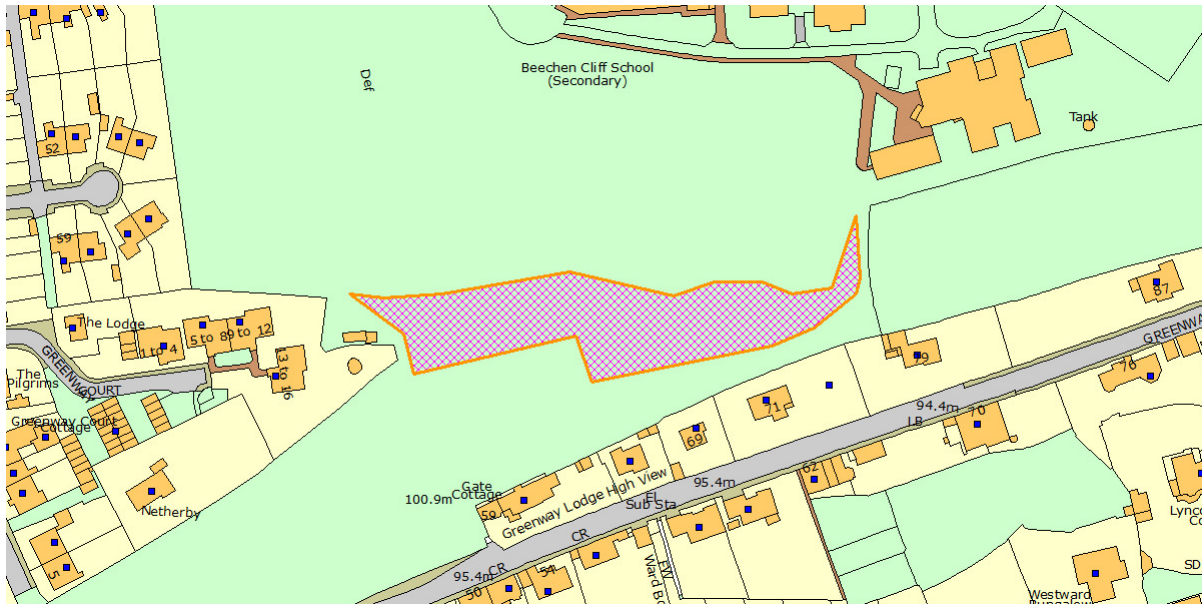
- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting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

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ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
001	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
002	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
003	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
004	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

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

**Item No:** 001  
**Application No:** 16/05094/FUL  
**Site Location:** Beechen Cliff School Kipling Avenue Bear Flat Bath BA2 4RE



<b>Ward:</b> Widcombe	<b>Parish:</b> N/A	<b>LB Grade:</b> N/A
<b>Ward Members:</b>	Councillor I A Gilchrist	Councillor Jasper Martin Becker
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Extend bank southwards using existing on site spoil heap to create wider playing field.	
<b>Constraints:</b>	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,	
<b>Applicant:</b>	Beechen Cliff School	
<b>Expiry Date:</b>	16th December 2016	
<b>Case Officer:</b>	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.

This application was deferred at the last meeting of the Committee to allow Members to visit the site.

## **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:**

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.

### **Condition Categories**

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

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

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

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

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

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

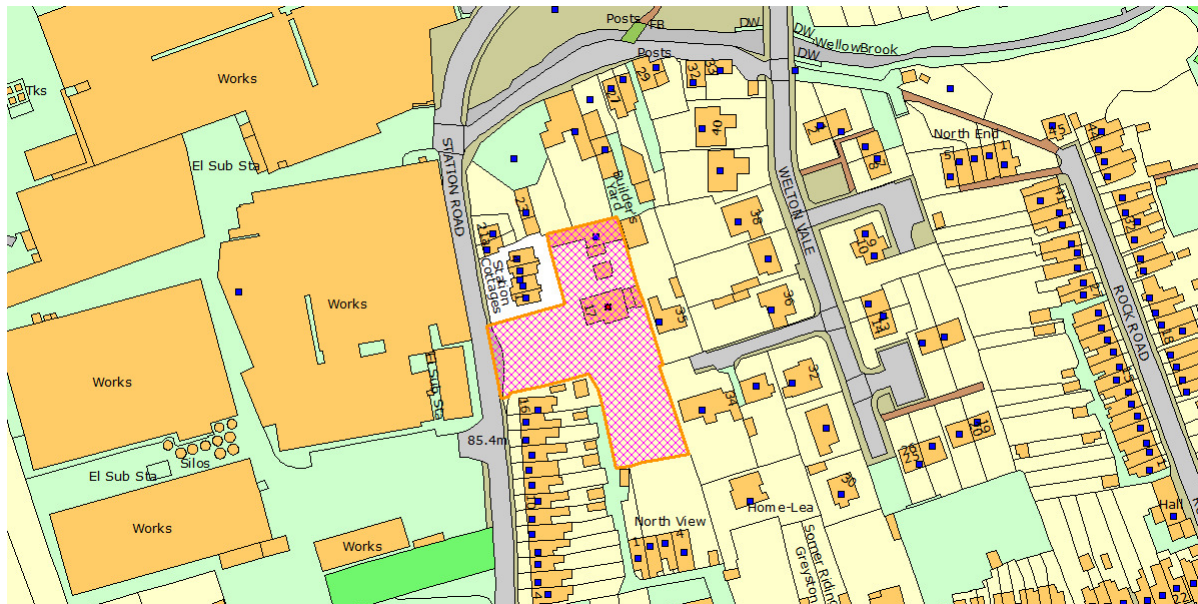
Where approval of further information is required you will need to submit a conditions application and pay the relevant fee, details of the fee can be found on the "what happens after permission" pages of the Council's Website. You can submit your conditions application via the Planning Portal at [www.planningportal.co.uk](http://www.planningportal.co.uk)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

### **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:** 002  
**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. This application was deferred at the last meeting of the Committee to allow Members to visit the site.

