

Bath & North East Somerset Council

MEETING:	Development Management Committee	AGENDA ITEM NUMBER	
MEETING DATE:	20th September 2017		
RESPONSIBLE OFFICER:	Mark Reynolds – Group Manager (Development Management) (Telephone: 01225 477079)		
TITLE:	APPLICATIONS FOR PLANNING PERMISSION		
WARDS:	ALL		
BACKGROUND PAPERS:			
AN OPEN PUBLIC ITEM			

BACKGROUND PAPERS

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

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

The following notes are for information only:-

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

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

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ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	17/01466/FUL 21 September 2017	Hope House Surgery Waterloo Road Open Space, Waterloo Road, Radstock, Bath And North East Somerset, Development of a new Healthy Living Centre to provide new health centre and ancillary pharmacy, community kitchen, children's centre and library	Radstock	Tessa Hampden	Delegate to PERMIT
02	17/02591/FUL 22 September 2017	Mr Jim Rees 143 Calton Road, Lyncombe, Bath, Bath And North East Somerset, BA2 4PP Erection of 2no townhouses following demolition of existing 2 bed apartment	Widcombe	Tessa Hampden	PERMIT
03	17/01708/FUL 14 July 2017	Lacroix 2 Manor Farm Cottages, Anchor Lane, Combe Hay, Bath, Bath And North East Somerset Interior and exterior alterations, including a two-storey extension and creation of new vehicle access.	Bathavon West	Emma Hardy	REFUSE
04	17/01709/LBA 14 July 2017	Lacroix 2 Manor Farm Cottages, Anchor Lane, Combe Hay, Bath, Bath And North East Somerset Interior and exterior alterations, including a two-storey extension (part retrospective) and partial demolition of rear boundary wall to create a vehicle access.	Bathavon West	Emma Hardy	REFUSE
05	17/01542/FUL 27 September 2017	Cedar Care Homes Cedar Park Care Centre, 27 - 28 Oldfield Road, Oldfield Park, Bath, Bath And North East Somerset Erection of replacement two storey block and additional two storey extensions to the south and east with retained buildings to be refurbished and augmented following demolition of existing central link building.	Oldfield	Anna Jotcham	REFUSE

06	17/01543/LBA 27 September 2017	Cedar Care Homes Cedar Park Care Centre, 27 - 28 Oldfield Road, Oldfield Park, Bath, Bath And North East Somerset Internal and external alterations to erect 1no. replacement two storey block and 2no. additional two storey extensions to the south and east with retained buildings to be refurbished and augmented following demolition of existing central link building.	Oldfield	Anna Jotcham	REFUSE
07	17/00147/FUL 27 September 2017	Mr & Mrs Diana and Bryan Connor Land Adjacent To Kingswell, Eckweek Lane, Peasedown St. John, Bath, Erection of 3 no. detached dwellings and garages on land adjacent to Kingswell	Peasedown St John	Anna Jotcham	PERMIT
08	17/01307/FUL 22 September 2017	Mr & Mrs Richard and Ceri Mapstone Mendip House, Lower Bristol Road, Clutton, Bristol, Bath And North East Somerset Erection of dwelling with attached garage following demolition of existing property	Clutton	Christine Moorfield	REFUSE
09	17/02238/FUL 22 September 2017	Ms Brenda Wear Parcel 8932, Greenhouse Lane, Nempnett Thrubwell, Bristol, Erection of an agricultural building	Chew Valley South	Christine Moorfield	PERMIT
10	17/02944/FUL 31 August 2017	Minster Square Ltd 1 Chapel Row, City Centre, Bath, Bath And North East Somerset, BA1 1HN Internal and external alterations for the creation of a new dwelling including change of use from Use Class BA1 Offices to Use Class C3 dwelling.	Kingsmead	Chloe Buckingham	PERMIT
11	17/02945/LBA 16 August 2017	Minster Square Ltd 1 Chapel Row, City Centre, Bath, Bath And North East Somerset, BA1 1HN Internal and external alterations for the creation of a new dwelling.	Kingsmead	Chloe Buckingham	CONSENT

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

Item No:	01
Application No:	17/01466/FUL
Site Location:	Waterloo Road Open Space Waterloo Road Radstock Bath And North East Somerset



Ward: Radstock	Parish: Radstock	LB Grade: N/A
Ward Members:	Councillor Christopher J Dando	Councillor Deirdre Horstmann
Application Type:	Full Application	
Proposal:	Development of a new Healthy Living Centre to provide new health centre and ancillary pharmacy, community kitchen, children's centre and library	
Constraints:	Affordable Housing, Agric Land Class 3b,4,5, Coal - Standing Advice Area, Conservation Area, Contaminated Land, Flood Zone 2, Forest of Avon, Housing Development Boundary, LLFA - Flood Risk Management, SSSI - Impact Risk Zones,	
Applicant:	Hope House Surgery	
Expiry Date:	21st September 2017	
Case Officer:	Tessa Hampden	

REPORT

Reason for reporting application to committee

The application has been referred to Committee at the request of the Group Manager due to the fact that the development involves the Council and has generated a significant level of public interest. Cllr Dando has also requested that this is heard at Committee and the Town Council has objected to this application with planning reasons given.

The application was deferred from the August Committee to allow officers to discuss design amendments to the scheme following concerns raised by a number of Members.

Site description and proposal

The site relates to a parcel of land approximately 0.3ha in area located off Waterloo Road in Radstock. The south of the site is bound by residential dwellings at Riverside Mews, at the west by the Waterloo Road car park and Pritchard Mews, and to the east by

residential properties at Pine Court. There is a cycle and pedestrian path currently crossing the site from the northeast to southwest.

The site is located within the Radstock Conservation Area and within the Town Centre as defined in the Placemaking Plan. The site is also designated as an open space. The majority of the site falls within Flood Zone 1, with a very small area within the south western part of the site located within Flood Zone 2.

The application seeks planning permission for the development of a new Healthy Living Centre to provide a new health centre and ancillary pharmacy, community kitchen, children's centre and library. Revised plans have now been submitted which alter the materials proposed and how these are used on the building. The proposed timber cladding has been amended to a lighter colour and the level of natural stone in the development is increased from the original submission. Natural stone is now the predominant material along the main public-facing north elevation. Natural stone is also used on the entire ground floor.

There have been further changes to the fenestration and the cantilever at the front entrance has been removed to avoid overhanging the easement of an existing sewer. The glazing at first floor level at the front elevation of the main gable is proposed to project from the main facade. The upper floor internal space has been remodelled due to removal of the cantilever.

Relevant planning history

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

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Planning policy -development conflicts with the Development Plan due to the loss of the amenity space but recognises that the benefits of this scheme needs to be considered against this conflict.

Archaeological Officer - No objection subject to conditions

Ecological Officer - No objections subject to conditions

Natural England - No objection subject to conditions

Drainage Officer - No objection subject to conditions

Urban Design Officer - No objection subject to condition

Economic Development - Support the application

Highway Development - No objection subject to conditions

Crime Prevention and Design Advisor - No objection but comments made with regards to security measures

Environmental protection - No objection subject to conditions

Arboricultural Officer - Not acceptable in the current form due the loss of the trees on the site and lack of meaningful replanting.

Public Rights of Way - No objection

Landscape Office - Not acceptable in the current format due to the level of development on the site and the lack of space for landscaping

Historic England - No comments

Cllr Dando - Requests that this application is heard at Planning Committee and objects on the grounds of the development being out of character with the Conservation Area. Concerns are raised with regards to the mass, scale and size and the use of the timber cladding.

Radstock Town Council - object to the planning application on the following grounds:

- The application is contrary to Policy NE1 in that the development would not conserve or enhance distinctiveness in the area
- The application is contrary to Policy BH6 in that the development would not contribute to the preservation of the character of Radstock
- That the application is contrary to Policy D4 in that the development's size, mass and scale would not be in keeping with the existing buildings in the proposed location

66 objection comments, 5 general comments and 42 supporting comments have been received. These can be summarised as follows:

Objection/general comments

- Lack of parking provided and lack of capacity in nearby car parks/streets
- Lack of provision of drop off/collection provision within new facility
- The impact upon the future of other public buildings
- Unsafe route from nearest bus stops
- Difficulty accessing Waterloo Road due to traffic
- The site should be more centrally located
- Impact upon Radstock Museum due to lack of parking in the surrounding area
- Loss of green space - visual impact
- Loss of green space - amenity space
- Excessive number of functions in one buildings
- Future growth of building
- Excessive scale of building
- Loss of trees
- Inappropriate design
- Impact upon residential amenity of neighbouring occupiers
- Concerns in relation to the relocation of the cycle/pedestrian route
- Noise and pollution concerns, increase in rubbish
- Ecological matters
- Impact upon sewers
- Library facility too small

- Loss of community space
- Other preferable sites
- Detrimental impact upon the Conservation Area
- Lack of need
- No youth service provision
- Loss of existing Pharmacy in Radstock
- Contrary to earlier application for development of Memorial Park

The supporting and general comments can be summarised as follows:

- Much needed facility
- Current doctors surgery too small and inadequate
- Threat of closure of the proposed services if they are not re located
- Funding time limited and critical this application is supported
- Concerns in relation to the doctors surgery being located out of Radstock
- Green space rarely used/underused
- Loss of green space preferred to loss of doctors
- Sustainable location
- Better parking provision than existing surgery
- Improved disabled access
- Necessary for increasing population of Radstock
- Positive impact of providing facilities in one building
- Design appropriate and local materials used
- Renewal energy measures incorporated.

POLICIES/LEGISLATION

Policies/Legislation

The Development Plan for Bath and North East Somerset comprises:

- o Bath & North East Somerset Core Strategy (July 2014)
- o Bath & North East Somerset Placemaking Plan (July 2017)
- o West of England Joint Waste Core Strategy (2011)
- o Bath & North East Somerset saved Local Plan policies (2007) not replaced by the Core Strategy or the Placemaking Plan:
 - Policy GDS.1 Site allocations and development requirements (policy framework)
 - Policy GDS.1/K2: South West Keynsham (site)
 - Policy GDS.1/NR2: Radstock Railway Land (site)
 - Policy GDS.1/V3: Paulton Printing Factory (site)
 - Policy GDS.1/V8: Former Radford Retail System's Site, Chew Stoke (site)
- o Neighbourhood Plans

Core Strategy:

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The following policies of the Core Strategy are relevant to the determination of this application:

- o DW1 - District Wide Spatial Strategy
- o SD1 - Sustainable Development
- o SV1 - Somer Valley Spatial Strategy

- o SV3 - Radstock Town Centre Strategy
- o CP2 - Sustainable Construction
- o CP3 - Renewable Energy
- o CP6 - Environmental Quality
- o CP7 - Green Infrastructure
- o CP12 - Centres and Retailing

Placemaking Plan:

The Placemaking Plan for Bath and North East Somerset was formally adopted by the Council on 13th July 2017. The following policies of the Placemaking Plan are relevant to the determination of this application:

- o Policy SV.1 - Somer Valley Spatial Strategy
- o Policy SV.3 - Radstock Town Centre Strategic Policy
- o Policy SD1 - Presumption in favour of sustainable development
- o Policy CP2 - Sustainable Construction
- o Policy CP3 - Renewable Energy
- o Policy SCR1 - On-site renewable energy requirement
- o Policy SCR2 Roof Mounted/Building Integrated Scale Solar PV
- o Policy SCR5 - Water Efficiency
- o Policy CP5 Flood Risk Management
- o Policy SU1 - Sustainable Drainage Policy
- o Policy H.1 - Historic Environment
- o Policy HE2: Somerset Coal Canal and the Wansdyke
- o Policy D1 - General Urban Design Principles
- o Policy D2 - Local Character and Distinctiveness
- o Policy D3 - Urban Fabric
- o Policy D4 - Streets and Spaces
- o Policy D5 - Building Design
- o Policy D6 - Amenity
- o Policy D10 - Public Realm
- o Policy NE2 - Conserving and Enhancing the Landscape and Landscape Character
- o Policy NE3 Sites, species and habitats
- o Policy NE4 Ecosystem Services
- o Policy NE5 Ecological networks
- o Policy NE6 Trees and woodland conservation
- o Policy CP7 - Green Infrastructure
- o Policy NE1 - Development and Green Infrastructure
- o Policy PCS1 Pollution and nuisance
- o Policy PCS3 Air quality
- o Policy PCS2 - Noise and Vibration
- o Policy PCS5 Contamination
- o Policy PCS7A Foul sewage infrastructure
- o Policy ST1 - Promoting Sustainable Travel
- o Policy ST2A Recreational Routes
- o Policy ST7 - Transport Requirements for Managing Development
- o Policy ST3 Transport infrastructure
- o Policy CP13 - Infrastructure Provision
- o Policy LCR5 Safeguarding existing sport and recreational facilities

- o Policy LCR2 New or replacement community facilities
- o Policy LCR7B Broadband
- o Policy CP12 Centres and Retailing

Consideration will be given to the National Planning Policy Framework and the National Planning Practice Guidance.

Planning Obligations SPD

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

OFFICER ASSESSMENT

Principle of development

The site is located within Radstock Town Centre as identified within the Placemaking Plan (PMP). The strategy for Radstock Town Centre is set out in Core Strategy Policy SV3 and includes the provision of new community facilities. A number of PMP principles are listed, including the enhancement of heritage assets; protection and enhancement of green infrastructure associated with the river; enhancement of areas of visual significance; greater provision for pedestrians and cyclists including secured cycle parking facilities; and high quality of building design, townscape and public realm. The centre is to provide a focus for the neighbouring communities and villages with its local retail offer, job provision and community facilities.

Core Strategy Policy CP12 states that town centres will be maintained and enhanced, and that a variety of uses will be primarily included within them, such as retail and community uses; uses that contribute to maintaining the vitality, viability and diversity of centres are encouraged with the expectation of the inclusion of active frontages; and that retail development will be permitted where it is of a scale and type consistent with the existing retail function and character of the centre and is well integrated into the existing pattern of the centre. The uses proposed, comprising a range of community facilities and a pharmacy are considered to be appropriate uses within the town centre, and are consistent with PMP Policy CP12.

PMP Policy LCR2 supports the development of new or replacement community facilities provided that the proposal is well related to the settlement. As referenced above, the proposal falls within the town centre boundary as designated within the PMP and is considered to be well related to the settlement and meets the requirements of PMP Policy LCR2.

Loss of the green space

The application site is designated in the PMP as an area of amenity green space; this would be lost though the building of the proposed Healthy Living Centre. Policy LCR.5 states that development involving the loss of open space will only be permitted provided it can meet at least one of a number of criteria. This echoes the advice of the National Planning Policy Framework (NPPF) which highlights how the importance of access to high quality open spaces and opportunities for sport and recreation can make an important

contribution to the health and well-being of communities. The development does not meet any of the set criteria and as there is evidenced to be a deficit of this form of open space with the Radstock area, the development conflicts with PMP policy LCR.5. The figures of any surplus/deficit are evidenced through the Green Space Strategy which looks at existing provision and predicted need.

The Planning Agent has responded to the above concerns and has sought to demonstrate that there is not a deficit of amenity space. The information seeks to illustrate that there are areas of amenity space within Radstock that have not been included with the Green Space Strategy. However, this has been reviewed by officers and it is considered that the areas of space put forward are either too small to be counted, are not publically accessible, or are natural green space rather than amenity space. This has therefore not removed the conflict identified above.

There is an acceptance that there is a surplus of natural green space within the Radstock area. There have been discussions with regards to whether there is the potential to convert some of the surplus natural green space to amenity green space to offset that lost through this proposal. However, whilst this is something that could be explored in the future, the application does not include any firm proposals and therefore can only be given limited weight at this stage.

It is also noted that a number of third parties have commented that this amenity space is rarely used; but third parties have also evidenced that this space is used by the public. How it is currently used does not necessarily reflect its future use. Notwithstanding its current use, as noted above, the loss of the amenity space conflicts with the aforementioned PMP policy which seeks to safeguard this land and amenity space. The implications of this conflict will be dealt with in the Planning Balance section of this report.

Highway Safety

The sites highly sustainable location close to Radstock Town Centre and a range of public transport links is acknowledged. The provision of cycle parking facilities for both staff and visitors to the site, together with the proximity of a national cycle network will encourage use of sustainable modes of transport.

Following comments from officers a revised Transport Statement (TS) was submitted and additional drawing that sought to address the concerns raised about traffic generation and car parking.

The industry standard TRICS database has been used to estimate the likely trip generation of the proposal. Based on the 'development specific' peak hours the submission estimates that with a full time equivalent of 3.5 doctors, the development will generate up to 53 two-way movements between 1000 and 1100hrs and 46 two-way trips between 1500 and 1600hrs. The proposed clinic would have capacity to accommodate a future increase to 5 doctors and the TS assessed that this would increase trips to 69 between 1000 and 1100hrs and 59 between 1500 and 1600hrs.

Officers are satisfied that the majority of these trips already travel on the local road network to visit the existing practice, which will relocate to the proposed premises if this application is granted consent and that they will not have a severe impact on the local

highway network relative to existing conditions. Additional trips arising from the pharmacy and café/community kitchen are unlikely to be significant. Whilst the proposal will increase vehicular movements in the immediate vicinity of the site it is not anticipated that any impacts of significance on the safety and operation of the public highway that could justify refusal under the tests set out in NPPF.

The main highway concern relates to the potential shortfall in parking provision and the impact this may have on Waterloo Road. Since submission of the application the proposed parking provision has been increased from 22 to 25 spaces. The TS states that these will be allocated as follows:

-Disabled spaces	2 spaces
-On-call medical staff	6 spaces
-Visitors/patients	17 spaces

Parking provision can be assessed against the parking standards of the PMP or by the calculation of a parking accumulation based on trip generation and length of stay at the development. Using the former Local Plan standards provision of between 35 and 38 spaces would be required, 10 to 13 spaces more than the proposed provision.

Based on the trip generation assessment set out in Section 6 of the TS, which includes traffic generated by the library, children's centre, pharmacy and café, parking accumulation for the site has been calculated and indicates when demand might be highest. In the future proof scenario, where up to 5 doctors could be employed at the clinic, there could be a shortfall of 3 spaces between 0900 and 1100hrs.

It has to be accepted that the neither the application of parking standards and/or the assessment parking accumulation are precise science. However, it would be reasonable to assume that the shortfall in proposed parking provision at the site could be within the range of 3 to 13 spaces for 2 peak hours of each day, between 0900 and 1100hrs.

It is most likely that visitors travelling to the site will first aim to park within the site car park and then, failing that, seek the most convenient location either within the adjacent public car park or on Waterloo Road itself. The revised TS now includes an investigation of the impact this overspill may have on the surrounding road network where a 12 hour parking survey of the adjacent public car park was undertaken on Tuesday 21st March, 2017. The aim was to establish if there is capacity in the existing public car park to accommodate the potential overspill. The car park has 32 car parking spaces, two of which are reserved for disabled users, and the surveys showed that (with the exception of the 2 disabled spaces) the car park was regularly at capacity, particularly between 0900 and 1530hrs. It is therefore highly likely that the car park will not have sufficient capacity to accommodate peak overspill from the proposed development.

Discussion have been held with regards to the creation of three new car parking spaces within the existing council car park by removing existing kerbed grass build outs. These 3 additional spaces would offer a reasonable level of mitigation for the potential overspill parking from the surgery. Funding of these 3 spaces would need to be secured by legal agreement. Current estimates for the provision of the spaces shown is £21,000.00.

If this were secured the average shortfall in parking provision using the two methods of defining parking requirement would be 0 to 10 spaces for a maximum of 2 hours per day. In officers opinion a shortfall of this limited nature could be accommodated on street or in other public car parks and could not in any case be considered a severe impact that would justify a refusal under the test set out in NPPF.

Officers are satisfied with the proposal to divert the cycle path around the northern and western perimeter of the site. A width of 3m shall be maintained to accommodate both pedestrians and cyclists, with usage expected to increase as a result of the proposal. Appropriate signage and road markings will also be required to inform users of the newly diverted route. The applicant will be required to enter into a Section 278 Agreement with the Highway Authority to secure these works and this can be secured by condition.

It is noted that the proposed access affects an existing uncontrolled crossing point over Waterloo Road, which is also the point where cyclists enter or leave the link if coming from or continuing along Waterloo Road to the east. The proposal to re-locate this crossing point further to the east has been acknowledged. However, dropped kerbs shall be provided either side of the proposed vehicular access to accommodate both cyclists entering and departing the cycle path and pedestrians. Furthermore, the existing dropped kerbs on the north side of Waterloo Road shall be raised in accordance with details which have been submitted to and approved in writing by the Local Planning Authority.

The provision of a delivery and drop-off/pick-up bay has been acknowledged. It has been specified that refuse will be collected from Waterloo Road thus avoiding the need for refuse vehicles having to enter the site. Further details of this can be secured via condition.

Overall, it is not considered that the development would result in any highway safety issues that would justify a refusal of this application.

Character and appearance

Although the open space to which this application relates appears to be under used, it represents one of the few green open spaces within the centre of Radstock, and provides a welcome relief from the built form. The proposed building therefore needs to be of a high quality and respond to the surrounding built form and the Conservation Area in which the site is located.

The proposal is considered to represent a high quality building whose scale is commensurate with its civic function. The overall scale of the building is considered appropriate in this context. The main building frontage faces Waterloo Road and addresses a prominent corner which will provide a strong civic presence and transparency. The waiting room area has been located in this corner on the ground floor, which incorporates high levels of glazing to create an active frontage to the street. A void above the waiting room area connects to the library on the first floor, with further natural light provided by roof lights in the roof. The library is located above the waiting room on the prominent corner. The cantilever originally proposed has been removed due to the need to provide an easement, but the main window on this facade projects from the main wall of the gable end. This adds interest and ensures that this part of the building has an appropriate presence in the street scene. The library will benefit from generous amounts

of natural light and will have a visual relationship with the street. To make it absolutely clear that the library is incorporated into the building adequate signage needs to be incorporated. This can be secured through planning condition.

The building is set back 2-3 metres from the footpath allowing a landscape strip along Waterloo Road which aids privacy to the clinical rooms and adds visual amenity. It would be preferable if further space was dedicated to the landscaping treatment but the footprint of the building dictates that this is not possible. The elevation to Waterloo Road has been successfully broken up to reduce its mass. The massing of the building is also broken up by the stepping down of the building at the west elevation.

The materials palette includes white Lias stone for the ground floor areas, laid as square coursed rubble. Natural stone is now proposed on the majority of the first floor of the north elevation facing Waterloo Road, with timber cladding in the smaller set back areas. Timber cladding will also be used on the first floor of the south, east and west elevations. The proposed timber cladding has been amended to a lighter colour than proposed within the original submission where a dark black timber was proposed. The scheme will now use timber that is treated with a product called 'Sioo' which naturally speeds up the ageing process. The submission explains that this will give it a clean consistent finish which would be pale and not dissimilar to the hue of the white lias. The materials also propose slate roof tiles; and pennant stone boundary wall. Overall these represent a high quality palette which responds positively to the character of the Conservation Area whilst delivering a distinctive contemporary building.

As noted above the proposed scheme represents a high quality building which responds positively in most regards to the character and appearance of the Radstock Conservation Area. There is however a lack of space to contain any meaningful landscaping which is to the detriment of the Conservation Area. The NPPF distinguishes between 'substantial harm' and 'less than substantial harm' when referring to the impact upon the significance of a heritage asset. Any harm to the Conservation Area is considered to be less than substantial. When a proposed development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. This will be addressed in the Planning Balance section of this report.

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 above requirements have been given due consideration.

Arboricultural Issues

The trees on and adjacent to the site are protected by virtue of the Radstock Conservation Area. The application includes a Tree Survey which officers are in general agreement with. A small Oak has been planted close to T3 which has not been included because of its size. It is understood that this tree was planted to commemorate the life of a young boy who died and to replace the Oak which was removed to facilitate highway improvements at the junction of the Street and Wells Road. Whilst it is clearly acknowledged the removal of this tree is a sensitive issue due to the reason why it was planted, this could not form a planning reason for its retention.

The proposed layout removes all three trees currently growing within the site boundary leaving limited scope to undertake new planting of small, short lived specimens. These are not considered as suitable to consider as compensatory planting. It is also noted that an additional small tree will be removed to facilitate the additional parking spaces within the adjacent car park areas as referenced with the Highways Section of this report. Section 3.5 of the Planning Obligations Supplementary Planning Document provides a mechanism to secure replacement planting off site.

If replacement planting can not be accommodated on site and secured by landscape conditions then the fixed number replacement system adopted means that 9 replacement trees will be required off site. The level of contributions required has been set at:

£735.28 per tree planted in open ground (no tree pit required)

£1,913.08 per tree planted in hard standing (tree pit required)

Residential amenity

The development site is bound by residential properties including those at Pine Court and Riverside Mews, both of which have windows which overlook the site. Currently they look out over open space and clearly their outlook will change as a result of this application proposal. Whilst the development is to be built in relatively close proximity to the neighbouring units, the development would not dominate the outlook of these occupiers or result in a significant loss of light to justify refusal of this application. The element of the proposed building closest to Riverside Mews is stepped down from the main element of the building which aids in reducing the impact. Further, the car park is located adjacent to part of Riverside Mews which aids in providing a visual separation between the eastern part of Riverside Mews and the proposed building. The eastern elevation of the building facing Pine Court is also stepped down and again the car park area provides a visual separation from the southern part of Pine Court and the proposed building. Whilst it is recognised that the development will change the outlook for the residents of these properties, any harm resulting from this is not considered to be significant.

In relation to privacy, the small garden area of Pine Court is open with a lack of privacy with views clearly possible from the open space and Waterloo Road. Similarly the windows of Riverside Mews face directly onto the open space and as such there are little to distinguish between the public and private domain, and as such any privacy is considered to already be compromised. The proposals include boundary fencing and this will aid in reducing any overlooking from the outdoor areas. Any overlooking from the building area is not considered to be significant. Although the development will bring increased activity to the application site, it is not considered to significantly impact upon the loss of privacy for the neighbouring occupiers.

It is noted that the development will bring a significant increase in visitors to the site which is sited adjacent to residential properties. Concerns have been raised by residents of Pritchard Mews, Riverside Mews and Pine Court. However, this is a town centre and some degree of noise and disturbance can be expected. The visitors to the building will come via both the front entrance and from the car park to the rear which will ensure the impact is not all at one point. The building will generally be used during day time hours and as such any noise and disturbance caused by the coming and goings of the users of

the building will not be at unsociable hours and is not considered to result in any significant harm.

Overall, whilst it is recognised that the development will increase the activity on the site and will change the outlook for the neighbouring occupiers, any harm resulting from this is not considered to result in significant harm.

Ecological matters

A completed ecological survey and assessment has accompanied the application. The proposed site does not in itself support features or habitat of significant ecological value. The adjacent woodland and scrub edge to the south east is however of importance.

Whilst there are no objections to the proposal on ecological grounds it is considered that the proposal is capable of achieving more of ecological measures than currently incorporated, and would benefit from a wider buffer zone. However, the revisions do include a proposed fence to screen against light spill, and proposed mixed native hedgerow along the car park section of the southern boundary. This is welcome.

The ecological report makes a number of recommendations which need to be carefully considered and incorporated into the scheme. Sensitive lighting is also required due to the proximity of habitat suitable for use by bats and other wildlife and known horseshoe bat activity in the vicinity of the site.

The above ecological mitigation and enhancement measures can be secured through condition. On the basis of the above, the scheme is considered to be ecologically acceptable.

Archaeological issues

The site falls within historic routes of the Somersetshire Coal Canal, as defined on the Policies Map. However, this particular stretch on the coal canal was very short lived and soon replaced by a tramway and later railway, which is thought to have removed any traces of the earlier canal. Furthermore, since the closure of the railway there has been a considerable amount of residential development to the east of the current site along Waterloo Road, which also lies within former course of the coal canal. As such the Archaeological Officer has raised no objection to the development subject to the inclusion of a Watching Brief condition on any planning permission.

Sustainability

Policy SCR1 explains that developers of major proposals above a threshold of 1,000 square metres will be required to provide sufficient renewable energy generation to reduce carbon emissions from anticipated (regulated) energy use in the building by at least 10%. The submission explains that the proposed building is aiming to attain a BREEAM rating of 'Excellent' and will incorporate a number of energy efficiency features and incorporate enough solar PV to achieve the necessary BREEAM energy credits. A condition can be included on any permission to ensure that the development meets the above policy requirements.

Contaminated Land

Due to the potentially contaminative historical uses at the site including railway line and sidings and a former mining tip adjacent to the development site and the proposals for the redevelopment and change of use at the site, conditions are suggested on any planning permission.

Flood risk

The site is within Flood Zone 1, with a very small area to the south west of the site within Flood Zone 2. A Flood Risk Assessment (FRA) has been submitted alongside this application. The Environment Agency has not commented on the application and the Council's Drainage Engineers are satisfied with the proposal. A detailed design for the surface water drainage system will be required but this can be secured through the inclusion of a condition.

This FRA has demonstrated that the development will be safe and that it would not increase flood risk elsewhere. The proposed land uses are considered appropriate in flood zone 1 in relation to the flood risk vulnerability classifications. It is noted that a very small part of the site is within Flood Zone 2 but this is outside of the building footprint, and in this regard the FRA does not include a sequential test; this is considered a reasonable approach. It is also noted that a Radstock Town Centre Surgery Relocation and Healthy Living Centre Sites Capacity Analysis submitted with the application, analysed a number of sites and dismissed them for various reasons. It is therefore considered that the site has been sequentially tested.

Planning obligations

The development would trigger planning obligations in relation to targeted training and recruitment, through financial contributions (estimated to be £1320); off site tree replacement through financial contributions; additional parking spaces to be provided in the adjacent Waterloo Road car park as discussed above.

Justification for the proposal

Given officer's concerns with regards to the lack of space for landscaping and the fact that there would be benefits from providing more on site parking on the site, officers have sought to investigate whether the footprint of the building could be reduced. Detailed discussions have been held with the planning agent and the applicant in relation to this issues. Further information has been submitted during the application to fully justify the need of a building this size and on balance, officers accept the justification.

The submission explains that co-location of services is a requirement of the NHS funding (£3.6M) and the building therefore has to include other uses alongside the surgery. The B&NES Clinical Commissioning Group's (CCG) Five Year Strategy 2014/15 to 2018/18 details new models of care that are emerging to create more integrated service provision that produce the best experience for patients whilst also providing value for money. Nationally there is a shift to providing local hubs with a range of community and health care services.

In relation to the Doctors Surgery, the schedule of accommodation has been prepared in accordance with 'Primary and social care premises: planning and design guidance', and with reference to the current guidance, the prioritisation paper released in July 2014 and health building Note 11 (HBN11). The current patient list of 6,535 is predicted to increase with the growing population. It is anticipated that with this population growth, the patient list would increase to at least 8,705, which equates to an allowable building size of 725 sqm. The submission explains that this is therefore considered to be the minimum requirement for the health care element of the site.

The submission explains that the proposed pharmacy is considered integral to the future of the health centre to provide increased health facilities to patients in the community. In relation to Childrens Services, the application explains that the Radstock centre is one of the four main hubs within Bath and North East Somerset and, therefore, the main administration centre for the Somer Valley area. This requires it to have sufficient space to accommodate staff and the delivery of universal, targeted and specialist services by staff working with children, young people and their families. The current Youth and Children's Centre buildings do not currently enable optimal use of the building affecting resources and overhead costs.

Overall it is considered that the size of the building is commensurate with the needs of the services to be provided.

It is also noted that the applicant has provided details of other sites which were considered prior to this site coming forward within the Radstock Town Centre Surgery Relocation and Healthy Living Centre Sites Capacity Analysis. Officers are satisfied that the applicant has explored other options for this scheme before concluding that this site would be put forward. Notwithstanding this, officers must determine the application submitted.

Planning balance

Due to the loss of the amenity space the development has been assessed to conflict with policy LCR.5. The development therefore results in a recognised harm with the loss of this open space that will reduce the contribution the open spaces in Radstock play to the health and well-being of communities. This is particularly important given the evidenced deficit of amenity space within this area. Further, harm has been identified to the character and appearance of the Conservation Area given the lack of space for landscaping around the site. This harm is considered to be less than substantial and as advised by the NPPF, when less than substantial harm is identified, this should be weighed against any public benefits.

It is considered that this development brings significant public benefits. The relocation of Hope House Surgery to a purpose built facility will provide an opportunity to improve patient services and address the inadequacies of the current accommodation and respond to the growing population in the locality. The existing Hope House Surgery is housed within a Grade II listed building and is no longer fit for purpose and can not expand to meet the changing needs. At present a number of services are at risk due to the lack of space in the current building. The submission explains that if this project does not go ahead the NHS funding is likely be lost (the building must be complete by early 2019 to meet requirements) and it is likely that the doctor's practice will have to move out of

Radstock as the current building cannot meet the needs of a growing population with complex health needs.

The submission explains that the co location of this facility is a mechanism to secure a sustainable future for Radstock library. Having the library in a shared building will enable it to be open for more days each week and for longer each day. This and its visibility at the front of the building, is likely to encourage new users of the service. The library space will also be used for other activities.

The existing children's centre and library sites will be sold to provide a capital receipt which will be used to part fund the cost of the council's part of the building. Both of the buildings are in a poor state of repair and the submission explains that it is unlikely that either service could continue to use the buildings in the long term which could mean a loss of both services to Radstock.

The submission explains that the Big Lottery New Opportunities Fund ran a grant programme which set up healthy living centres throughout the UK. Evaluation of the programme identified that healthy living centres are designed to improve overall health and improve inequalities; they successfully attract their target communities by combining health and social activities; build relationships in communities; improve local partnership working and networks.

Officers have carefully considered all the issues and considered the third party comments received. The provision of these critical services in one hub is considered to provide significant benefits to a growing population. There is a significant concern that if these facilities do not come forward then they will be lost from Radstock. Whilst it is clearly regrettable that the green space will be lost to facilitate this development, and there is limited landscaping setting to the development, it is considered that the benefits of the scheme outweigh the harm. The development is therefore recommended for approval subject to a number of planning conditions and the applicant entering into a S106 agreement to secure the aforementioned planning obligations.

It is noted that the loss of the green space results in a conflict with the Development Plan, and as such the application has been advertised as a departure from the Development Plan.

RECOMMENDATION

Delegate to PERMIT

CONDITIONS

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

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

1 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 Archaeology - Watching Brief (Pre-commencement)

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

Reason: The site is within an area of significant archaeological interest and the Council will wish to examine and record items of interest discovered in accordance with Policy HE1 of the Bath & North East Somerset Placemaking Plan. This is a condition precedent because archaeological remains and features may be damaged by the initial development works.

3 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, finished ground levels, a planting specification to include numbers, density, 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 D1, D2 and NE2 of the Bath and North East Somerset Placemaking Plan.

4 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 D1, D2 and NE2 of the Bath and North East Somerset Placemaking Plan.

5 Contaminated Land - Investigation and Risk Assessment (Pre-commencement)

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

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

(ii) an assessment of the potential risks to:

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

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

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

6 Contaminated Land - Remediation Scheme (Pre-commencement)

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

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

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

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

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

7 Contaminated Land - Verification Report (Pre-occupation)

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

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

8 Contaminated Land - Unexpected Contamination (Compliance)

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

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

9 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 scheme shall also specify the sound power levels of the equipment, their location, and proposed mitigation methods to protect residents from noise and dust. 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 Policy ST7 of the Bath and North East Somerset

Placemaking Plan. This is a condition precedent because any initial construction or demolition works could have a detrimental impact upon highways safety and/or residential amenity.

10 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 ST7 of the Bath and North East Somerset Placemaking Plan.

11 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 ST7 of the Bath and North East Somerset Placemaking Plan.

12 Visibility Splay (Pre-occupation)

The development hereby permitted shall not be brought into use until the visibility splays shown on the submitted plan (drawing no. 0738-004) 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 ST7 of the Placemaking Plan

13 Details on diverted cycle path (Pre-occupation)

The width of the diverted cycle path shall be no less than 3m throughout to accommodate both pedestrians and cyclists. Appropriate signage and road markings in accordance with the Traffic Signs Manual and TSRGD 2016 will also be required to inform users of the newly diverted route. Details shall be provided prior to first use of the path in a manner to be agreed in writing with Local Planning Authority and fully implemented in accordance with these approved details prior to the occupation of the development hereby approved

Reason: To ensure a safe access is provided for pedestrians and cyclists in the interests of highways safety in accordance with Policy ST7 of the Placemaking Plan.

14 Dropped kerbs (Pre-occupation)

Prior to the development hereby approved being brought into operation, details of the proposed uncontrolled dropped kerb crossing shall be provided to and in agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with these approved details. The existing dropped kerbs on the north side of Waterloo

Road shall be raised in accordance with details which have been submitted to and approved in writing by the LPA.

Reason: To ensure a high standard of highway safety in accordance with Policy ST7 of the Placemaking Plan.

15 External Lighting (Bespoke Trigger)

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

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

16 Wildlife Protection and Enhancement (Pre-commencement)

No development shall take place until full details of a Wildlife Protection and Enhancement Scheme which shall be in accordance with the recommendations of the approved Ecology Report by Clarkson and Woods dated May 2016 have been submitted to and approved in writing by the local planning authority. These details shall include incorporation of wildlife friendly planting; provision of nesting locations for swifts onto the fabric of the building, and provision of bat boxes. All proposed measures shall be incorporated to scale into all relevant plans and drawings including soft landscape design. All works within the scheme shall be carried out in accordance with the approved details prior to the occupation of the development.

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

17 On-site renewable energy requirement (Pre-occupation)

No occupation of the approved development shall commence until a scheme for renewable energy generation to reduce carbon emissions from the approved building by at least 10% 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 reducing carbon emissions in accordance with policy SCR1 of the Placemaking Plan.

18 Library Signage) (bespoke trigger)

The construction works shall not commence until drawings have been submitted to and approved in writing by the Local Planning Authority demonstrating how the Library wording shall be incorporated into the fabric of the Building. The development shall be carried out in accordance with these approved details

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policies D1, D2, D3 and D5 of the Bath and North East Somerset Placemaking Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

19 Waste collection (Pre-occupation)

The building hereby approved shall not be occupied until a method statement dealing with the collection and storage of waste has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a high standard of highway safety in accordance with Policy ST7 of the Placemaking Plan.

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

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

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policies D1, D2, D3 and D5 of the Bath and North East Somerset Placemaking Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

21 Surface water drainage (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.

22 Drainage strategy (Pre-commencement)

A detailed surface water drainage strategy should be provided to, and approved by, the Local Planning Authority prior to construction.

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.

23 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 NE6 of the Bath and North East Somerset Placemaking 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.

24 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 NE6 of the Bath and North East Somerset Placemaking Plan. To ensure that the approved method statement is complied with for the duration of the development.

25 Plans List (Compliance)

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

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

PLANS LIST:

1

- Proposed Site Plan - Drawing no. 003C - 6th September 2017
- Proposed Ground Floor Plan - Drawing no. 004A - 6th September 2017
- Proposed First Floor Plan - Drawing no. 005A - 6th September 2017
- Proposed roof space - Drawing no. 006 - 27 Mar 2017
- Proposed Roof Plan - Drawing no. 007A - 6th September 2017
- Proposed Elevations Drawing no. 008B - 6th September 2017
- Trees to be retained/removed - Drawing no 010 - 27th March 2017
- Location plan - Drawing no 001 - 27 Mar 2017

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

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

4 The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Your attention is drawn to The Coal Authority Policy in relation to new development and mine entries available at:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. Further information is available on The Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

5 This permission does not convey or imply any civil or legal consents required to undertake the works.

6 Condition Categories

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

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

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

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

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

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

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

0 The applicant should be advised to contact the Highway Maintenance Team on 01225 394337 with regard to securing a licence under Section 184 of the Highways Act 1980 for the construction of a dropped kerb crossing. The crossing shall not be brought into use until the details have been approved and constructed in accordance with the current Specification.

The existing dropped kerbs on the north side of Waterloo Road shall be raised in accordance with details which have been submitted to and approved in writing by the Local Planning Authority.

The applicant should also be advised to contact the Highway Maintenance Team on 01225 394337 with regard to securing a licence under Section 278 of the Highways Act 1980 for the diversion of NCN 24 and provision of additional parking in the adjacent public carpark. The path and parking spaces shall not be brought into use until the details have been approved and constructed in accordance with the current Specification.

Item No:	02
Application No:	17/02591/FUL
Site Location:	143 Calton Road Lyncombe Bath Bath And North East Somerset BA2 4PP



Ward: Widcombe	Parish: N/A	LB Grade: N/A
Ward Members:	Councillor I A Gilchrist	Councillor Jasper Martin Becker
Application Type:	Full Application	
Proposal:	Erection of 2no townhouses following demolition of existing 2 bed apartment	
Constraints:	Affordable Housing, Agric Land Class 3b,4,5, Article 4, Article 4, Article 4, British Waterways Major and EIA, Conservation Area, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones, World Heritage Site,	
Applicant:	Mr Jim Rees	
Expiry Date:	22nd September 2017	
Case Officer:	Tessa Hampden	

REPORT

Reason for referring this application to committee

The application has been referred to committee following the request of Cllr Gillchrist. The Chair of the Committee has reviewed this request and considers that this application should be determined at committee.

Site description and proposal

The application relates to a property located on Calton Road. The site is located within the City of Bath Conservation Area and the wider World Heritage Site. There are a number of listed buildings near the site, including St Marks terrace which is Grade II listed.

The application seeks planning permission for the erection of two townhouses following the demolition of the existing two apartments. Revised plans have been submitted during this planning application process in response to concerns raised by officers.

Relevant planning history

DC - 08/02450/FUL - Permit- 3 September 2008 - Conversion of two existing bedsits into two onebedroom flats

DC - 15/03981/FUL - Withdrawn - 25 February 2016 - Erection of a 4no flats following demolition of existing 2no one bedroom flats.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Highway Development - no objections given the sustainable nature of the site

Conservation Officer - Following receipt of revised plans, no objection to the development

Ecologist - no objection

Cllr Gilchrist -The main comment is that the height of the proposed building will mean that there is even more darkness cast in an area where (because of Beechen Cliff and the woods) there is already precious little light for much of the year. The Shadow Analysis shows shadows cast at midday, meaning that for most of the rest of the day there will be even more shade. The other objections raised by neighbours should also be taken into account when my DMC request is considered.

Widcombe Association - It is noted that the new proposal is for two townhouses of four storeys and that the overall height is slightly lower than that of the previous scheme. However, the Committee's concerns about the impact on neighbouring properties , particularly on the loss of privacy and light and the overshadowing of those on St Mark's Road which lie below the site, remain. We feel that the information provided with the application is lacking in sufficient detail, for example to demonstrate how the rear boundaries (which will abut the rear gardens of those properties), or how it is proposed to protect the privacy and amenity of the occupiers of St Mark's Road. The WA would hope to see such details addressed before any planning permission is granted. We were disappointed that the applicant did not engage in any meaningful way with local residents.