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 to 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](http://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.

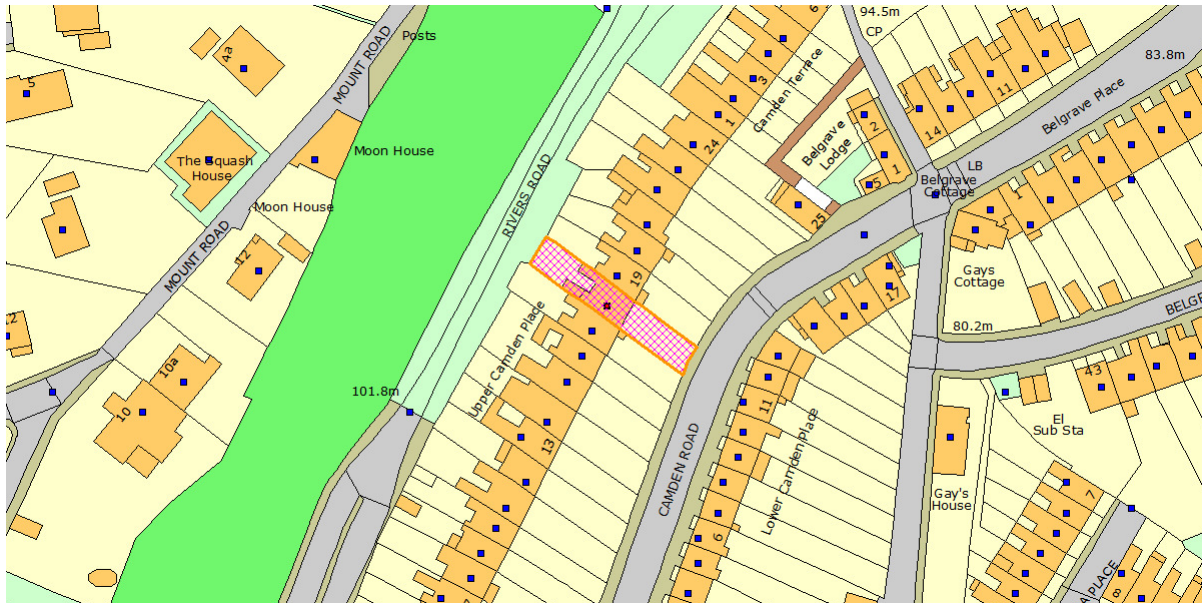
Please note all conditions should be read fully as these headings are intended as a guide only.

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](http://www.planningportal.co.uk) or send it direct to [planning\\_registration@bathnes.gov.uk](mailto:planning_registration@bathnes.gov.uk). Alternatively this can be sent by post to The

Planning Registration Team, Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

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:** 003  
**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 deferred from the February Committee meeting to allow for Members to visit the site and for an ecology survey to be undertaken. The applicants have also

revised the proposed drawings to alter the layout of the second floor to allow the existing staircase and banister to remain unaltered.

The application was referred to the Chair by Cllr Annketell-Jones and the application 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: Following initial guidance and further assessment of the applications the Ecologist has advised that an ecology survey is required in support of the application. Further comments to be provided at committee.

Historic England:

Historic England has provided further comments regarding the proposed works to the listed building, confirming their concerns with 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-18th, early-19th 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.

## **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 addition 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 require a survey. This survey has been completed by the applicant and has been forwarded for review by the Ecologist. A update will be provided at Committee with regards to whether the survey has addressed concerns raised.

#### 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:**

This decision relates to drawings 231/21, 231/a and location plan received on 11th November 2016 and 231/11 Rev. B and 231/1 Rev. D received on 16th February 2017.

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:** 004  
**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 deferred from the February Committee meeting to allow for Members to visit the site and for an ecology survey to be undertaken. The applicants have also revised the proposed drawings to alter the layout of the second floor to allow the existing staircase and banister to remain unaltered.

The application was referred to the Chair by Cllr Annketell-Jones and the application 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:**

Historic England has provided further comments regarding the proposed works to the listed building, confirming their concerns with 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-18th, early-19th 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.

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. Further comments to be provided at committee.

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 initially included alterations to the staircase at second floor level. Following the February Committee meeting the applicant has altered the plans to remove the need for this alteration. Whilst this has removed one area of demolition, 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.

**Ecology:**

It is noted for completeness that the extensive works proposed in ecological terms require a survey. This survey has been completed by the applicant and has been forwarded for review by the Ecologist. A update will be provided at Committee with regards to whether the survey has addressed concerns raised.

**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:**

This decision relates to drawings 231/21, 231/a and location plan received on 11th November 2016 and 231/11 Rev. B and 231/1 Rev. D received on 16th February 2017.

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.