The WA objects to the proposals for the following reasons:

1 The scale and design of the proposed new building fails to respect its setting in the Conservation Area and its relationship with the existing villa which in our view should be a subservient one, or that of the listed buildings on St Mark's Road with which it shares a boundary.

2 Impact on the amenity of Calton Road - this is a narrow road with no footpath on this side and providing access to properties on Calton Road and Alexandra Road and a few on-street parking spaces beyond no. 143. The front doors to the new properties would open directly onto the road, clearly posing a danger to its occupiers as well as other road users. It is noted that the occupiers would not be entitled to apply for residents' parking permits, but it is nevertheless likely they would have cars and add to the pressure on local streets. There appears to be no provision for cycle storage.

3 The demolition and construction works would also impact on the use of the road, with no obvious location for site compound or storage.

4 There is no provision for storage of recycling and waste bins and these would presumably need to be sited on the road, creating a further hazard to road users.

Bath Preservation Trust - BPT recognises that sites will need to be found for small builds to meet local housing need and that infill development is preferable to building on the green belt. However such schemes should show community engagement in the development process.

Given the elevated and highly visible position of the proposed development in relation to the World Heritage Site we would comment that the application lacks a detailed level of analysis of the visual impact this development could have on long views to and from the site, and contextual street elevations in relation to the adjacent villa and the overall street scene. We are also concerned regarding the proposed large white Upvc doors to the prominent north elevation. Of particular concern is the proposed use of render on the side and rear (technically city facing) elevations, which would be incongruous in the context of the character of the local conservation area and the palette of local materials, particularly so bearing in mind this building has been designed to match the larger villa which is built entirely in ashlar. We would strongly urge that Bath stone ashlar is used for the entire building. We would also suggest that perhaps the roofscape could be enlivened by the addition of chimneys.

40 objections and 1 comment has been received; the comments can be summarised as follows:

- Over development of the site/cramped form of development
- Detrimental impact upon the Conservation Area, setting of the nearby listed buildings and World Heritage Site
- Overbearing/intrusive impact upon neighbouring occupiers
- Loss of light/shadowing impact to neighbouring occupiers
- Overlooking/loss of privacy to neighbouring gardens/dwellings
- Increased noise and disturbance
- Issues during construction process
- Lack of parking and resultant issues
- Increase in traffic and result impact
- General highway safety concerns
- Inaccurate plans/lack of details
- Lack of community consultation
- Inappropriate materials
- Loss of a view
- Structural implications
- Waste/storage
- Impact upon local resources/school place
- Precedent developments
- No bin/cycle storage
- Impact upon green spaces

POLICIES/LEGISLATION

The Development Plan for Bath and North East Somerset comprises:

- o Bath & North East Somerset Core Strategy (July 2014)

- o Bath & North East Somerset Placemaking Plan (July 2017)
- o West of England Joint Waste Core Strategy (2011)
- o Bath & North East Somerset saved Local Plan policies (2007) not replaced by the Core Strategy or the Placemaking Plan:
 - Policy GDS.1 Site allocations and development requirements (policy framework)
 - Policy GDS.1/K2: South West Keynsham (site)
 - Policy GDS.1/NR2: Radstock Railway Land (site)
 - Policy GDS.1/V3: Paulton Printing Factory (site)
 - Policy GDS.1/V8: Former Radford Retail System's Site, Chew Stoke (site)
- o Neighbourhood Plans

Core Strategy:

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The following policies of the Core Strategy are relevant to the determination of this application:

DW1 District-wide spatial Strategy
 B1 Bath Spatial strategy
 B4: Impact of development on World Heritage site of Bath or its setting
 CP6: Environmental Quality
 CP2 - Sustainable Construction
 CP5: Flood risk management
 CP7 - Green Infrastructure
 CP13 - Infrastructure Provision
 SD1 - Presumption in favour of sustainable development

Placemaking Plan:

The Placemaking Plan for Bath and North East Somerset was formally adopted by the Council on 13th July 2017. The following policies of the Placemaking Plan are relevant to the determination of this application:

D1: General Urban Design Principles
 D2: Local Character and Distinctiveness
 D.3: Urban Fabric
 D.4 Streets and Spaces
 D.5: Building Design
 D.6: Amenity
 HE1: Historic Environment
 ST7: Transport requirements for managing development
 LCR9: Increasing the Provision of Local Food Growing
 SCR5: Water Efficiency
 NE1 - Development and green infrastructure
 NE3 - Protected Species
 NE5 - Ecological networks
 NE6 - Trees and woodlands
 PCS1 - Pollution and nuisance
 ST1 - Sustainable Travel
 ST2 Sustainable Transport Routes

ST2A Recreational Routes
SCR5 - Water Efficiency
PCS5 - Contamination
PCS7A - Foul sewage infrastructure
PCS6 Unstable land
CP2 Sustainable Construction
SCR2 Roof mounted building/integrated scale solar pv
CP5 Flood Risk Management
SU1 Sustainable Drainage Policy
NE2 and NE2A - Landscape character and setting
PCS2 Noise and vibration
H7 Housing accessibility

Other guidance and SPDs

- o City of Bath Character Appraisal
- o Planning Obligations SPD
- o City of Bath World Heritage Site Setting SPD (2013)

The National Planning Policy Framework (NPPF) was published in March 2012 and is a material consideration. Due consideration has been given to the provisions of the National Planning Practice Guidance (NPPG).

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

OFFICER ASSESSMENT

Principle of development

The site is located within the built up area of Bath where new residential development can be supported in principle subject to the development complying with the relevant policies of the Development Plan.

There are therefore no objections in principle to the erection of two dwellings on this site.

Character and appearance

The existing buildings are relatively modern and are considered to have a neutral impact upon the character and appearance of this part of the City of Bath Conservation Area. There is no objection to their loss subject to a satisfactory scheme coming forward to replace them.

Given the elevated position of the site, which is sat above St Marks Road, the rear elevations are notably visible from wider views. However, the development replaces existing built form and is not considered to be unacceptable in principle. The proposal does not encroach onto the hillside and can be seen in the context of the existing development and is subservient to the adjacent villa. It will be seen to sit below the higher

development at Calton Road and given its scale in relation to the adjacent villa, it is not considered to appear unduly dominant in this location. Whilst it is set up above St Marks Road, this follows the pattern of development and is considered to be appropriate in relation to visual amenity.

The height of the proposed building is set down from that of the existing villa building, following the gradient of this part of Calton Road. A further set down has been introduced between the two proposed dwellings. This ensures that the topography of the site follows the natural slope of the land ensuring that the development integrates successfully with the landscape.

It is critical to ensure that the development is constructed from high quality materials given the sensitive setting of the site. The revised plans alter the materials proposed and the render elevations have been replaced with natural stone. The development now comprises Bath stone ashlar, under concrete roof tiles and these materials are considered appropriate in this historic context. The use of these materials in line with the surrounding material palette will aid in ensuring that the development integrates with the surrounding built form, both from immediate and wider views.

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

There is a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. Here it is considered that the character and appearance of the Conservation Area is preserved. Further, there is not considered to be any adverse harm to the setting of the wider World Heritage Site.

Overall therefore, the proposed scale, siting, design and materials proposed are considered to be acceptable.

Highway Development

The development of the site as proposed will increase the potential demand for parking on Calton Road or on nearby streets such as Calton Gardens or Alexandra Road. However, whilst the absence of off street parking may be of concern; officers are mindful that the development has no off-street parking provision at present. The sites highly sustainable location close to Bath city centre is also acknowledged with both Bath Spa railway station and the main bus station being located within a relatively short walk from the site. A basement/storage area is to be provided and this can be utilised for cycle storage.

A further key consideration is the fact that Calton Road and the surrounding streets lie within a controlled parking zone (Zone 3). Although on-street parking here is indeed largely permit parking, the fact that it is does not necessarily mean that there is spare supply available now when existing residential parking demand is highest. As such in accordance with Single Executive Member Decision E1176, dated 14th August 2006,

occupants of this proposed development will not necessarily be entitled to apply for residents parking permits.

In view of all the above factors, and the fact that the development is replacing an existing (albeit smaller) development, officers are content to accept this development on highway safety grounds despite the lack of on-site parking provision. The parking restrictions in place in the vicinity will discourage any instances of indiscriminate parking which may occur as a result of the increase in demand.

Third parties have raised concerns with regards to the construction process; however the context of the site does not mean that any issues can not be overcome through appropriate management during the construction phase. This can be controlled through the inclusion of a condition on any planning permission.

Residential amenity

Third party comments have raised concerns with regards to the impact upon their residential amenity, many of these comments coming from the occupiers of St Marks Road and Calton Road.

In relation to Calton Road, the relationship between the proposed dwellings and those opposite is considered to be acceptable. There is sufficient distance between them to ensure that there is no undue harm by loss of light, overbearing impact or loss of privacy. It is noted that third parties have expressed concerns with regards to the loss of their view of the City. This is not however a material planning consideration.

The relationship between the terrace of St Marks Road and that of the proposed application site is unusual. Further, as each dwelling of St Marks Road has different arrangements (extensions/fenestration etc.) and are of course varying distances from the application site, the relationship with the application site differs for each dwelling within the terrace. The rear of St Marks Road is bound with the application site by a high boundary retaining wall. The base of this wall is at a significantly higher level than the lower part of the gardens of St Marks Road and their ground floors. The rear gardens typically rise relatively steeply from this lower street level, to meet this boundary wall. There is therefore a significant rise between the properties at St Marks Road and the application site/Calton Road.

The boundary wall is already a dominating feature at the rear of this terrace, and third party representations have raised significant concerns that the development will exacerbate the harm that already exists. This relates to matters including overbearing impact, loss of light, and loss of outlook. The development will result in the building line of the dwellings being further towards St Marks Road, and at a greater height, than the existing situation. However, there will still be a set back between the retaining wall and the rear elevation of the proposed buildings. This break will reduce the impact of the development, and it is not considered that the development would be unacceptably dominant when compared to the existing situation. The outlook from the rear properties of St Marks Road will alter, but the outlook is not considered to be dominated by the proposed built form.

In relation to the loss of light, the agent has submitted a sunlight analysis to demonstrate that this harm would not be significant. It is noted that a number of third parties have disputed the accuracy of this data. The level of light reaching the rear rooms of the properties varies due to the differing siting and layouts of the properties. Due to the rear living spaces (which are generally kitchens) being set at the lower level, behind the stepped up garden and retaining walls, the level of light reaching these spaces is already less than would generally be expected. It is noted that a number of these properties benefit from rear extensions with roof lights which provides additional light to these rooms.

The sunlight analysis looks at one point (midday) during spring, summer, autumn and winter. This illustrates that at the summer and winter points there will be no discernable difference in relation to the light reaching the garden areas of the dwellings at St Marks Road. However, during the spring and autumn points analysed, there will be more of a marked difference to those adjoining properties. The upper parts of the gardens will be in more shadow than the current situation. However, whilst there is considered to be an impact in this regard, it is not considered to result in significant level of harm, and will impact upon the upper garden areas, rather than habitable living accommodation.

A number of third parties have raised concerns with regards to noise/disturbance during the construction phase. Subject to appropriate management, these issues can be controlled.

It is appreciate that the development will result in a different situation for the nearby occupiers, and this has been carefully considered. However the impact is not considered to be at a level that would justify the refusal of this planning application.

Land stability

As noted above, a large retaining wall currently bounds St Marks Road with the application site. A number of third parties have raised concerns that the development will impact upon the stability of this wall and the land it retains, during the construction process. Whilst these matters will be covered during the Building Regulations Process, planning policy seeks to ensure that this has been considered as part of the application process. Additional information has been submitted during the application process to allow officers to be comfortable that this has been adequately considered.

Ecological considerations

Some buildings support use by protected species such as bats or nesting birds, which if present could be affected by development. However, these buildings appear not to support obvious features that would typically be attractive to bats, for example, roof voids, basement, or evidence of crevices around the exterior of the building. This building is likely to support negligible roosting potential for bats, and the risk of use by protected species is not sufficient in this case for the LPA to require a protected species survey prior to consent.

Other matters

Policy H.7 of the Place Making Plan requires residential development to have enhanced accessibility standards and meet the optional technical standard 4(2) in the Building

Regulations Approved Document M. This policy is applied to all market housing developments but in accordance with recent Council Guidance as only 19% of the proposed housing (rounded to the nearest whole number) needs to meet Part M, in this instance none of the housing needs to comply.

Policy SCR5 of the Place Making Plan requires development to make provision for rainwater harvesting such as water butts. This can be required by condition.

Policy LCR9 seeks to provide opportunities for food growing within residential development. In this case small gardens have been provided within the development and these will provide the opportunities for the above.

Conclusion

The third party comments have been fully considered but for the reasons as outlined above, this application is recommended for approval. Whilst it has been noted that the development will result in a change to the near by neighbours, in particular the outlook and the levels of light reaching the gardens, this is not considered to result in harm that would justify the refusal of this planning application.

RECOMMENDATION

PERMIT

CONDITIONS

1 Standard Time Limit (Compliance)

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

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

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

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

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policies D1, D2, D3 and D5 of the Bath and North East Somerset Placemaking Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

3 Water Efficiency (Compliance)

The approved dwellings shall be constructed to meet the national optional Building Regulations requirement for water efficiency of 110 litres per person per day.

Reason: In the interests of water efficiency in accordance with Policy SCR5 of the Bath and North East Somerset Placemaking Plan.

4 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 (e.g. 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.

5 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 to assess the impact upon residential amenity

6 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 Policy ST7 of the Bath and North East Somerset Placemaking 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.

7 Screening (Pre-occupation)

The development hereby approved shall not be occupied until the details of screening/means of enclosure at the rear boundary have been submitted to and approved in writing by the Local Planning Authority. These shall be installed prior to occupation of the development and permanently retained as such.

Reason: In the interest of residential and visual amenity in accordance with Policy D2 and D6 of the Bath and North East Somerset Placemaking Plan.

8 Drainage (Compliance)

The drainage design should ensure that no surface water generated as a result of the development should flow onto the highway or other neighbouring land.

Reason; This is to ensure that there is no increase in flood risk away from the development in accordance with Policy CP5 of the Bath and North East Somerset Placemaking Plan.

9 Plans List (Compliance)

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

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

PLANS LIST:

1 31 May 2017 EXISTING SITE PLAN AND PROPOSED SITE PLAN
31 May 2017 AP(0)09 A PROPOSED SECTION
31 May 2017 AP(0)08 A EXISTING SECTION
31 May 2017 AP(0)05 A EXISTING ELEVATIONS
31 May 2017 AP(0)04 A EXISTING PLANS
31 May 2017 AP (0)01 SITE LOCATION PLAN
6 September 2017 AP(O)07 C PROPOSED ELEVATIONS

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

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

4 Condition Categories

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

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

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

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

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

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

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

5 This permission does not convey or imply any civil or legal consents required to undertake the works.

Item No: 03
Application No: 17/01708/FUL
Site Location: 2 Manor Farm Cottages Anchor Lane Combe Hay Bath Bath And North East Somerset



Ward: Bathavon West **Parish:** Combe Hay **LB Grade:** II
Ward Members: Councillor David Veale
Application Type: Full Application
Proposal: Interior and exterior alterations, including a two-storey extension and creation of new vehicle access.
Constraints: Affordable Housing, Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Conservation Area, Greenbelt, Housing Development Boundary, Listed Building, Neighbourhood Plan, SSSI - Impact Risk Zones,
Applicant: Lacroix
Expiry Date: 14th July 2017
Case Officer: Emma Hardy

REPORT

Reason for reporting application to committee:

The application has been referred to committee as the Parish Council support the application and the case officer is recommending refusal. The Chair of the Committee has reviewed this request and considers that this application should be determined at committee.

Description:

2 Manor Farm Cottages is a Grade II listed semi-detached cottage located on the south side of Anchor Lane in the village of Combe Hay. The original building dates to the late 15th or early 16th Century and has been remodelled and altered over time. The building is of rubble stone construction under a pantile roof with gabled ends. The building is two storey in height and positioned at a higher ground level than Anchor Lane. To the rear the site slopes steeply upwards towards Backy Hill. The rear garden is accessed by steps up from the back of the cottage. The site is located within the Combe Hay Conservation Area and is within the Green Belt and AONB.

A Design and Access Statement, Transport Assessment and Arboricultural Assessment were included with the application.

In addition to the previously consented works this application seeks to construct a new two storey extension on the west end of the property that will require excavation to create the ground floor level and demolition of the retaining wall and excavation and hard landscaping to create a south facing terrace. A new driveway is proposed from the lane to the south of the property that will require a new opening in the historic boundary wall and a new hard-standing within the property to provide off street parking.

Relevant Planning History

DC - 16/02384/LBA - CON - 21 December 2016 - Internal and external alterations to provide ground floor WC, rear terrace, provision of en suite bathroom to first floor and new bathroom and dressing room to first floor level.

DC - 16/02383/FUL - Internal alterations to provide ground floor WC, provision of en-suite bathroom to first floor and new bathroom and dressing room to first floor level, proposed new vehicular access to rear garden. Withdrawn

DC - 17/01708/FUL - PCO - - Interior and exterior alterations, including a two-storey extension and creation of new vehicle access.

DC - 17/01709/LBA - PCO - - Interior and exterior alterations, including a two-storey extension (part retrospective) and partial demolition of rear boundary wall to create a vehicle access.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Arboricultural Officer: Following the submission of additional information there is no objection subject to conditions

Ecology: No objections subject to conditions. If planting is being removed this should be replaced with planting of equal ecological value.

Highway Officer: No objection subject to conditions

Combe Hay Parish Council: - Support the application with comments that the proposed additions and modifications to the property are sympathetic to the existing fabric and extend the life of the building. The visibility splays sought by highways are considered unnecessary. If the Planning Authority is minded to approve the new vehicle access the PC would wish the wall to be retained in its present alignment and not realigned as proposed.

5 Letters of Support have been submitted all of which support the application including the access and parking.

POLICIES/LEGISLATION

The Development Plan for Bath and North East Somerset comprises:

- o Bath & North East Somerset Core Strategy (July 2014)
- o Bath & North East Somerset Placemaking Plan (July 2017)
- o West of England Joint Waste Core Strategy (2011)
- o Bath & North East Somerset saved Local Plan policies (2007) not replaced by the Core Strategy or the Placemaking Plan:
 - Policy GDS.1 Site allocations and development requirements (policy framework)
 - Policy GDS.1/K2: South West Keynsham (site)
 - Policy GDS.1/NR2: Radstock Railway Land (site)
 - Policy GDS.1/V3: Paulton Printing Factory (site)
 - Policy GDS.1/V8: Former Radford Retail System's Site, Chew Stoke (site)
- o Made Neighbourhood Plans

RELEVANT CORE STRATEGY POLICIES:

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The following policies of the Core Strategy are relevant to the determination of this application:

DW1: District Wide Spatial Strategy

SD1: Presumption in favour of sustainable development.

CP6: Environmental quality

CP8: Green Belts

RELEVANT PLACEMAKING PLAN POLICIES:

The Placemaking Plan for Bath and North East Somerset was formally adopted by the Council on 13th July 2017. The following policies of the Placemaking Plan are relevant to the determination of this application:

D1: General Urban Design Principles

D2: Local Character and Distinctiveness

D3: Urban Fabric
D5: Building Design
D6: Amenity
NE.2: Conserving and enhancing the landscape and landscape character
HE1: Historic environment
ST7: Transport requirements for managing development and Parking Standards
SC5: Sustainable Construction
GB1: Visual Amenities of the Green Belt
GB3 - Extensions and alterations to buildings in the Green Belt

The Existing Dwellings in the Green Belt Supplementary Planning Document (SPD), adopted October 2008, would also be relevant in the determination of a planning application

HE1: Historic environment

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

- Making Changes to Heritage Assets
- Managing Significance in the Decision-Taking in the Historic Environment

Bath & North East Somerset

- Combe Hay Conservation Area Appraisal

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 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character of the surrounding conservation area.

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

OFFICER ASSESSMENT

The main issues in respect of this proposal are as follows:

- The principle of the development
- Green Belt
- Impact on the AONB
- Impact on trees and landscape features
- Ecology
- Highways
- Residential Amenity
- Impact on Conservation Area listed building and Heritage assets
- Other matters

The Principal of Development:

In principle appropriately sized extensions to this dwelling are acceptable but as the site is within the AONB and Greenbelt the acceptability of the proposals will depend on the scale and design of the extensions.

Green Belt:

The NPPF states that the construction of new buildings within the Green Belt should be regarded as inappropriate development which, by definition, is harmful to the Green Belt and should not be supported except in very special circumstances. However, a number of exceptions to this are set out in the NPPF. One of these exceptions is the extension of an existing building, providing it does not result in a disproportionate addition over and above the size of the original building. This would apply to this proposal which would extend the building by well below a third of the existing building. The NPPF approach is reflected in Local Plan Policies and the extension is consequently an acceptable addition in green belt terms that complies with Local and national green belt policy.

Furthermore the extension is not considered to negatively impact on the openness of the site or the purposes of including land within the green belt. The proposal is therefore deemed to accord with policy CP8 of the adopted Core Strategy and Policy GB3 of the Placemaking Plan.

Impact on AONB:

The site is within the AONB and as such Placemaking Plan policy NE2 says that development must conserve or enhance local landscape character, landscape features and local distinctiveness. Given the location of the site and the scale of the extensions it is not considered that the proposals will detract from the natural beauty of the area. The proposals are largely contained within the site and they are not considered to be harmful to the AONB.

Impact on trees and landscape features:

The creation of a driveway will have some impact on existing landscape features within the site. However there is scope to mitigate through new planting and existing features can be acceptably protected through conditions. There are no objections on these grounds

Ecology:

A preliminary protected species assessment has been submitted which does not find any bat roosts within the affected part of the site, but identifies a number of features with habitat value for a range of species. Compliance with the assessment will be required but this can be acceptably secured by condition.

Highways:

The application proposes to construct a new access into the site with a driveway and hardstanding for cars. The site currently has no onsite parking and it is accepted that the provision onsite parking is a benefit of the scheme. The Parish Council were initially

unhappy with the realignment of the existing wall to provide the highway splays required by the highway authority. During the course of the application revised plans were submitted to no longer realign the wall (although the wall will still be breached) and the highway officer raises no objection to the revised access arrangement.

Residential Amenity:

The proposals do not impact upon adjoining properties due to the relationship of the proposals to the adjoining property. No objections have been raised on amenity impact grounds.

Impact on Conservation Area listed building and Heritage assets:

The alterations have been subject to negotiations and some amendments have been made in response. As a consequence the works to the main historic building including the extension are acceptable. No objection to these are raised by the Conservation Officer.

The new access which would require an existing historic wall to be breached and the creation of a new drive and hardstanding however remains contentious. Concerns remain relating to the proposed large opening and the demolition of 3.5 m of curtilage listed boundary wall at the rear of the site to allow vehicle access and the drive and hard standing parking area near the listed building. The demolition of the wall is however partially offset by rebuilding works elsewhere and this is acknowledged. The Conservation Officer retains an objection to the access, drive and hardstanding on the basis of loss of historic, traditional walling and harm caused to the setting of the listed building and Conservation Area. He advises that the works would give rise to an erosion of rural character that would result in inappropriate suburbanisation.

The harm caused to the character of the Conservation Area and the setting of the listed building would be 'less than substantial'. Paragraph 134 requires that less than substantial harm to a heritage asset is weighed against the public benefits of the proposal. The only public benefit of the proposed driveway and associated hardstanding is some reduction in demand for on street car parking to the front of the cottage. However, it is considered in this case that the parking of cars to the north of the site does not result in an unacceptable road safety or congestion issue, nor does it cause substantial harm to the setting of surrounding listed buildings or the character or appearance of the Conservation Area. Therefore, the public benefit does not outweigh the harm to the Conservation Area and setting of the listed building that would result from the proposals. Paragraph 132 of the NPPF is clear that great weight should be given to the conservation of heritage assets. In this case the less than substantial harm is not outweighed by the public benefits.

There is a duty under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant listed building consent for development which affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Here, it is considered that for the reasons outlined above, the development would cause serious harm to the character and setting of the listed buildings.

There is a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the

character of the surrounding conservation area. Here it is considered that for the reasons outlined above, the development fails to preserve the character and appearance of the City of Bath Conservation Area. Further, the development is considered to harm the setting of the wider World Heritage Site.

Conclusion:

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

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

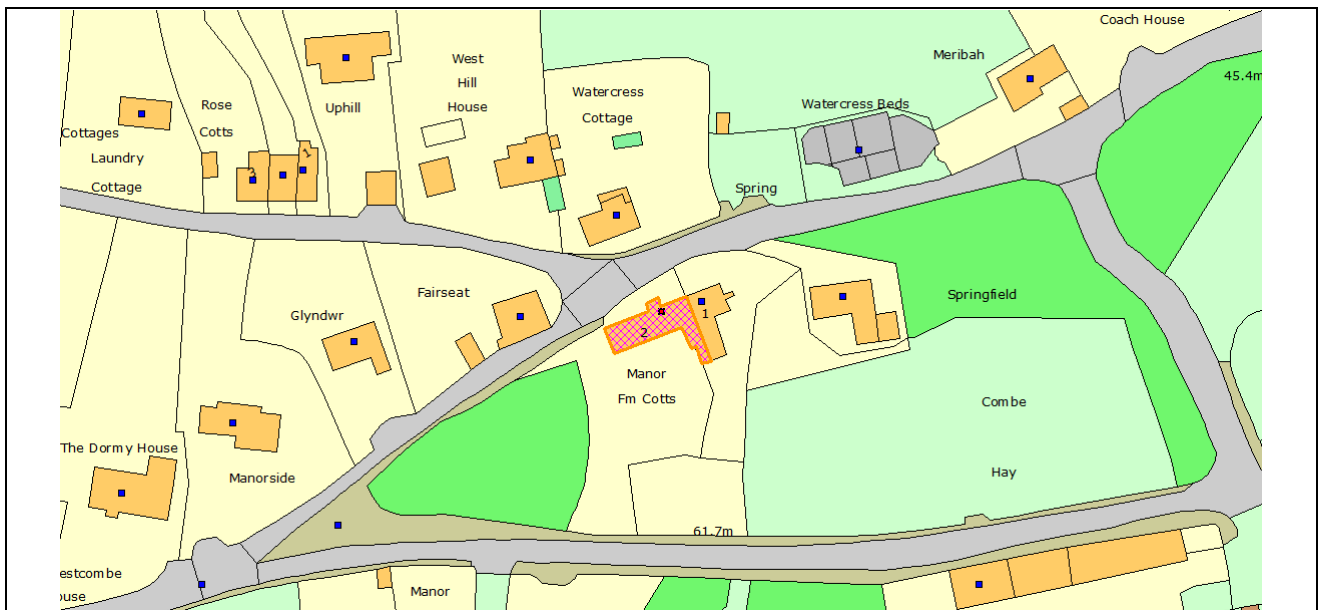
1 The proposed works to create a new access and associated drive and hardstanding would be harmful to the setting of the Grade II listed building result in a loss of historic fabric and is detrimental to the character and appearance of the Conservation Area. The public benefits of the proposal are limited and do not outweigh this harm. Consequently the application is contrary to Core Strategy Policy CP6 and policy H.E1 of the Placemaking Plan.

PLANS LIST:

1 This decision relates to the following drawings
following drawings 2255 _BP01, PD01(1), PD02, P03, PD04, PD05, PD06, PE01A, PE02, PL01, PP01B, PP02, SP01, SP02, SP03, Existing elevations, L41708, L41709, SPL01, L417/07RevA

2 In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. Notwithstanding informal advice offered by the Local Planning Authority the submitted application was unacceptable for the stated reasons and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision. In considering whether to prepare a further application the applicant's attention is drawn to the original discussion/negotiation.

Item No:	04
Application No:	17/01709/LBA
Site Location:	2 Manor Farm Cottages Anchor Lane Combe Hay Bath Bath And North East Somerset



Ward: Bathavon West

Parish: Combe Hay

LB Grade: II

Ward Members: Councillor David Veale

Application Type: Listed Building Consent (Alts/exts)

Proposal: Interior and exterior alterations, including a two-storey extension (part retrospective) and partial demolition of rear boundary wall to create a vehicle access.

Constraints: Affordable Housing, Agric Land Class 3b,4,5, Area of Outstanding Natural Beauty, Conservation Area, Greenbelt, Housing Development Boundary, Listed Building, Neighbourhood Plan, SSSI - Impact Risk Zones,

Applicant: Lacroix

Expiry Date: 14th July 2017

Case Officer: Emma Hardy

REPORT

Reason for reporting application to committee:

The application has been referred to committee as the Parish Council support the application and the case officer is recommending refusal. The Chair of the Committee has reviewed this request and considers that this application should be determined at committee.

Description:

2 Manor Farm Cottages is a Grade II listed semi-detached cottage located on the south side of Anchor Lane in the village of Combe Hay. The original building dates to the late 15th or early 16th Century and has been remodelled and altered over time. The building is of rubble stone construction under a pantile roof with gabled ends. The building is two storey in height and positioned at a higher ground level than Anchor Lane. To the rear the site slopes steeply upwards towards Backy Hill. The rear garden is accessed by steps up

from the back of the cottage. The site is located within the Combe Hay Conservation Area and is within the Green Belt and AONB.

A Design and Access Statement, Transport Assessment and Arboricultural Assessment were included with the application.

This application includes works to refurbish the listed building including new stairs, partitions and internal modelling. These works are largely completed and were subject to a consented listed building application in 2016.

In addition to the previously consented works this application seeks to construct a new two storey extension on the west end of the property that will require excavation to create the ground floor level, demolition of the retaining wall and excavation and hard landscaping to create a south facing terrace. A new driveway is proposed from the lane to the south of the property that will require a new opening in the historic boundary wall and a new hard-standing within the property to provide off street parking.

Relevant Planning History:

DC - 16/02384/LBA - CON - 21 December 2016 - Internal and external alterations to provide ground floor WC, rear terrace, provision of en-suite bathroom to first floor and new bathroom and dressing room to first floor level.

DC - 16/02383/FUL - Internal alterations to provide ground floor WC, provision of en-suite bathroom to first floor and new bathroom and dressing room to first floor level, proposed new vehicular access to rear garden. Withdrawn

DC - 17/01708/FUL - PCO - - Interior and exterior alterations, including a two-storey extension and creation of new vehicle access.

DC - 17/01709/LBA - PCO - - Interior and exterior alterations, including a two-storey extension (part retrospective) and partial demolition of rear boundary wall to create a vehicle access.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Highway Officer: No objection subject to conditions

Combe Hay Parish Council: Support the application with comments that the proposed additions and modifications to the property are sympathetic to the existing fabric and extend the life of the building. The visibility splays sought by highways are considered unnecessary. If the Planning Authority is minded to approve the new vehicle access the PC would wish the wall to be retained in its present alignment and not realigned as proposed.

1 Letter of Support has been submitted.

POLICIES/LEGISLATION

The Development Plan for Bath and North East Somerset comprises:

- o Bath & North East Somerset Core Strategy (July 2014)
- o Bath & North East Somerset Placemaking Plan (July 2017)

- o West of England Joint Waste Core Strategy (2011)
- o Bath & North East Somerset saved Local Plan policies (2007) not replaced by the Core Strategy or the Placemaking Plan:
 - Policy GDS.1 Site allocations and development requirements (policy framework)
 - Policy GDS.1/K2: South West Keynsham (site)
 - Policy GDS.1/NR2: Radstock Railway Land (site)
 - Policy GDS.1/V3: Paulton Printing Factory (site)
 - Policy GDS.1/V8: Former Radford Retail System's Site, Chew Stoke (site)
- o Made Neighbourhood Plans

RELEVANT CORE STRATEGY POLICIES:

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The following policies of the Core Strategy are relevant to the determination of this application:

CP6: Environmental quality

RELEVANT PLACEMAKING PLAN POLICIES:

The Placemaking Plan for Bath and North East Somerset was formally adopted by the Council on 13th July 2017. The following policies of the Placemaking Plan are relevant to the determination of this application:

HE1: Historic environment

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

- Making Changes to Heritage Assets
- Managing Significance in the Decision-Taking in the Historic Environment

Bath & North East Somerset

- Combe Hay Conservation Area Appraisal

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

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

OFFICER ASSESSMENT

The alterations to the protected building were subject to some negotiations between the applicant and the LPA, and the amendments have resulted in alterations to the listed building that are acceptable and supported. However, the alterations to the rear traditional, historic boundary wall to create a vehicular access will result in a loss of historic fabric requiring the demolition of 3.5 m of wall and will have an adverse impact of the setting and appearance of the Conservation Area. The Combe Hay Conservation Area Appraisal clearly identifies that historic boundary walls, constructed in local limestone, make a positive contribution and are an important element of its rural character and one of its qualities that make it special as a designated heritage asset. The proposed breach in the wall to create a vehicular access will have both a negative physical and visual impact that would set an undesirable precedent and should be resisted. In addition to this, the accumulative impact of similar proposals coming forward in the future is also an important consideration in assessing these proposals and their wider implications.

The harm caused to the character of the Conservation Area and the setting of the listed building would be 'less than substantial'. Paragraph 134 requires that less than substantial harm to a heritage asset is weighed against the public benefits of the proposal. The only public benefit of the proposed driveway and associated hard standing is some reduction in demand for on street car parking to the front of the cottage. However, it is considered in this case that the parking of cars to the north of the site does not result in an unacceptable road safety or congestion issue, nor does it cause substantial harm to the setting of surrounding listed buildings or the character or appearance of the Conservation Area. Therefore, the public benefit does not outweigh the harm to the Conservation Area and setting of the listed building that would result from the proposals. Paragraph 132 of the NPPF is clear that great weight should be given to the conservation of heritage assets. In this case the less than substantial harm is not outweighed by the public benefits.

There is a duty under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant listed building consent for development which affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. There is also a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. Here it is considered that for the reasons outlined above, the proposals are contrary to and not consistent with the aims, requirements and objectives of the primary legislation, planning policy and accompanying guidance.

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

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed works to create a new access and associated drive and hardstanding would be harmful to the setting of the Grade II listed building result in a loss of historic fabric and is detrimental to the character and appearance of the Conservation Area. The public benefits of the proposal are limited and do not outweigh this harm. Consequently the application is contrary to Core Strategy Policy CP6 and policy H.E1 of the

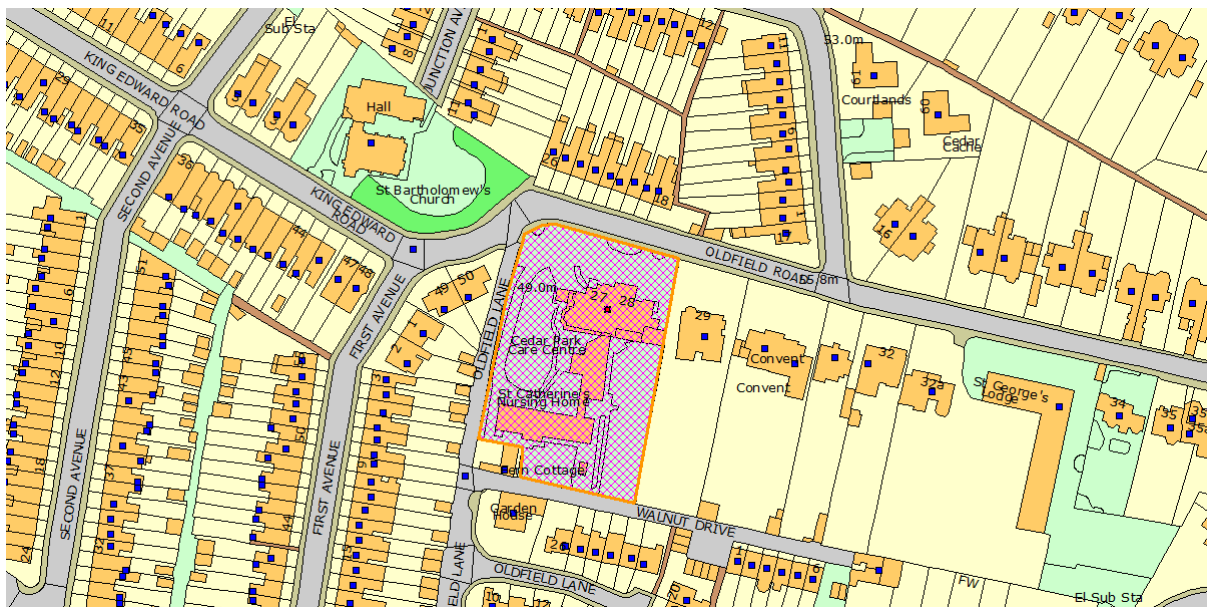
Placemaking Plan and to the aims, requirements and objectives of the Planning (Listed Buildings & Conservation Areas) Act 1990 and NPPF Section 12: Conserving and enhancing the historic environment.

PLANS LIST:

1 This decision relates to the following drawings 2255 _BP01, PD01(1), PD02, P03, PD04, PD05, PD06, PE01A, PE02, PL01, PP01B, PP02, SP01, SP02, SP03, Existing elevations, L41708, L41709, SPL01, L417/07RevA

2 In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. Notwithstanding informal advice offered by the Local Planning Authority the submitted application was unacceptable for the stated reasons and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision. In considering whether to prepare a further application the applicant's attention is drawn to the original discussion/negotiation.

Item No: 05
Application No: 17/01542/FUL
Site Location: Cedar Park Care Centre 27 - 28 Oldfield Road Oldfield Park Bath
Bath And North East Somerset



Ward: Oldfield **Parish:** N/A **LB Grade:** II
Ward Members: Councillor Shaun Andrew Stephenson-McGall Councillor W Sandry
Application Type: Full Application

Proposal:	Erection of replacement two storey block and additional two storey extensions to the south and east with retained buildings to be refurbished and augmented following demolition of existing central link building.
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:	Cedar Care Homes
Expiry Date:	27th September 2017
Case Officer:	Anna Jotcham

REPORT

REASON FOR APPLICATION BEING REFERRED TO COMMITTEE:

The application is being referred to the Development Management Committee at the request of the Chair who has stated:

"I have studied this application carefully noting it's history and consultee comments including third party objections. The need for this type of development is understood to meet the increasing ageing population and the proposals could be seen to improve the present site however this is clearly a controversial application. The Officer has assessed the application in relation to relevant planning policy and addressing points raised as is evident in the report presented to me. However I believe this application should be determined by DMC where all the points raised can be debated in the public arena."

THE SITE:

Cedar Park Care Centre is a Grade II listed building. It is noted in the statutory list as a good example of a mid - 19th century former Italianate villa with elaborate architectural detail. The building is one of a series of similar villas on Oldfield Road which demonstrate well the fashion for such developments within the suburb of the City of Bath. The site is located within the Bath Conservation Area and World Heritage Site designation.

THE PROPOSAL:

The proposals are for the demolition of the existing central link building and construction of a replacement two storey block, together with an additional two storey extension located to the south and east. The proposed widening of one of the two entrances from Oldfield Road also forms part of the application. Refurbishment of the existing buildings, including the blocking up of the original entrance of the principle Georgian building to provide 2 additional bedrooms is also proposed and this is considered in the parallel listed building application (17/01543/LBA).

The current proposals follow planning and listed building applications (15/04344/FUL and 15/04345/LBA) which were refused in January 2017. Details are given later in this report.

The proposals will provide a provide a net increase in the number of bedrooms from 47 to 68 (21).

RELEVANT PLANNING HISTORY:

12/00803/LBA - CONSENT - 8 May 2012 - External alterations for the demolition of a section of party/boundary wall constructed in ashlar stone and construction of a concrete retaining wall and replacement of ashlar stone wall in same position using stone from existing wall.

15/04344/FUL - REFUSED - 17 January 2017 - Demolition of existing central link building and construction of a replacement two storey block, together with an additional two storey extension located to the south and east, retained buildings to be refurbished and augmented.

15/04345/LBA - REFUSED - 19 January 2017 - Internal and external alterations to include demolition of existing central link building and construction of a replacement two storey block, together with an additional two storey extensions located to the south and east, retained buildings to be refurbished and augmented.

There is a listed building application running parallel to the current planning application (17/01543/LBA).

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

COUNCILLOR PAUL CROSSLEY - Request for application be taken to Committee if the officer recommendation is to refuse. Reasons are as follows:

- The application addresses the points raised in the first refusal.
- Extra facilities like this are urgently needed to meet the growing demand of an ageing population and in view of the number of people employed this has an economic impact on the city.
- The provision of accommodation such as this releases other housing back to the market.
- The design enhances and improves the current building and thus improves the area and consequently has an important positive impact on the World Heritage Site.

HIGHWAY OFFICER - The applicant shall be requested to provide further information/detail on the following matters:

1. Will the no. of staff employed at the facility be restricted to the current number?
2. Location of bicycle parking facilities in accordance with policy ST7 of the PMP.
3. The provision of a Construction Management Plan as outlined above.

Unable to make a final recommendation on high ground until such details are available/re-submitted.

TREE OFFICER - Not acceptable in the current form.

LANDSCAPE OFFICER - Not acceptable in the current form. Rather than conserving and enhancing the landscape and visual character and quality of the Conservation Area, the World Heritage Site and the setting of the listed building the proposals would be detrimental to it.

CONSERVATION OFFICER - Objection. The differences between the original application and the revised scheme are very marginal and do not improve the overall quality of the design, scale or use of materials. The application still proposes converting the current

entrance hall into a bedroom which will harm legibility of plan form. It is recommended that the application is refused due to harm on character, significance and setting of the principal listed building and wider area.

DRAINAGE AND FLOODING TEAM - No objection.

ECOLOGIST - No objection subject to condition for precautionary working methods for building demolition to protect birds, bats or other wildlife and the submission and implementation of a Wildlife Protection and Enhancement Scheme.

ENVIRONMENTAL PROTECTION TEAM - No objection, subject to conditions to restrict the burning of materials on site and control of dust and noise levels from construction and demolition activities.

CONTAMINATED LAND OFFICER - No objection, subject to condition for reporting of unexpected contamination and advisory note for desk study and walkover survey.

HISTORIC ENGLAND - No comment.

WALES AND WEST UTILITIES - Standard advisory note recommended.

BATH PRESERVATION TRUST - The application appears only marginally different to the previous refused application and on balance we would not disagree with the case officer's previous concerns regarding overdevelopment of the site impacting on the listed building and conservation area. We repeat our previous concerns regarding the proposed materials for the extensions to the building. Render, cast stone and recon-stone detailing are not appropriate materials for a prominent development attached to a listed building within a conservation area as they have a low quality appearance and poor longevity which will result in harm to the listed building. In order to retain the character and appearance of the conservation area, and to preserve the special interest of the listed building, we would recommend that Bath stone ashlar is used on all outward facing elevations, with render to the rear if appropriate. Detailing such as quoins and cills should also be crafted Bath stone. We also comment that there appears to be little justification for the moving of the gate pier and question whether an 'in' and 'out' arrangement could not be put in place to avoid changes to the layout and appearance of the frontage of the listed building. We also note the lack of a landscaping scheme.

OTHER REPRESENTATIONS - 19 third party objection comments were received during the consultation process. These can be summarised as follows:

Process and approach:

- The application is almost a repeat of a previously refused scheme and fails to respond to the Council's advice and clear reasons set out in the previous refusal.
- The proposal represents an abuse of the planning system.
- The application is contrary to relevant local and national planning policy.
- The scheme is purely for commercial gain and is not a public spirited attempt to provide more care homes.

Over-development:

- The proposals will add an additional 981.2m² of floor space to an already well developed and restricted site. This represents an increase of 50% over the existing floor space.

- The floor area of the current scheme has increased by 75.80m² when compared to the previous scheme which was refused as 'over-development'.

Character and appearance:

- A comparison between the previously refused and current elevations suggest that there has been no reduction in the maximum height of the new extensions and only minor reductions along some parts of the elevations.
- The proposed extension by reason of its design, mass, character and scale will overwhelm the existing grade II listed building and harm its setting and that of the wider Conservation Area.
- The submitted Heritage Statement is incomplete.
- The materials and design being proposed are inappropriate.

Landscape and trees:

- The proposal will harm the existing landscape setting and trees within the site and compromise the communal garden space available for residents.
- Shading and maintenance issues will affect gardens and trees in adjacent properties.

Access and parking:

- The proposal will worsen the current access, road and traffic situation.
- The scheme provides inadequate levels of car parking for staff and visitors.

Residential amenity:

- The proposed development will severely affect the outlook of neighbouring properties and result in overshadowing, noise, light, odour pollution and loss of privacy.

Ecology:

- The proposed development may affect birds and protected species.

Drainage:

- The development will increase surface water drainage.

Other matters:

- Construction and building work will affect the structure, safety and services at neighbouring properties (land is unstable in this area).
- Limited community engagement has taken place.
- There is incomplete evidence of need.

POLICIES/LEGISLATION

The Development Plan for Bath and North East Somerset comprises:

- Bath & North East Somerset Core Strategy (July 2014)
- Bath & North East Somerset Placemaking Plan (July 2017)
- West of England Joint Waste Core Strategy (2011)
- Bath & North East Somerset saved Local Plan policies (2007) not replaced by the Core Strategy or the Placemaking Plan:
- Policy GDS.1 Site allocations and development requirements (policy framework)
- Policy GDS.1/K2: South West Keynsham (site)
- Policy GDS.1/NR2: Radstock Railway Land (site)
- Policy GDS.1/V3: Paulton Printing Factory (site)
- Policy GDS.1/V8: Former Radford Retail System's Site, Chew Stoke (site)
- Neighbourhood Plans

RELEVANT CORE STRATEGY POLICIES:

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The following policies of the Core Strategy are relevant to the determination of this application:

Policy DW1: District-wide spatial strategy
Policy B1: Bath Spatial Strategy
Policy B4: World Heritage Site and its setting
Policy SD1: Presumption in favour of sustainable development
Policy CP1: Retrofitting existing buildings
Policy CP2: Sustainable construction

Policy CP6: Environmental quality

RELEVANT PLACEMAKING PLAN POLICIES:

The Placemaking Plan for Bath and North East Somerset was formally adopted by the Council on 13th July 2017. The following policies of the Placemaking Plan are relevant to the determination of this application:

Policy SU1: Sustainable drainage
Policy D1: General urban design principles
Policy D2: Local character and distinctiveness
Policy D3: Urban fabric
Policy D4: Streets and spaces
Policy D5: Building design
Policy D6: Amenity
Policy D8: Lighting
Policy HE1: Historic environment
Policy NE2: Conserving and enhancing the landscape and landscape character
Policy NE2A: Landscape setting of settlements
Policy NE3: Sites, species and habitats
Policy NE6: Trees and woodland conservation
Policy PCS2: Noise and vibration
Policy H1: Housing and facilities for the elderly, people with other supported housing or care needs
Policy 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 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character of the surrounding conservation area.

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

OFFICER ASSESSMENT

PRINCIPLE OF DEVELOPMENT:

Cedar Park Care Centre is a C2 residential institution within the main urban area of Bath, where the development of residential or day care facilities is acceptable in principle, subject to the policies of the development plan and any other material considerations.

CHARACTER AND APPEARANCE:

Cedar Park Care Home is a grade II listed building within the Bath World Heritage Site and Conservation Area. The recent list entry describes it as the best of five substantial Victorian villas on Oldfield Road. The building has suffered a number of poor quality additions and extensions through its use as a care home and this has compromised its architectural interest. Nevertheless, parts of the interior of the principle building are still intact and these make an important contribution to the overall character and significance of the building.

The current proposals follow planning and listed building applications (15/04344/FUL and 15/04345/LBA) which were refused in January 2017. Prior to the applications being refused the Planning Officer, Conservation Officer and Landscape Officer met with the applicants to discuss their concerns. At this meeting it was recommended that the applications be withdrawn and that a pre-application enquiry for a significantly altered and reduced scheme be submitted in response to the comments made. However, the applicants chose not to withdraw the applications and accordingly they were refused.

The differences between the previously refused and current scheme are very marginal and do not improve the overall quality of the design, scale or use of materials. Whilst the roof layout of the proposed two-storey link building has been simplified there is no meaningful change in the scale and design of the building. It would therefore appear that no genuine attempt has been made to overcome the reasons for the earlier refusals. Regardless of previous concerns raised, the application still proposes to convert the current entrance hall into bedrooms which will harm the legibility of the historical plan form. This is discussed in more detail in the parallel listed building application report (17/01543/LBA).

The principle of redeveloping the existing poor quality extension with a possible modest increase in the overall development of the site is welcomed. However, any future development must be sensitive to the context in which it sits. The submitted scheme is considered to represent overdevelopment which would detract from the character and appearance of the building itself and that of the wider Conservation Area by virtue of its visibility from public views.

The replacement link building would include a second storey which would be approximately 3.6m higher and 5.3m wider than the single storey building it will replace. The Orchard Wing extension would expand the spread of the existing building by approximately 14.9m to the west and 13.2m to the south. Overall, the proposed extensions would increase the gross internal area (GIA) by 981.2m² which is equivalent to an increase of 39.4% over and above the existing GIA (1998.4m²).

The proposed scale and built form of the extension would have an overly dominant relationship with the host dwelling and would be unsympathetic and disrespectful to the listed building. In particular, the proposed spread of development sprouting out from Orchard Wing appears awkward and would result in loss of trees and open space. Furthermore, the proposed use of render, cast stone, recon stone detailing and UPVC fenestration to match the existing unsympathetic extension, rather than the listed building, does little in the way to benefit or improve the existing situation. The plans which offer a token glazed separation from the principle building do nothing to mitigate the harmful impact and do not go far enough to overcome the objections raised.

Overall, the scheme as submitted will by reasons of its overall design, scale, massing and use of materials cause serious harm to the character and setting of the listed building. The proposals will create a single, large visual element in the landscape and result in loss of trees and open space which would impact the character and appearance of the Conservation Area and the wider World Heritage Site.

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

There is a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. Here it is considered that for the reasons outlined above, the development fails to preserve the character and appearance of the City of Bath Conservation Area. Further, the development is considered to harm the setting of the wider World Heritage Site.

The impact upon the designated heritage assets is considered to be less than substantial harm. The NPPF explains that where this is the case, the harm should be weighed against the public benefits of the proposal. This will be dealt with within the 'Planning Balance' section of this report.

TREES AND LANDSCAPING:

All trees on and adjacent to the site are protected by virtue of the Bath Conservation Area designation.

A Landscape Layout Plan has been submitted with the application. This indicates that eight trees will be removed and nine will be planted. Other than this additional plan, there appears to be no material change in the proposals concerning landscape since the previous submission.

The amendment of the roofscape of the proposed building so that the two storey glazed link between the north and the south blocks is now flat roofed appears to be an attempt to visually separate the two buildings. While it could be considered to improve the façade when viewed from the west the current arrangement of glazing and cladding as shown on

the west elevation drawing is only partially successful and does not go far enough to overcome the concerns raised.

The proposed development would create a single large visual element in the landscape and result in the loss of trees and open space. Problems of access and circulation also remain unresolved. As too would the likelihood of future request for works to retained trees (T2, T3 and T4) which would reduce the already limited landscape setting to the listed building.

Placemaking plan policy H1 stipulates that development of housing and facilities for the elderly will only be permitted where there is adequate communal garden/outdoor space within the property to meet the needs of the residents. The proposals would result in a considerable loss of landscape area and would not resolve the current problems of access and circulation. It is therefore considered that the proposals are contrary to policy H1.

Based on the above, it is considered that the development would further reduce the already somewhat limited landscape setting of the listed building and affect the landscape and visual character and quality of the Conservation Area and the World Heritage Site.

RESIDENTIAL AMENITY:

Objections have been received highlighting concerns about the proposed spread of development towards surrounding properties. However, it is not considered that the scheme is of a siting and scale which would result in a level of harm in terms of undue loss of light or an overbearing impact that would be at a level to justify a refusal.

ACCESS AND CAR PARKING ARRANGEMENTS:

The property is located within a predominately residential street network with two existing vehicular access points onto Oldfield Road. The current application seeks to widen the western access onto Oldfield Road to improve ease of access and visibility. This will require extending the dropped kerb where the applicant will be required to secure a licence under Section 184 of the Highways Act 1980.

Other than the widening of this access, there appears to be no change from that previously proposed in terms of highway related impacts. The Highways Officer previously expressed concerns in relation to the use of the two existing accesses and suggested that the west access be closed up and to accommodate all vehicular traffic at the wider east access. However, it is acknowledged that both accesses are currently in use and that the increase in vehicular movements as a result of the extra bed spaces is unlikely to exacerbate the potential safety risk with the retained use of the western access to an unacceptable level.

It is noted that there is a bus stop located adjacent to the site. This is likely to be impacted during the construction phase, particularly during the works involving the widening of the west access. Impacts on the operation of the bus stop during the construction phase could be covered in a Construction Management Plan which could be secured by condition. This would also need to 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 applicant has confirmed that the number of car parking spaces has been increased to 17 (from 14). This will generate a parking shortfall of 19 spaces as required by the parking standards for C2 uses set out in the Placemaking Plan. However, with the provision of 3 extra spaces the parking shortfall will be no greater than the current shortfall and consequently no highways objection has been raised.

Concern has been raised about the potential increase in staff numbers which could result in additional on-street parking in the locality. The Highway's Officer has recommended that the number of staff be restricted to 50 and this has been confirmed by the applicant.

It is noted that one of the parking spaces on the Proposed Site Plan (space no. 1) is likely to obstruct the passage of traffic to an area (which appears to be a service area) to the east of the building. This will need to remain clear at all times so it is not acceptable for this area to be set aside for parking. However, it is acknowledged that parking spaces nos. 1-15 are indicative only and are not formally marked out. As a result, it is anticipated that cars would be parked appropriately to allow access at all times.

Facilities for bicycle storage facilities in accordance with policy ST7 of the Placemaking Plan could be secured by condition.

DRAINAGE AND FLOODING:

The application is supported by a Proposed Surface Water Drainage Strategy which is considered acceptable.

ECOLOGY:

The Council's Ecologist has advised that the likelihood of protected species being present in this section is sufficiently low to justify requiring a protected species survey. Subject to conditions the scheme is considered to be ecologically acceptable.

OTHER MATTERS:

Matters surrounding contaminated land and environmental protection could be secured by planning conditions and advisory notes.

PLANNING BALANCE:

The harm to the designated assets (the listed building, Conservation Area and World Heritage Site) is considered to be 'less than substantial' and where this is the case, the NPPF explains that the harm should be weighed against the public benefits of the proposal. In this case, the benefits are recognised but these are not considered to outweigh the harm identified. These benefits would include provision of extra care home beds and to a lesser extent the creation of jobs through the construction process (it is noted that the existing level of staff is not proposed to change).

Overall, the proposed development is considered to have a detrimental impact upon the character and setting of the listed building and the character and appearance of the

Conservation Area and the wider World Heritage Site. The application is therefore recommended for refusal.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed development due to its scale, design and location is considered to result in the overdevelopment of the site to the detriment of the character and setting of the listed building and the character and appearance of this part of the Conservation Area. The proposal is contrary to policy CP6 of the Bath and North East Somerset Core Strategy (adopted July 2014), policies HE1, D1, D2, D3 and D5 of the Bath and North East Somerset Placemaking Plan (adopted July 2017) and guidance in the National Planning Policy Framework.

2 The proposed development will harm the existing landscape setting and result in the loss of trees which make an important contribution to the character of this part of the Conservation Area. The proposal is therefore contrary to policies D1, D2, HE1, NE2 and NE6 of the Bath and North East Somerset Placemaking Plan (adopted July 2017) and guidance in the National Planning Policy Framework.

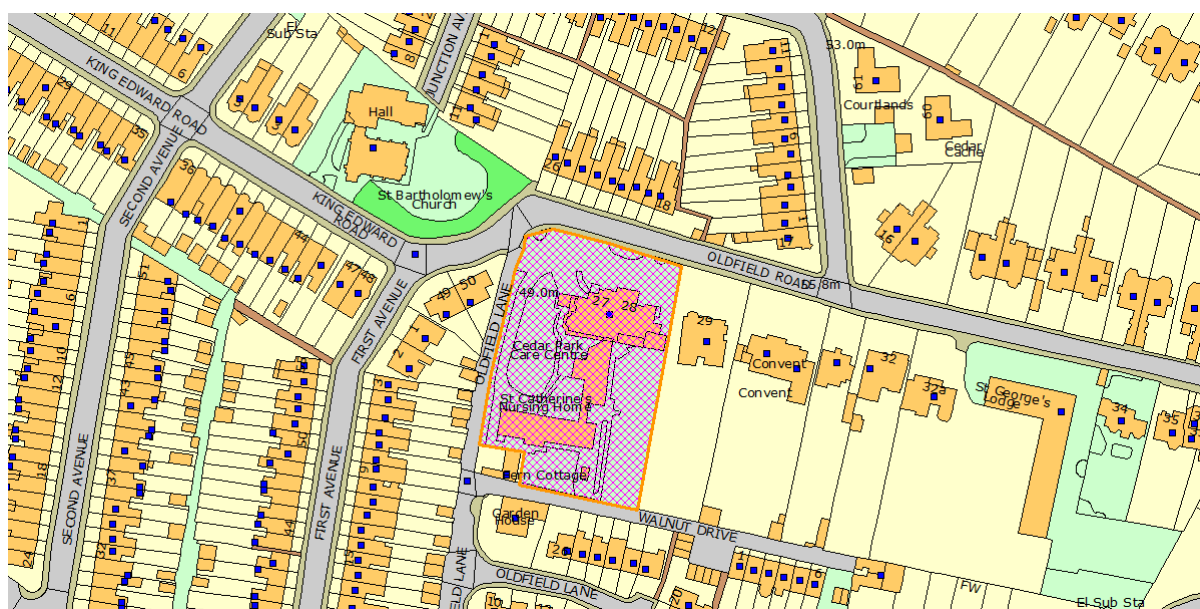
PLANS LIST:

1 This decision relates to the following plans:

LOCATION PLAN - 3481/200 - 30/03/2017
EXISTING SITE PLAN - 3841/202B - 30/03/2017
EXISTING LOWER GROUND FLOOR - 3841/203 - 30/03/2017
EXISTING UPPER GROUND FLOOR - 3841/204 - 30/03/2017
EXISTING FIRST FLOOR - 3841/205 - 30/03/2017
EXISTING SECOND FLOOR - 3841/206 - 30/03/2017
EXISTING ROOF - 3841/207 - 30/03/2017
EXISTING NORTH AND SOUTH ELEVATIONS - 3841/208 - 30/03/2017
EXISTING EAST AND WEST ELEVATIONS - 3841/209 - 30/03/2017
PROPOSED SITE PLAN - 3841/220J - 18/07/2017
PROPOSED LOWER GROUND FLOOR - 3841/210M - 30/03/2017
PROPOSED UPPER GROUND FLOOR - 3841/211M - 30/03/2017
PROPOSED FIRST FLOOR - 3841/212E - 30/03/2017
PROPOSED SECOND FLOOR - 3841/213C - 30/03/2017
PROPOSED ROOF - 3841/214E - 30/03/2017
PROPOSED NORTH ELEVATIONS - 3841/215F - 30/03/2017
PROPOSED SOUTH AND EAST ELEVATIONS - 3841/216H - 30/03/2017
PROPOSED WEST ELEVATION - 3841/217H - 30/03/2017
EXISTING AND PROPOSED UPPER GROUND FLOOR - 3841/230 - 30/03/2017
EXISTING AND PROPOSED ELEVATION A DETAILS - 3841/231 - 30/03/2017
EXISTING AND PROPOSED ELEVATION B DETAILS - 3841/232 - 30/03/2017
LANDSCAPE LAYOUT - 973/PA/01F - 18/07/2017

2 In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. Notwithstanding informal advice offered by the Local Planning Authority the submitted application was unacceptable for the stated reasons and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision. In considering whether to prepare a further application the applicant's attention is drawn to the original discussion/negotiation.

Item No: 06
Application No: 17/01543/LBA
Site Location: Cedar Park Care Centre 27 - 28 Oldfield Road Oldfield Park Bath Bath And North East Somerset



Ward: Oldfield **Parish:** N/A **LB Grade:** II
Ward Members: Councillor Shaun Andrew Stephenson-McGall Councillor W Sandry
Application Type: Listed Building Consent (Alts/exts)
Proposal: Internal and external alterations to erect 1no. replacement two storey block and 2no. additional two storey extensions to the south and east with retained buildings to be refurbished and augmented following demolition of existing central link building.
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: Cedar Care Homes
Expiry Date: 27th September 2017

REPORT

REASON FOR APPLICATION BEING REFERRED TO COMMITTEE:

The application is being referred to the Development Management Committee at the request of the Chair who has stated:

"I have studied this application carefully noting its history and consultee comments including third party objections. The need for this type of development is understood to meet the increasing ageing population and the proposals could be seen to improve the present site however this is clearly a controversial application. The Officer has assessed the application in relation to relevant planning policy and addressing points raised as is evident in the report presented to me. However I believe this application should be determined by DMC where all the points raised can be debated in the public arena."

THE SITE:

Cedar Park Care Centre is a Grade II listed building. It is noted in the statutory list as a good example of a mid - 19th century former Italianate villa with elaborate architectural detail. The building is one of a series of similar villas on Oldfield Road which demonstrate well the fashion for such developments within the suburb of the City of Bath. The site is located within the Bath Conservation Area and World Heritage Site designation.

THE PROPOSAL:

The proposals are for the demolition of the existing central link building and construction of a replacement two storey block, together with an additional two storey extension located to the south and east. Refurbishment of the existing buildings, including the blocking up of the original entrance of the principle Georgian building to provide 2 additional bedrooms is also proposed. The proposed widening of one of the two entrances from Oldfield Road also forms part of the application.

The current proposals follow planning and listed building applications (15/04344/FUL and 15/04345/LBA) which were refused in January 2017. Details are given below.

The proposals will provide a provide a net increase in the number of bedrooms from 47 to 68 (21).

RELEVANT PLANNING HISTORY:

12/00803/LBA - CONSENT - 8 May 2012 - External alterations for the demolition of a section of party/boundary wall constructed in ashlar stone and construction of a concrete retaining wall and replacement of ashlar stone wall in same position using stone from existing wall.

15/04344/FUL - REFUSED - 17 January 2017 - Demolition of existing central link building and construction of a replacement two storey block, together with an additional two storey extension located to the south and east, retained buildings to be refurbished and augmented.

15/04345/LBA - REFUSED - 19 January 2017 - Internal and external alterations to include demolition of existing central link building and construction of a replacement two storey block, together with an additional two storey extensions located to the south and east, retained buildings to be refurbished and augmented.

There is a planning application running parallel to this application (17/01542/FUL).

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

COUNCILLOR PAUL CROSSLEY - Request for application be taken to Committee if the officer recommendation is to refuse. Reasons are as follows:

- The application addresses the points raised in the first refusal.
- Extra facilities like this are urgently needed to meet the growing demand of an ageing population and in view of the number of people employed this has an economic impact on the city.
- The provision of accommodation such as this releases other housing back to the market.
- The design enhances and improves the current building and thus improves the area and consequently has an important positive impact on the World Heritage Site.

CONSERVATION OFFICER - Objection. The differences between the original application and the revised scheme are very marginal and do not improve the overall quality of the design, scale or use of materials. The application still proposes converting the current entrance hall into a bedroom which will harm legibility of plan form. It is recommended that the application is refused due to harm on character, significance and setting of the principal listed building and wider area.

HISTORIC ENGLAND - No comment.

BATH PRESERVATION TRUST - The application appears only marginally different to the previous refused application and on balance we would not disagree with the case officer's previous concerns regarding overdevelopment of the site impacting on the listed building and conservation area. We repeat our previous concerns regarding the proposed materials for the extensions to the building. Render, cast stone and recon-stone detailing are not appropriate materials for a prominent development attached to a listed building within a conservation area as they have a low quality appearance and poor longevity which will result in harm to the listed building. In order to retain the character and appearance of the conservation area, and to preserve the special interest of the listed building, we would recommend that Bath stone ashlar is used on all outward facing elevations, with render to the rear if appropriate. Detailing such as quoins and cills should also be crafted Bath stone. We also comment that there appears to be little justification for the moving of the gate pier and question whether an 'in' and 'out' arrangement could not be put in place to avoid changes to the layout and appearance of the frontage of the listed building. We also note the lack of a landscaping scheme.

OTHER REPRESENTATIONS - No third party comments received on this listed building application. However, comments were received on the parallel planning application and these are considered as part of that application (17/01542/FUL).

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 statutory Development Plan for B&NES comprises:

- Core Strategy (July 2014)
- Placemaking Plan (July 2017)
- B&NES Local Plan (2007) - only saved Policy GDS.1 relating to 4 part implemented sites
- Joint Waste Core Strategy
- Made Neighbourhood Plans

CORE STRATEGY:

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The following policies of the Core Strategy are relevant to the determination of this application:

Policy CP6: Environmental quality

Policy B4: The World Heritage Site

PLACEMAKING PLAN:

The Placemaking Plan for Bath and North East Somerset was formally adopted by the Council on 13th July 2017. The following policies of the Placemaking Plan are relevant to the determination of this application:

Policy HE1: Historic Environment

HISTORIC ENVIRONMENT GOOD PRACTICE ADVICE IN PLANNING NOTES ISSUED BY HISTORIC ENGLAND:

'Making Changes to Heritage Assets' Advice Note 2

'Managing Significance in Decision-Taking in the Historic Environment' Good Practice Advice in Planning: 2

OFFICER ASSESSMENT

Cedar Park Care Home is a grade II listed building within the Bath World Heritage Site and Conservation Area. The recent list entry describes it as the best of five substantial Victorian villas on Oldfield Road. The building has suffered a number of poor quality

additions and extensions through its use as a care home and this has compromised its architectural interest. Nevertheless, parts of the interior of the principle building are still intact and these make an important contribution to the overall character and significance of the building.

The current proposals follow planning and listed building applications (15/04344/FUL and 15/04345/LBA) which were refused in January 2017. Prior to the applications being refused the Planning Officer, Conservation Officer and Landscape Officer met with the applicants to discuss their concerns. At this meeting it was recommended that the applications be withdrawn and that a pre-application enquiry for a significantly altered and reduced scheme be submitted in response to the comments made. However, the applicants chose not to withdraw the applications and accordingly they were refused.

The differences between the previously refused and current scheme are very marginal and do not improve the overall quality of the design, scale or use of materials. Whilst the roof layout of the proposed two-storey link building has been simplified there is no meaningful change in the scale and design of the building. It would therefore appear that no genuine attempt has been made to overcome the reasons for the earlier refusals. Regardless of previous concerns raised, the application still proposes to convert the current entrance hall into bedrooms which will harm the legibility of the historical plan form.

As set out in the previous refusal, the original entrance porch and hallway serving what would have been no.27 Oldfield Road is particularly important as it is crucial to the understanding of the original layout of the house. The application proposes to render the front entrance door redundant and divide what is currently the reception into bedroom and bathrooms. This is considered wholly unacceptable based on impact on the plan form, fabric and character of the listed building.

The principle of redeveloping the existing poor quality extension with a possible modest increase in the overall development of the site is welcomed. However, any future development must be sensitive to the context in which it sits. The submitted scheme is considered to represent overdevelopment which would detract from the character and appearance of the building itself and that of the wider Conservation Area by virtue of its visibility from public views. The proposed scale and built form of the extension would have an overly dominant relationship with the host dwelling and would be unsympathetic and disrespectful to the listed building. In particular, the proposed spread of development sprouting out from Orchard Wing appears awkward and would result in loss of trees and open space. Furthermore, the proposed use of render, cast stone, recon stone detailing and UPVC fenestration to match the existing unsympathetic extension, rather than the listed building, does little in the way to benefit or improve the existing situation. The plans which offer a token glazed separation from the principle building do nothing to mitigate the harmful impact and do not go far enough to overcome the objections raised.

Overall, the scheme as submitted will by reasons of its overall design, scale, massing and use of materials cause serious harm to the character and setting of the listed building. The proposals will create a single, large visual element in the landscape and result in loss of trees and open space which would impact the character and appearance of the Conservation Area and the wider World Heritage Site.

There is a duty under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant listed building consent for development which affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Here, it is considered that for the reasons outlined above, the development would cause serious harm to the character and setting of the listed buildings.

There is a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. Here it is considered that for the reasons outlined above, the development fails to preserve the character and appearance of the City of Bath Conservation Area. Further, the development is considered to harm the setting of the wider World Heritage Site.

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

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed development due to its scale, design and location is considered to result in the overdevelopment of the site to the detriment of the character and setting of the listed building and the character and appearance of this part of the Conservation Area. The proposal is contrary to policy CP6 of the Bath and North East Somerset Core Strategy (adopted July 2014), policies HE1, D1, D2, D3 and D5 of the Bath and North East Somerset Placemaking Plan (adopted July 2017), the Planning (Listed Buildings and Conservation Areas) Act 1990, the National Planning Policy Framework and relevant advice from Historic England.

2 The proposed internal alterations to subdivide the original entrance hall would result in a loss of historic fabric and compromise the legibility of the historical planform in a way which harms the character and significance of the listed building contrary to policy HE1 of the Bath and North East Somerset Placemaking Plan (adopted July 2017), the Planning (Listed Buildings and Conservation Areas) Act 1990, The National Planning Policy Framework and relevant advice from Historic England.

PLANS LIST:

1 This decision relates to the following plans:

LOCATION PLAN - 3481/200 - 30/03/2017

EXISTING SITE PLAN - 3841/202B - 30/03/2017

EXISTING LOWER GROUND FLOOR - 3841/203 - 30/03/2017

EXISTING UPPER GROUND FLOOR - 3841/204 - 30/03/2017

EXISTING FIRST FLOOR - 3841/205 - 30/03/2017

EXISTING SECOND FLOOR - 3841/206 - 30/03/2017

EXISTING ROOF - 3841/207 - 30/03/2017

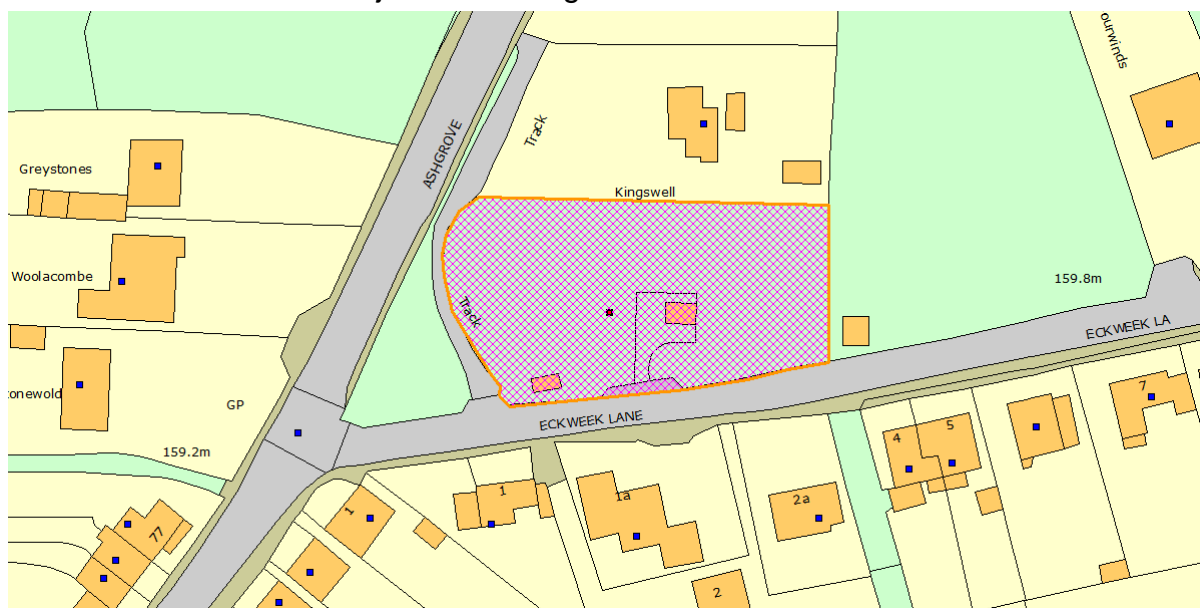
EXISTING NORTH AND SOUTH ELEVATIONS - 3841/208 - 30/03/2017

EXISTING EAST AND WEST ELEVATIONS - 3841/209 - 30/03/2017

PROPOSED SITE PLAN - 3841/220J - 18/07/2017
 PROPOSED LOWER GROUND FLOOR - 3841/210M - 30/03/2017
 PROPOSED UPPER GROUND FLOOR - 3841/211M - 30/03/2017
 PROPOSED FIRST FLOOR - 3841/212E - 30/03/2017
 PROPOSED SECOND FLOOR - 3841/213C - 30/03/2017
 PROPOSED ROOF - 3841/214E - 30/03/2017
 PROPOSED NORTH ELEVATIONS - 3841/215F - 30/03/2017
 PROPOSED SOUTH AND EAST ELEVATIONS - 3841/216H - 30/03/2017
 PROPOSED WEST ELEVATION - 3841/217H - 30/03/2017
 EXISTING AND PROPOSED UPPER GROUND FLOOR - 3841/230 - 30/03/2017
 EXISTING AND PROPOSED ELEVATION A DETAILS - 3841/231 - 30/03/2017
 EXISTING AND PROPOSED ELEVATION B DETAILS - 3841/232 - 30/03/2017
 LANDSCAPE LAYOUT - 973/PA/01F - 18/07/2017

2 In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. Notwithstanding informal advice offered by the Local Planning Authority the submitted application was unacceptable for the stated reasons and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision. In considering whether to prepare a further application the applicant's attention is drawn to the original discussion/negotiation.

Item No: 07
Application No: 17/00147/FUL
Site Location: Land Adjacent To Kingswell Eckweek Lane Peasedown St. John Bath



Ward: Peasedown St John
Grade: N/A

Parish: Peasedown St John

LB

Ward Members:	Councillor Sarah Bevan	Councillor Karen Walker
Application Type:	Full Application	
Proposal:	Erection of 3 no. detached dwellings and garages on land adjacent to Kingswell	
Constraints:	Affordable Housing, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, SSSI - Impact Risk Zones,	
Applicant:	Mr & Mrs Diana and Bryan Connor	
Expiry Date:	27th September 2017	
Case Officer:	Anna Jotcham	

REPORT

REASON FOR APPLICATION BEING REFERRED TO COMMITTEE:

The application is being referred to the Development Management Committee at the request of the Chair who has stated:

"I have studied this application and although it has been carefully assessed in line with relevant planning policy I think some controversial issues remain therefore I recommend the application be determined by the DMC."

THE SITE:

The application relates to a parcel of land located on the corner of Eckweek Lane and Ash Grove on the northern fringe of the Peasedown St. John settlement. This is a greenfield site outside but immediately adjacent to the Housing Development Boundary.

THE PROPOSAL:

The initial application sought planning permission for a development of four dwellings and garages with one shared vehicular 'courtyard type' access off Eckweek Lane. Concerns were raised during the consultation process about the quantum of development and proposed layout, position and orientation of proposed dwellings. In response to these, the application was amended and planning permission is now sought for the erection of three detached dwellings and garages with two vehicular access points off Eckweek Lane (a single access for plot 1 and a shared access for plots 2 and 3).

PLANNING HISTORY:

11/02775/FUL - WITHDRAWN - 16 August 2011 - Erection of 2no dwellings.

12/00351/FUL - REFUSED - 13 April 2012 - Erection of 2no. dwellings (Resubmission).

13/01438/OUT - APPROVED - 31 May 2013 - Erection of a bungalow.

16/01515/RES - APPROVED - 3 June 2016 - Approval of reserved matters with regard to outline application 13/01438/OUT ("Erection of a bungalow") for the hard and soft landscaping scheme, schedule of materials and finishes, turning and parking spaces, access details, entrance gate details and visibility along road.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

COUNCILLOR SARAH BEVAN - Objection. Reasons: Overdevelopment, inappropriate design and materials, highway safety and loss of parking for existing residents.

COUNCILLOR KAREN WALKER - Objection. Reasons: Highway safety, location outside Housing Development Boundary, inappropriate scale and layout which would be detrimental to the character and appearance of the locality.

PLANNING POLICY - Objection. The proposal is outside the Housing Development Boundary and is therefore contrary to local planning policy.

LANDSCAPE - Objection. There are too many buildings on the site (6 in total - 3 dwellings and 3 garages) and the building line by neighbouring properties is ignored.

HIGHWAYS - No objection, subject to the following:

- Shared access for plots 2 and 3 should be a minimum of 4.5m for the first 7m into the joint access
- Proposed gates for plots 2 and 3 should be omitted
- There should be no direct pedestrian access onto Eckweek Lane for plot 1.
- Any vehicular access gates for plot 1 should be set back a minimum distance of 5m from the carriageway edge and open inwards only (alternatively there should be no gates).
- Visibility splays should be shown on submitted drawings from points measured 2.4m back from the carriageway edge into each access and extending to the extremities of the site boundaries, with no obstruction above a height of 600mm.
- The access, parking and turning areas should be of a bound material.
- Provision should be made within the site for the disposal of any surface water from the accesses to ensure it is not discharged onto the highway.

ECOLOGY - No objection, subject to conditions for precautionary working methods to protect bats and birds and the submission and implementation of a Wildlife Protection and Enhancement Scheme.

DRAINAGE AND FLOODING - No objection, subject to a condition for infiltration testing and soakaway design.

CONTAMINATED LAND - No objection, subject to a condition for the reporting of unexpected contamination and an advisory note requesting a desk study and walkover survey.

ARCHAEOLOGY - No objection, subject to a condition for a watching brief.

URBAN DESIGN - No objection, subject to some suggested minor changes and conditions for materials and hard and soft landscaping.

PEASEDOWN ST. JOHN PARISH COUNCIL - Objection. Reasons are as follows:

- Site is outside the Housing Development Boundary.
- Overdevelopment - the previous application for two dwellings was deemed too cramped.
- Proposed buildings are out of character with the locality in terms of materials and orientation within the plot.

- Highway safety concerns caused by the proposed two entrances onto Eckweek Lane.
- Lack of parking for future occupiers.
- Potential conflict over right of access to main drain serving adjacent property 'Kingswell' as a result of position of one of the proposed dwellings.

OTHER REPRESENTATIONS - Objection comments received from 14 consultees on initial and revised plans which can be summarised as follows:

- Overdevelopment - the previous application for 2 dwellings (12/00351/FUL) was refused as the site was considered too small.
- Proposed dwellings are inappropriate in terms of scale, design and materials.
- The site is outside the Housing Development Boundary.
- Proposed layout does not fit with established building line.
- Proposed access, driveways and parking are inadequate - concern for highway safety, traffic congestion and increased risk of collision.
- Potential overlooking and overshadowing on adjacent property (Kingswell).
- Kingswell main drains run under two of the proposed properties.
- Concern about flooding.
- Additional dwellings will have a negative impact on existing parking on Eckweek Lane.
- Eco credentials of new homes are unconvincing.
- Concern about increased noise.

POLICIES/LEGISLATION

The Development Plan for Bath and North East Somerset comprises:

- Bath & North East Somerset Core Strategy (July 2014)
- Bath & North East Somerset Placemaking Plan (July 2017)
- West of England Joint Waste Core Strategy (2011)
- Bath & North East Somerset saved Local Plan policies (2007) not replaced by the Core Strategy or the Placemaking Plan:
- Policy GDS.1 Site allocations and development requirements (policy framework)
- Policy GDS.1/K2: South West Keynsham (site)
- Policy GDS.1/NR2: Radstock Railway Land (site)
- Policy GDS.1/V3: Paulton Printing Factory (site)
- Policy GDS.1/V8: Former Radford Retail System's Site, Chew Stoke (site)
- Neighbourhood Plans

RELEVANT CORE STRATEGY POLICIES:

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The following policies of the Core Strategy are relevant to the determination of this application:

Policy DW1: District-wide spatial strategy
 Policy SV1: Somer Valley spatial strategy
 Policy SD1: Presumption in favour of sustainable development
 Policy CP2: Sustainable construction
 Policy CP5: Flood risk management

Policy CP6: Environmental quality

Policy CP10: Housing mix

RELEVANT PLACEMAKING PLAN POLICIES:

The Placemaking Plan for Bath and North East Somerset was formally adopted by the Council on 13th July 2017. The following policies of the Placemaking Plan are relevant to the determination of this application:

Policy SCR5: Water efficiency

Policy D1: General urban design principles

Policy D2: Local character and distinctiveness

Policy D3: Urban fabric

Policy D4: Streets and spaces

Policy D5: Building design

Policy D6: Amenity

Policy D8: Lighting

Policy NE2: Conserving and enhancing the landscape and landscape character

Policy NE2A: Landscape setting of settlements

Policy NE3: Sites, species and habitats

Policy NE4: Ecosystem services

Policy NE5: Ecological networks

Policy PCS7A: Foul sewage infrastructure

Policy H4: Self build

Policy H7: Housing accessibility

Policy LCR3A: Primary school capacity

Policy LCR7B: Broadband - superfast infrastructure

Policy LCR9: Increasing the provision of local food growing

Policy ST1: Sustainable transport

Policy 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. The following sections of the NPPF are of particular relevance:

Section 6: Delivery a wide choice of high quality homes

Section 7: Requiring good design

OFFICER ASSESSMENT

PRINCIPLE OF DEVELOPMENT:

The application site is located outside of a defined Housing Development Boundary. Consequently, there is an 'in principle objection' to residential development in this location. However, the principle of development in this location has already been established through the granting of planning permission (13/01438/OUT - erection of a bungalow). This was granted at a time when the Council could not demonstrate a five year housing land supply and the 'presumption in favour of sustainable development' applied. The previous planning permission was granted on the basis that the site is on the edge of Peasedown St John and is seen within the context of existing buildings close to the more densely developed part of the village. The site is therefore considered to be in a

sustainable location close to schools, a shop, village hall and bus routes to other local centres. The approved planning permission is extant and could therefore be implemented at the current time.

Based on the above, even though the site is located outside the Housing Development Boundary it is not considered that the policy objection can be defended in this particular circumstance. Therefore there is no objection in principle subject to compliance with other material considerations.

DESIGN AND LAYOUT:

The southern side of Eckweek Lane is characterised by detached and semi-detached cottages, mostly two storeys, set back from the road behind low boundary walls. Immediately to the north of the site are two larger detached dwellings (Kingswell and Ken Lea) which are also two storeys. The main building material in the immediate context is stone.

The scheme has been redesigned following negotiations and the quantum of development has been reduced from four to three dwellings. The dwellings are now designed to primarily front onto Eckweek Lane instead of the initially proposed courtyard proposal.

Plot 1 contains a 4 bedroom dwelling which also faces west onto Ashgrove. This helps maintain an open garden space in common with the Kingswell and Ken Lea properties to the north. The house is a bespoke arrangement with generous circulation, a lift and bedrooms on both floors. An artist studio is provided on the first floor which is ancillary to the principle residential use of the dwelling.

Plots 2 and 3 are a more traditional layout with ground floor living space and 3 bedrooms on the first floor.

The three dwellings share a consistent building line along Eckweek Lane and are set back a similar distance from the road as existing dwellings on the other side of the road. Plot 1 is set further forward than Kingswell and Ken Lea are in relation to Ashgrove but this is considered a more acceptable relationship than initially proposed. The positioning of the garage in plot 1 helps to keep a stepped building line with the dwellings to the north.

The houses share a palette of components, stair window, porches, chimneys and window configurations to provide a consistent overall appearance whilst providing variation in composition and plan form. The design and appearance of the proposed dwellings has been negotiated through the planning application process and is considered acceptable. White Lias Stone walls will form the prominent elevations of the houses which front the highway and will be complemented by timber elements on the side and rear elevations (Western Red Cedar). The houses will be roofed with grey concrete tiles and will feature aluminium chimneys and window frames. The garages will comprise timber boarding, grey concrete tiles and grey sliding metal doors. A schedule of proposed materials is set out in the submitted Design and Access Statement. The combination of textures and subtle tones of colour is considered acceptable and complimentary to the materials of the surrounding area.

The proposed boundary treatment includes the existing hedge to the north and east and low natural stone rubble wall (White Lias with cock-and-hen coping) to the street elevations. This is considered to offer an improvement to the area.

Overall, it is considered that the proposed development will not harm the character and appearance of the local area.

RESIDENTIAL AMENITY:

The proposed dwellings will be positioned at the front of the plot facing Eckweek Lane with garages and parking spaces at the rear of each property. The siting, orientation, distance and location of windows in the proposed dwellings have been carefully considered to ensure there is no overlooking or inter-visibility between the three properties or to the existing neighbouring dwellings.

Concern has been expressed by the occupier of Kingswell to the north about potential overshadowing caused by the location of garages at the rear of the application site. However due to the height of the proposed garages (approximately 5 metres) and distance between the garages and Kingswell (approximately 9 metres) it is not considered that the level of impact would be significant enough to warrant a refusal.

Overall, it is considered that the proposed development safeguards the residential amenity of neighbouring properties.

HIGHWAYS AND PARKING:

Access arrangements have been negotiated through the planning application process to address concerns raised about the initially proposed courtyard layout. The proposed layout now proposes a single access for plot 1 and a shared access for plots 2 and 3. In order to provide some flexibility to the planning requirements of the overall scheme this approach is on balance considered acceptable in highway terms.

Concerns raised about visibility and access width have been resolved through minor amendments to the scheme. The proposed site plan confirms the visibility from the two proposed accesses and shows that the required visibility splays can be achieved. Gates serving plot 1 have been set back 7 metres to ensure vehicles are not overhanging the highway whilst waiting to enter. The shared driveway for plots 2 and 3 is now 4.5 metres wide to enable cars to pass. The direct pedestrian access from plot 1 onto Eckweek Lane has been omitted from the proposal in response to comments made by the Highway's Officer. Gates for plots 2 and 3 have also been omitted.

The garage and parking at the rear of the site has been reconfigured and all spaces tracked to ensure that cars can enter and exit the site in forward gear. Sufficient levels of outside parking space and garage spaces are provided for each of the proposed dwellings to meet the local parking standards. The provision of space in garages for the storage of bicycles is also acknowledged.

Based on the above, it is considered that there is no objection on highway safety or parking grounds.

LANDSCAPE:

Initial concerns about the proposed layout and quantum of development on the site have led to a reduction in the amount of dwellings and an alternative layout being proposed. The current iteration of the scheme is considered to be much improved on previous versions. Although an objection from the Council's Landscape Officer has been received it is not considered that the current scheme would be significantly harmful to the character and appearance of the locality to warrant a refusal. Furthermore, whilst it is acknowledged that an application for two dwellings (12/00351/FUL) was previously refused on the site due to the cramped form of development being proposed, it is not considered that the current scheme could be refused for the same reasons.

Details of hard and soft landscaping will be secured via condition.

ECOLOGY:

The site offers potential to provide 'biodiversity' gain and add value for wildlife. The Council's Ecologist has reviewed the proposals and has not raised any objection, subject to conditions for precautionary working methods for the protection of bats and birds and submission of a Wildlife Protection and Enhancement Scheme.

FLOOD RISK AND DRAINAGE:

The application is supported by a Drainage Strategy Report. The Council's Drainage and Flooding Team has not raised any objection, subject to a condition for infiltration testing and soakaway design to verify the most suitable form of drainage for the site.

ARCHAEOLOGY:

The proposed development lies in close proximity to circular crop marks (MBN1593) which may be the remains of a Bronze Age round barrow, and the location of a Roman stone coffin burial (MBN1616). There is a possibility that areas of significant archaeology may survive. The Council's archaeologist has therefore recommended that a condition for a watching brief is attached to any planning consent.

OTHER MATTERS:

The Placemaking Plan was adopted in July 2017 after this application was received. There are a number of policies in the recently adopted plan which stipulate requirements for new residential development which must now be applied (e.g. SCR5, H7 and LCR7B, LCR9 and D5). Measures to meet the new policies have been incorporated into the revised scheme. Examples of which include the installation of solar panels on the garage roofs and the addition of water butts and bird boxes on the garages. Each dwelling also has access to adequate outside garden space for local food production. It is also acknowledged that plot 1 has been designed to meet the relevant part of the Building Regulations Approved Documents (Part M) in accordance with policy H7. Other policy requirements, such as water efficiency and connectivity to broadband can be secured by planning condition.

Matters surrounding contaminated land can also be secured by a planning condition and advisory note.

CONCLUSION:

In view of the above, it is considered that the proposed development is within a sustainable location and will not be harmful to the character and appearance of the local area. There is no significant harmful impact on residential amenity, highways, parking, ecology and drainage. The application is therefore recommended for approval.

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 Garages (Compliance)

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

Reason: To ensure adequate off-street parking provision is retained in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

3 Parking (Compliance)

The areas allocated for parking and turning on the submitted plans 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 ST7 of the Bath and North East Somerset Placemaking Plan.

4 Visibility Splay (Pre-occupation)

No occupation of the development shall commence until the visibility splay shown on drawing number 2100K and coloured blue has been provided. There shall be no on-site obstruction exceeding 600mm above ground level within the visibility splay. The visibility splay shall be retained permanently thereafter.

Reason: To ensure sufficient visibility is provided in the interests of highways safety in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

5 Bound/Compacted Vehicle Access (Pre-occupation)

No occupation of a dwelling shall commence until the vehicular access to that dwelling has been constructed with a bound and compacted surfacing material (not loose stone or

gravel). Provision should be made within the site for the disposal of any surface water from the accesses to ensure it is not discharged onto the highway.

Reason: To prevent loose material spilling onto the highway in the interests of highways safety in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

6 Contaminated Land - Unexpected Contamination (Compliance)

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

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

7 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 and Policy SU1 of the Bath and North East Somerset Placemaking Plan. 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.

8 Hard and Soft Landscaping (Pre-occupation)

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

Reason: To ensure the provision of an appropriate landscape setting to the development in accordance with Policies D1, D2, D4 and NE2 of the Bath and North East Somerset Placemaking Plan.

9 Hard and Soft Landscaping (Compliance)

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

Reason: To ensure that the landscape scheme is implemented and maintained in accordance with Policies D1, D2 and NE2 of the Bath and North East Somerset Placemaking Plan.

10 Material Samples (Bespoke Trigger)

No construction of the external walls of the development shall commence until samples of the materials to be used in the construction of the external surfaces, including roofs and boundary walls, 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. In the case of the external stone walling materials the samples should be provided in the form of in situ panels, which are to be approved by the Local Planning Authority and retained on site for reference until the works are completed. The works shall be carried out in accordance with the approved detail.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policies D1, D2, D3 and D5 of the Bath and North East Somerset Placemaking Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

11 Precautionary Working Methods (Compliance)

Works must proceed only in accordance with the following measures for the protection of wildlife including bats and birds:

- A careful visual check for signs of active bird nests and bats shall be made of the interior and exterior of the existing building and its roof, and any crevices and concealed spaces, prior to its demolition or any works affecting these areas
- Active nests shall be protected undisturbed until the young have fledged
- Works to the roof and any areas with concealed spaces or crevices shall be carried out by hand, lifting tiles (not sliding) to remove them, and checking beneath each one.
- If bats are encountered works shall cease and the Bat Helpline (Tel 0345 1300 228) or a licenced bat worker shall be contacted for advice before proceeding.

Reason: To avoid harm to protected species (bats and nesting birds) in accordance with policy CP6 of the Bath and North East Somerset Core Strategy and policy NE.3 of the Bath and North East Somerset Placemaking Plan.

12 Wildlife Protection and Enhancement (Pre-commencement)

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

- (i) pre-commencement inspection for protected species and notification to the LPA of findings;
- (ii) details of proposed working methods, timing of works, and precautionary measures to avoid harm to wildlife including nesting birds;
- (iii) specifications for proposed replacement planting of equivalent or greater ecological value to that being removed, and specifications for additional features to benefit wildlife for example bird, bat and hedgehog boxes and habitat creation, with details incorporated into the scheme and shown on relevant plans and drawings

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

Reason: To prevent ecological harm and to provide biodiversity gain in accordance with policy CP6 of the Bath and North East Somerset Core Strategy and policy NE.3 of the Bath and North East Somerset Placemaking Plan.

13 Implementation of Wildlife Scheme (Pre-occupation)

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

Reason: To ensure that the implementation and success of the Wildlife Protection and Enhancement Scheme to prevent ecological harm and to provide biodiversity gain in accordance with policy CP6 of the Bath and North East Somerset Core Strategy and policy NE.3 of the Bath and North East Somerset Placemaking Plan.

14 Archaeology - Watching Brief (Pre-commencement)

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

Reason: The site is within an area of significant archaeological interest and the Council will wish to examine and record items of interest discovered in accordance with Policy HE1 of the Bath and North East Somerset Placemaking Plan. This is a condition precedent because archaeological remains and features may be damaged by the initial development works.

15 Water Efficiency (Compliance)

The approved dwellings shall be constructed to meet the national optional Building Regulations requirement for water efficiency of 110 litres per person per day.

Reason: In the interests of water efficiency in accordance with Policy SCR5 of the Bath and North East Somerset Placemaking Plan.

16 Broadband (Pre-occupation)

Prior to first occupation, all of the dwellings hereby approved shall be provided with superfast broadband (24Mbps+) infrastructure to enable superfast broadband provision. In the event that the provision of such infrastructure would render the development unviable, evidence to that effect shall be submitted to and approved in writing by the local planning authority prior to first occupation. Should that viability evidence be approved in writing by the local planning authority no superfast broadband infrastructure will subsequently be required. Furthermore should said viability evidence be approved in writing by the local planning authority, alternative solutions shall instead be provided in accordance with details which shall be submitted to and approved in writing by the local planning authority prior to first occupation.

Reason: To facilitate the provision of superfast broadband in accordance with Policy LCR7B of the Bath and North East Somerset Placemaking Plan. Alternative solutions may include for example mobile broadband infrastructure or Wi-Fi infrastructure.

17 Housing Accessibility (Compliance)

Plot 1 shall be constructed to meet the optional technical standard 4(2) in the Building Regulations Approved Document M.

Reason: To satisfy Policy H7 of the Bath and North East Somerset Placemaking Plan.

18 Plans List (Compliance)

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

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

PLANS LIST:

1 This decision relates to the following plans:

SITE LOCATION PLAN - 1634 2 001 A - 13/01/2017
EXISTING SITE PLAN - 1634 2 040 A - 13/01/2017
PROPOSED SITE PLAN - 1634 2 100 K - 29/08/2017
PROPOSED SITE ROOF PLAN - 1634 2 101 K - 29/08/2017
PROPOSED PLOT 1 - 1634 2 111 H - 29/08/2017
PROPOSED PLOT 2 (PLOT 3 HANDED) - 1634 2 121 H - 29/08/2017
VEHICLE TRACKING - PLOT 1 PARKING - 1634 2 150 B - 29/08/2017
VEHICLE TRACKING - PLOT 1 GARAGE - 1634 2 151 B - 29/08/2017
VEHICLE TRACKING - PLOT 2 GARAGE - 1634 2 152 B - 29/08/2017
VEHICLE TRACKING - PLOT 3 GARAGE - 1634 2 153 B - 29/08/2017

2 ADVISORY NOTE - DESK STUDY AND WALKOVER

Where development is proposed, the developer is responsible for ensuring that the development is safe and suitable for use for the purpose for which it is intended. The developer is therefore responsible for determining whether land is suitable for a particular

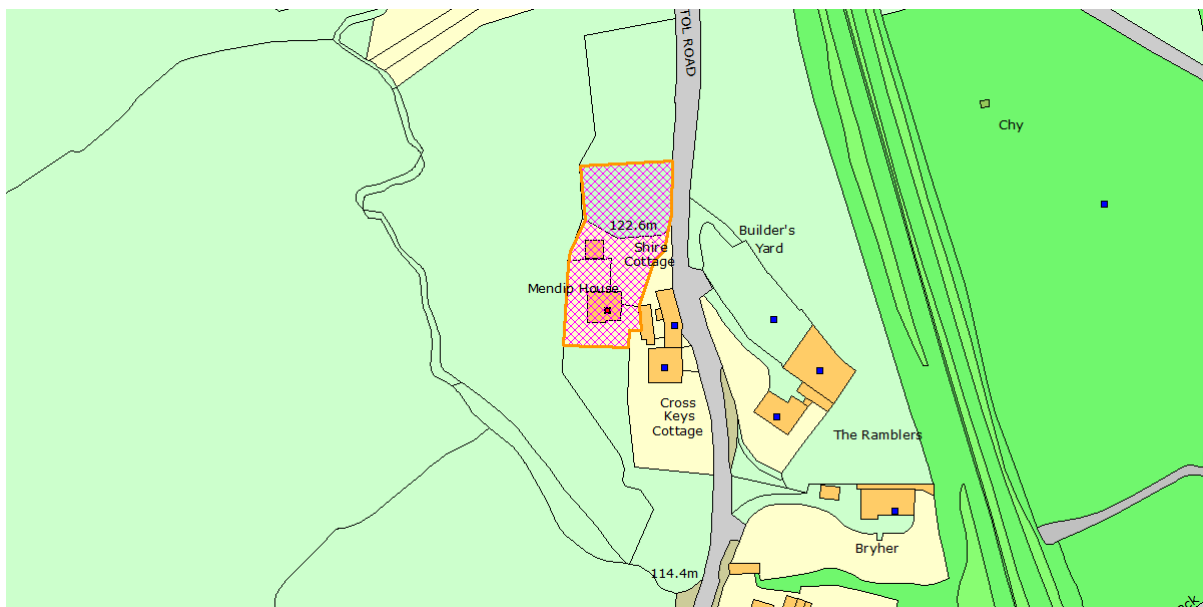
development. It is advised that a Desk Study and Site Reconnaissance (Phase 1 Investigation) survey shall be undertaken to develop a conceptual site model and preliminary risk assessment. A Phase I investigation should provide a preliminary qualitative assessment of risk by interpreting information on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

3 ADVISORY NOTE - CIL

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

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

Item No: 08
Application No: 17/01307/FUL
Site Location: Mendip House Lower Bristol Road Clutton Bristol Bath And North East Somerset



Ward: Clutton **Parish:** Clutton **LB Grade:** N/A
Ward Members: Councillor Karen Warrington
Application Type: Full Application

Proposal:	Erection of dwelling with attached garage following demolition of existing property
Constraints:	Affordable Housing, Airport Safeguarding Zones, Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenbelt, Neighbourhood Plan, SSSI - Impact Risk Zones,
Applicant:	Mr & Mrs Richard and Ceri Mapstone
Expiry Date:	22nd September 2017
Case Officer:	Christine Moorfield

REPORT

The proposal is for the demolition of the existing dwelling known as Mendip House and its replacement with a new dwelling located in a different position within the site. The existing detached garage was originally shown to be retained but the location of the proposed dwelling has been amended and the scheme indicates the existing garage being demolished. Hard and soft landscaping to provide private amenity space along with vehicle parking and turning area is to be provided.

Mendip House is a large detached four bedroom dwelling extending to 153m² of living accommodation set within 1.25 hectares of land consisting of extensive gardens and a paddock. The dwelling has a double detached garage which provides a further 27m² of ancillary domestic accommodation.

The dwelling is situated on a man-made plateau on westerly sloping ground. It was constructed in 1972 of reconstituted stone walls under shallow pitched roofs covered using concrete double roman tiles. The windows are double glazed UPVC casements installed in 1984 and are in a poor state of repair.

The property is within the Green Belt and outside the Housing Development Boundary for Clutton.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

ECOLOGY

The proposal is located in a rural, wildlife-rich landscape, and is within 100m of woodland and the disused railway which is also a designated Site of Nature Conservation Interest (SNCI), and is surrounded by hedgerows and fields. There is known bat activity in the vicinity.

There is a risk of use of the site, in particular the building, by protected species such as bats and nesting birds. The building will be demolished and the proposal could therefore impact on bats and other wildlife, if present.

A protected species survey and assessment is required prior to any consent. This must include completed bat surveys of the building by a suitably experienced ecologist (licensed bat worker) in accordance with current best practice guidance. The application must incorporate proposals for any necessary ecological and protected species mitigation and compensation, with details shown on plans and drawings as applicable.

In the absence of this information an objection to the proposal is raised due to insufficient information being available for the LPA to assess the likely potential impacts of the proposal on protected species including bats.

THE PARISH COUNCIL

The Parish Council agreed to support the application as there are no issues conflicting with the Neighbourhood Plan.

The Parish Council support the decision to replace the existing dwelling with a new family house, due to the condition of the existing property.

Although it is greenbelt and outside the housing development boundary, the proposals are to demolish one dwelling and replace it with another and the Parish Council agreed that this would not have a detrimental effect on the area.

DRAINAGE

No objection.

HIGHWAYS

As there are no proposals in place to alter the existing access nor is there any increase in parking demand relative to the existing dwelling, Highways DC do not anticipate any significant impacts on the safety and operation of the adjacent public highway.

Therefore no highway objection is raised subject to conditions.

LANDSCAPE

This site is outside the Housing Development Boundary and inside the Green Belt. The actual distance outside or inside, in both cases, is not relevant.

The purpose of GB policy is to restrict sprawl between settlements and this scheme is contrary to that in that it does place a new house within the open countryside.

In addition and irrespective of the above, I do not agree that the construction of a new house in this location will be an improvement in terms of visual impact or impact on landscape character. I consider that, no matter how well the new house may be designed; there will be a harmful and adverse effect on the countryside. I cannot agree that the scheme is in line with NE1. In my opinion, the new house does not conserve or enhance the local landscape.

I am not in a position to comment on the quality or otherwise of the existing house, but effects on the Green Belt and matters of impact on the landscape must focus primarily on the new proposal as this is the new harm being caused.

Pre-application advice did note that 'suitable evidence' is required to demonstrate that 'There would not be an impact upon the openness or rural character of the green belt'. I read this to mean an appropriately detailed landscape and Visual Impact

Assessment. No such evidence has been submitted. I do not consider that a brief review of existing policy within the D&AS is 'suitable evidence'.

Notwithstanding the lack of a LVIA, based on the fact that the scheme is clearly contrary to Green Belt policy and policy NE1, I object in principle to this proposal.

3 LETTERS OF OBJECTION AND 2 LETTER OF COMMENT have been received.

The property is encroaching onto land that is used as parking/allotments and is currently green belt.

No clear view of the impact this will have on the existing garage and allotments.

The existing property should be updated and the building retained.
 Replacement of an existing dwelling is not environmentally friendly
 New dwelling very different style not in keeping with area.
 Lack of information re how the building will look, footprint size and what will happen with the old detached garage.
 Extension of village to North.
 Could be drainage issues.
 Is this inappropriate development in the Green Belt.
 Impact on the openness of the Green Belt and on the character and appearance of the area. If inappropriate development what justify of very special circumstances have been submitted to clearly outweigh other considerations.
 Contrary to Policies GB.2 and HG.15 of the Bath and North East Somerset Local Plan and Policy CP8 of the Bath and North East Somerset Core Strategy.
 The Council has also adopted a Supplementary Planning Document (SPD) entitled 'Existing Dwellings within the Green Belt' (2008) which, whilst pre-dating the NPPF, is a material consideration to which to regard.
 The government attaches great importance to maintaining the essential characteristics of Green Belts, including their openness. Despite the relatively scale of the proposal application in relation to the Green Belt, the increased bulk of the proposal would invariably result in a reduction in openness, contrary to the aims of the NPPF.

POLICIES/LEGISLATION

The Development Plan for Bath and North East Somerset comprises:

- o Bath & North East Somerset Core Strategy (July 2014)
- o Bath & North East Somerset Placemaking Plan (July 2017)
- o West of England Joint Waste Core Strategy (2011)
- o Bath & North East Somerset saved Local Plan policies (2007) not replaced by the Core Strategy or the Placemaking Plan:
 - Policy GDS.1 Site allocations and development requirements (policy framework)
 - Policy GDS.1/K2: South West Keynsham (site)
 - Policy GDS.1/NR2: Radstock Railway Land (site)
 - Policy GDS.1/V3: Paulton Printing Factory (site)
 - Policy GDS.1/V8: Former Radford Retail System's Site, Chew Stoke (site)
- o Neighbourhood Plans

Core Strategy:

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The following policies of the Core Strategy are relevant to the determination of this application:

CP6: Environmental Quality
 CP8: Green Belt

Placemaking Plan:

The Placemaking Plan for Bath and North East Somerset was formally adopted by the Council on 13th July 2017. The following policies of the Placemaking Plan are relevant to the determination of this application:

D.2 - Local character and distinctiveness
D.3 - Urban Fabric
D.5 - Building design
D.6 - Amenity
RE.4: Essential dwellings for rural workers.
GB.1 - Visual amenities in the green belt
ST.7 - Transport requirements for managing development
N3 - Nature and conservation biodiversity
H7 - Housing accessibility
SCR5 - Water efficiency
LCR9- Increasing the Provision of Local Food Growing
LCR 7B Broadband

The National Planning Policy Framework (NPPF) was published in March 2012 and is a material consideration. Due consideration has been given to the provisions of the National Planning Practice Guidance (NPPG).

Existing Dwellings in the Green Belt SPD is relevant in this instance.

OFFICER ASSESSMENT

Principle of the Development

This application is for 'Full' planning consent for the construction of a replacement dwelling on land in domestic use. The proposal therefore seeks consent for a C3 use on land already in C3 use.

The application site has an area of 1600m² (0.16ha).

The proposed dwelling will provide approximately 150m² of useable internal accommodation over the ground and first floor.

The proposed scheme also provides a garage with ancillary domestic storage area and a home office over the garage providing 10.5m² of space.

The existing dwelling has a volume of 778m cubic the proposed dwelling has a volume of 829 m cubic

A parking and turning space adjacent to the entrance and public highway are proposed with a garden area provided to the west of the dwelling.

The agent has stated that following detailed consideration of the existing dwelling including consultation with specialist consultants, it was concluded that it was pragmatic to seek consent for a new dwelling instead due to the outdated qualities of the existing dwelling. In support of the application an Energy Assessment prepared by Richard Britton of the Complete Energy Consultancy has been submitted.

The existing dwelling was constructed in 1972, to try and improve the energy performance of the existing dwelling by improving the existing fabric would be costly and not overly effective. The assessment concluded that the new dwelling would vastly out perform even a refurbished existing dwelling.

The agent has commented that internally the existing dwelling is not well designed for 'all ' however it is commented that internal alterations to improve internal accessibility could be carried out without the need for planning permission.

The agents comments in respect of access are noted but would not justify a departure from policy in respect of other matters.

The existing dwelling is a typical example of 1970s design constructed of dark grey reconstituted stone, UPVC joinery, and concrete tiles.

The location of the existing dwelling is on a man-made plinth cut into the slope. The existing dwelling is positioned behind the build line along the western side of Lower Bristol Road.

The proposed dwelling is designed to reflect the character and appearance of the locality in the following ways. The form and orientation of the proposed dwelling is more in keeping with the area a steeper roof pitch has been introduced and the principal elevation faces the highway.

The proposed dwelling is sited set back from the road but in a similar location to the existing double garage making it visible from the highway and sited at a higher level than the existing house. The following materials are proposed: local natural stone facing to the principal elevation, rendered block work on the rear and side elevations, clay double roman tiles, simple utilitarian timber fascias and barge boards, timber joinery throughout, direct glazed oak frames, conservation roof lights and aluminium rainwater goods.

The NPPF the adopted Placemaking Plan (PMP) and the Councils SPD all make specific reference to the replacement of buildings within the Green Belt.

The PMP states in the text supporting Policy GB3 that a replacement building must be in the same use and not materially larger.

The NPPF states in para. 89. A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:
the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

The proposed replacement dwelling has an increased volume of 7% over the existing dwelling to be replaced and is therefore considered to be similar in terms of mass and bulk to the dwelling it is replacing. In this respect the proposed new dwelling is seen to not be materially larger than the existing dwelling on the site.

The Councils SPD states that:

Replacement Dwellings

8.2 Local Plan policy HG.14 states that the rebuilding be allowed where the "reconstructed or replacement dwelling and ancillary buildings do not have a materially greater impact on the countryside or openness of the Green Belt, than the development to be replaced".

8.3 Therefore, any replacement dwelling would not normally be of a greater volume than the dwelling that it will replace. The size and scale of any proposal in design terms would also be considered in line with section A5 of the Bath & North East Somerset Local Plan.

The SPD also states that :

i) Location and siting of the replacement dwelling. Adequate justification will be required if the replacement dwelling will not occupy the same site in the plot as the original dwelling.

In respect of these policies and guidance the mass bulk and volume is specifically referenced. In this situation the volume of the proposed dwelling is similar to the existing dwelling not being materially larger. Therefore in terms of the principle of the size of the new dwelling it is considered acceptable.

However, the SPD references the siting of the proposed dwelling and states that in order for a different site within the plot to be considered acceptable adequate justification must be provided. In this instance the improved energy efficiency, design and materials to be used are not considered to provide a justification given the impact that this relocated dwelling will have on the openness of the Green Belt.

The impact on the character of the area and the openness of the Green Belt are a matter for consideration. The SPD requires replacement dwellings to not have a materially greater impact on the countryside or openness of the Green Belt, than the development to be replaced.

In this situation the proposed new dwelling will sit at a higher level from the existing dwelling which sits on made up ground but with a ground floor level below the adjacent properties facing onto the road. Therefore the proposed new dwelling which will sit in the location of the existing double garage where it will occupy a location that will have a materially greater impact on the countryside and openness of the Green Belt, than the development it is replacing. The raised location and the fact that the dwelling will be visually prominent as seen from the road are seen to contribute to its impact on the openness of this part of the Green Belt. Therefore due to the prominence of the site, the increased visibility of the dwelling and its impact on the street scene the proposal is seen to be unacceptable and contrary to the development plan.

The applicants have agreed to the signing of a 106 agreement to ensure that the existing dwelling is demolished and the site suitably reinstated. However the main issue in respect of this proposal is the impact the proposed new dwelling will have on the openness of the green belt and the character and appearance of the country side. It should be noted that if the house were proposed in the same location as the existing house, there would be no objection in principle to the proposal.

The altered location and design of the new house along with its improved energy efficiency and improved layout would not justify its approval as these matters would not constitute very special circumstances that would support departure from established development plan policy.

CONCLUSION

In this alternative position the proposal is considered to be inappropriate development and will also adversely affect the openness of the Green Belt, particularly as it is so visible from the road. Therefore this proposal is seen to conflict with the Placemaking Plan GB3, the SPD and the NPPF and in this respect the proposal is seen to be unacceptable.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

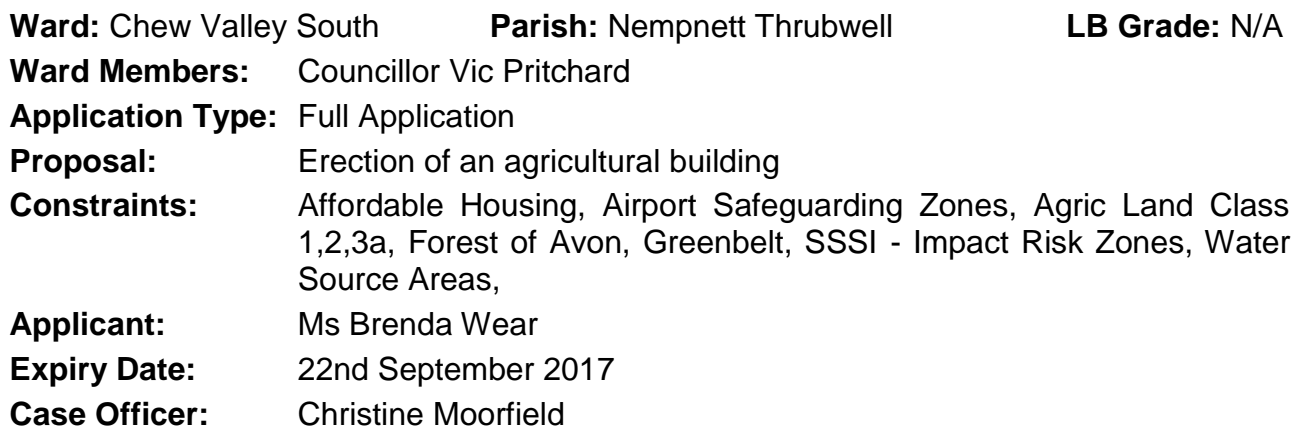
1 The proposed dwelling, by reason of its siting would represent inappropriate development and would harm the openness of the Green Belt. It would also be visually dominant thereby having a detriment effect on the character and appearance of the semi-rural appearance of this part of Lower Bristol Road. In the absence of very special circumstances the proposal is contrary to policies D.1, D.2 and GB.1 of the adopted Placemaking Plan 2017, Policy CP8 of the Core Strategy adopted 2014 and paragraph 89 of the NPPF.

PLANS LIST:

1 1422-17-001 REV A, 002 REV B and 101 REV E

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

Item No:	09
Application No:	17/02238/FUL
Site Location:	Parcel 8932 Greenhouse Lane Nempnett Thrubwell Bristol



The development proposals would involve the construction of an agricultural barn with concrete lower walls, Yorkshire boarding cladding and anthracite grey fibrous cement roofing in the southern apex of a field to the south east of Merry Hill Farm.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

I refer to the above consultation received 18th May 2017 and confirm that Highway Development Control wishes to make no comment on the above planning application.

ECOLOGY

I have no comments to add regarding ecology for this proposal but I would request that the concerns of Arboricultural officer regarding possible impacts on the adjacent trees and hedgerow are satisfactorily addressed prior to any consent.

PARISH COUNCIL

This application was considered a by Nempnett Thrubwell Parish Council during its May planning meeting when a decision was made to OBJECT to this application on the grounds that if a further building is required it should be at Windover Farm, on land owned by the applicant as the proposed location was considered inappropriate for this development.

DRAINAGE

No objection. Proposal has minimal impact on drainage and flood risk.

LANDSCAPE/TREES

The site is not within a conservation area and none of the trees within the boundary hedgerows are protected by a Tree Preservation Order (TPO).

The design and access statement asserts that "The proposed building will not result in the loss of, or affect any of the trees or hedges." and that "The hedges and trees and existing buildings reduce the impact of the proposed building". Finally it states that "No additional landscaping is proposed." (IS Ford Building Surveying and Planning Ltd. Dated 08/05/17).

I visited site on the 24 May 2017 and there is a mature Poplar tree adjacent to and on the north east side of the newly installed entrance gate, further along this boundary there is a semi mature Ash Tree. It would appear from the Site Plan (Drawing No. 1445/17/02 dated 08/05/17) that the canopy spreads and Root Protection Areas (RPAs) of these trees may be encroached upon by the proposed hardcore area and Barn to the possible detriment of these .Furthermore it would appear that there may not be sufficient distance between the barn and the hedge line to allow access for maintenance/ trimming. The location of the soakaway may also encroach upon the canopy spread/RPA of a mature Field Maple tree located within the hedge line on the sites south western boundary but not shown on the drawing.

As such I would refute the statement that the proposed development would not "affect any of the trees or hedges."

I also consider, in my role as Tree and Landscape Officer that the location of the proposed development would have a detrimental impact on the visual amenity of the Green Belt because of its prominent location; the lack of screening vegetation; and its isolation from other buildings. As such it would be contrary to Policy GB2 in the BaNES Local Plan 2007 and Policy GB1 in the Placemaking Plan.

While additional tree planting could mitigate this detrimental impact to some extent the Design and Access Statement makes clear that no additional planting is proposed. I would also note that the proposed building's adverse impact on the visual amenity of the Green Belt could be avoided completely if the proposed development was located at the northern end of the field adjacent to the existing buildings of Merry Hill Farm.

I therefore consider that the development proposals are not acceptable in their current form because of their potential adverse impact on existing trees and hedging and their likely detrimental impact on the visual amenity of the Green Belt.

ENVIRONMENT AGENCY- Comments to be reported once received.

POLICIES/LEGISLATION

The Development Plan for Bath and North East Somerset comprises:

- o Bath & North East Somerset Core Strategy (July 2014)
- o Bath & North East Somerset Placemaking Plan (July 2017)
- o West of England Joint Waste Core Strategy (2011)
- o Bath & North East Somerset saved Local Plan policies (2007) not replaced by the Core Strategy or the Placemaking Plan:
 - Policy GDS.1 Site allocations and development requirements (policy framework)
 - Policy GDS.1/K2: South West Keynsham (site)
 - Policy GDS.1/NR2: Radstock Railway Land (site)
 - Policy GDS.1/V3: Paulton Printing Factory (site)
 - Policy GDS.1/V8: Former Radford Retail System's Site, Chew Stoke (site)
- o Neighbourhood Plans

Core Strategy:

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The following policies of the Core Strategy are relevant to the determination of this application:

- o CP6 - Environmental Quality
- o CP2 - Sustainable construction
- o CP8 - Green Belt

Placemaking Plan:

The Placemaking Plan for Bath and North East Somerset was formally adopted by the Council on 13th July 2017. The following policies of the Placemaking Plan are relevant to the determination of this application:

- o D1 General urban design principles
- o D2 Local character and distinctiveness
- o D3 Urban Fabric
- o D5 Building Design
- o D6 Amenity
- o ST1 Promoting sustainable travel
- o PCS7 Water source protection
- o ST7 Transport Access and Development Management
- o GB.1 Visual Amenities of the Green Belt

LEGAL FRAMEWORK

- o Town and Country Planning Act, 1990

NATIONAL PLANNING POLICY FRAMEWORK, MARCH 2014

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

NATIONAL PLANNING PRACTICE GUIDANCE

Due consideration has been given to the recently published NPPG

OFFICER ASSESSMENT

The Principle of development

The site lies within Nempnett Thrubwell but is outside of any defined settlement boundary and within designated Green Belt land. Within Green Belts new buildings are considered inappropriate however, an exception to this is development of buildings for agriculture or forestry purposes. In this instance the applicant has applied for an agricultural barn to store hay and machinery which is considered necessary to provide storage of hay and machinery used in connection with the farming activity and hay made from the land.

In principle a building for use in association with the agricultural operations of this holding would be considered as an exception to green belt policy identifying all development as inappropriate but is subject to compliance with other policies.

Impact on the openness of the Green Belt.

The barn building proposed is a standard steel framed building 9.13m wide x 18.3m long with a 4.57m lean-to to the east side. The building is proposed to be constructed in standard materials for agricultural buildings - walls: concrete block to the lower level and Yorkshire boarding at higher level and fibre cement sheeting with roof lights to the roof. The proposed building has a floor area of 250m² and a volume of 1252m³.

The applicant was asked to relocate the barn so that it is sited adjacent to the farm complex of buildings. However the applicant has stated that the barn is required in this location to enable ease of access in association with the farms operations.

Following concerns being raised by the Councils Tree Officer in respect the position of the barn in relation to the adjacent hedge the barn has been marginally relocated within the site so that it is located at a distance of approx. 8m from the hedge and 4m from the closest tree within the hedge. The hedge line appears indicative rather than an accurate survey plan. The amended plans also indicate two areas of landscaping to provide an element of screening of the proposal as seen from the North. However, this landscaping is not considered appropriate in this location and additional field boundary planting is considered an appropriate means of providing some additional screening and therefore a condition to ensure this is done is necessary.

Impact on the character and appearance of the landscape and Green Belt.

The siting of the building as originally submitted indicated the unit sitting in close proximity to the existing hedgerow and this was amended with the building being moved away from the hedge line.

The Councils Tree Officer initially raised concerns that a mature Poplar tree adjacent to and on the north east side of the newly installed entrance gate further along this boundary there is a semi mature Ash Tree may be damaged by the building and associated hardcore. There were considered that there may also be difficulties due to there not being sufficient distance between the barn and the hedge line to allow access for maintenance/trimming. The location of the soak away may also encroach upon the canopy spread/RPA of a mature Field Maple tree located within the hedge line on the sites south western boundary but not shown on the drawing.

However, the relocation of the building has moved the building further into the open field thereby providing additional space between the hedge and the building. The plans indicate some landscaping but the landscape character of the locality is of open farm land and as

such the planting as shown is not considered appropriate. A condition requiring additional landscaping within the boundary hedging in the vicinity of the building is considered necessary.

Buildings of this nature are typical of this type of landscape and as such the building is considered to comply with Policy GB1 in the BaNES Placemaking Plan. The proposal is seen to be acceptable as it will have a limited impact on the visual amenity of the Green Belt and general landscape quality of the area.

Highways

The proposal is considered to be satisfactory in terms of highway safety and no comments or objections have been made by the Highway Engineer.

Residential Amenity

The proposal is not considered to have any significant impact on residential amenity due to the distance the property is away from other dwellings and the small-scale nature of the proposal.

Water Protections Area

The comments of the Environment Agency have been sought and will be reported at the meeting.

RECOMMENDATION

PERMIT

CONDITIONS

1 Standard Time Limit (Compliance)

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

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

2 Plans List (Compliance)

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

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

3 Soft Landscaping (Pre-occupation)

Notwithstanding the plans submitted no use shall commence until a 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 to be planted within the existing site boundary adjacent to the development and a programme of implementation.

Reason: To ensure the provision of an appropriate landscape setting to the development in accordance with Policies D1, D2, D4 and NE2 of the Bath and North East Somerset Placemaking Plan.

4 Soft Landscaping (Compliance)

All 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 D1, D2 and NE2 of the Bath and North East Somerset Placemaking Plan.

PLANS LIST:

1 PLANS 1445 17 01A, 02A, 03 and 2017/42/01.

2 Condition Categories

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

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

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

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

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

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

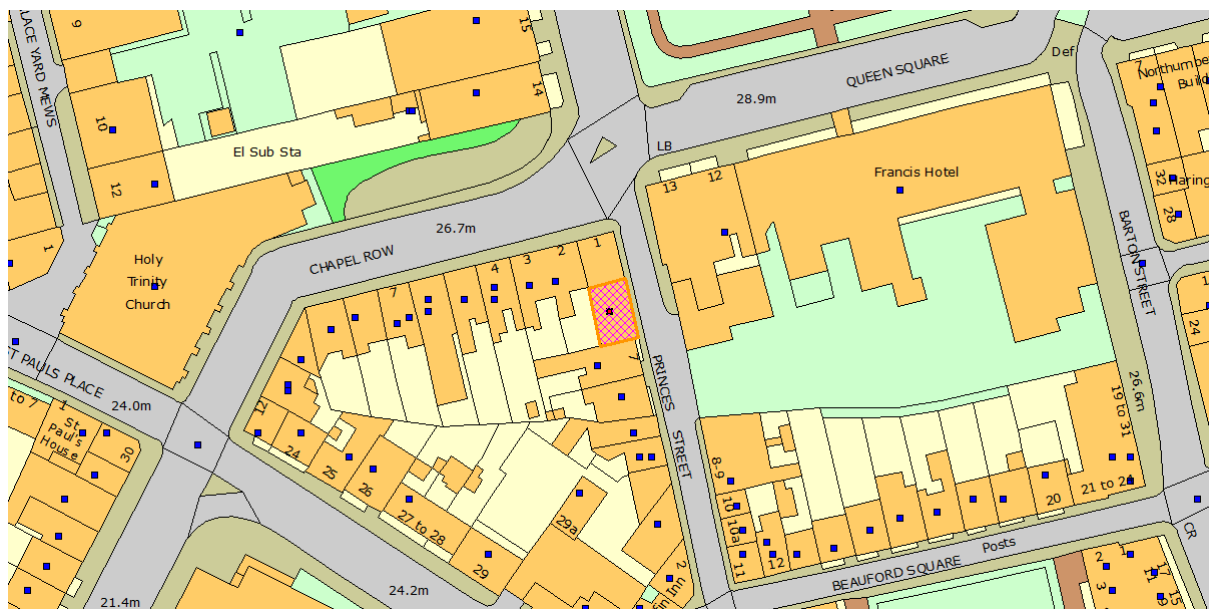
Where approval of further information is required you will need to submit a conditions application and pay the relevant fee, details of the fee can be found on the "what happens after permission" pages of the Council's Website. You can submit your conditions application via the Planning Portal at www.planningportal.co.uk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

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

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

4 As the proposal is within a Water Source Protection Area the applicant should consult the Environment Agency prior to the commencement of development.

Item No: 10
Application No: 17/02944/FUL
Site Location: 1 Chapel Row City Centre Bath Bath And North East Somerset BA1 1HN



Ward: Kingsmead	Parish: N/A	LB Grade: II
Ward Members:	Councillor Chris Pearce	Councillor Andrew Furse
Application Type:	Full Application	
Proposal:	Internal and external alterations for the creation of a new dwelling including change of use from Use Class BA1 Offices to Use Class C3 dwelling.	
Constraints:	Affordable Housing, Agric Land Class 3b,4,5, Article 4, Bath Core Office Area, Centres and Retailing, Conservation Area, Conservation Area, Forest of Avon, Hotspring Protection, Listed Building, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,	
Applicant:	Minster Square Ltd	
Expiry Date:	31st August 2017	
Case Officer:	Chloe Buckingham	

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

The Chair of Committee has stated that;

The report has clearly assessed the impact on no.2 Chapel Row but due to the conflicting views regarding the light assessment the application should be determined by committee so all aspects can be debated in public.

DESCRIPTION OF SITE AND APPLICATION:

The application relates to a grade II listed property which currently has a B1A (office) use . The site is located within both the Bath World Heritage Site and Conservation Area. The application seeks planning permission for the internal and external alterations for the creation of a new dwelling which includes the change of use from B1 (office) to C3 (dwellinghouse).

There is a listed building application running alongside this application under reference 17/02945/LBA.

Relevant Planning History:

01/02013/LBA - CON - 26 October 2001 - Statutory fire precaution works consisting of the upgrading of the fire resistance of doors to the staircase, installation of an emergency lighting system and extension of the fire alarm system

DC - 11/00545/FUL - PERMIT - 28 March 2011 - Change of use from offices (Use Class B1) to mixed use education and training (Use Class D1) and offices (Use Class B1)

DC - 16/05304/FUL - WD - 16 December 2016 - The creation of a new dwelling with an entrance off Princes Street, within the structure of 1 Chapel Row, utilising an unused basement, part office ground floor and new first floor extension.

DC - 16/05305/LBA - WD - 16 December 2016 - Internal and external alterations for the creation of a new dwelling with an entrance off Princes Street, within the structure of 1 Chapel Row, utilising an unused basement, part office ground floor and new first floor extension.

DC - 16/06157/LBA - CON - 30 January 2017 - Internal alterations for the refurbishment of 2 basement rooms into offices with cloaks and a kitchen including the demolition of an internal wall, addition of a partition wall recommendation

DC - 17/01623/LBA - CON - 26 May 2017 - Internal alterations for the reopening of a previously blocked up doorway between offices 2 and 3. Installation of new door.

DC - 17/02002/COND - DISCHG - 21 June 2017 - Discharge of conditions 2 and 3 of application

16/06157/LBA (Internal alterations for the refurbishment of 2 basement rooms into offices with cloaks and a kitchen including the demolition of an internal wall, addition of a partition wall recommendation)

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Cllr Chris Pearce: No real contentious issues- if the decision is to refuse request that the application is called in to committee.

Cllr Andrew Furse: The loss of light issue appears to be a significant concern for the neighbours and thus their loss of residential amenity. Upon reading the reports on the light issue there are conflicting views. Therefore due to both the conflicting views from expert opinion and my concern over loss of residential amenity I would like this to come to committee if minded to approve.

Highways: No objection

Conservation Officer: No objection subject to five conditions

Ecology: No objection.

Historic England: No comment- consult in-house conservation officer.

OTHER REPRESENTATIONS / THIRD PARTIES

1 objection comments received from no.2 Chapel Row. The main issues being:

- o Detrimental loss of light to the rear of the property and rear courtyard garden.
- o Would like a daylight and sunlight analysis to include a right-to-light analysis.
- o Query the size of the 1 bedroom flat which is approx 90 metres squared. Minimum space standards for a one bedroom flat is 58 square metres.
- o Overdevelopment
- o Historic streetscape drastically altered in an irreversible manner.
- o A planning application for no.3 Chapel Row was refused in 1989 on design and residential amenity impact concerns.
- o Increased overlooking.
- o Noise.

POLICIES/LEGISLATION

POLICIES

On 13th July the Council adopted the B&NES Placemaking Plan. It now becomes part of the statutory Development Plan for the district, against which planning applications are determined. The statutory Development Plan for B&NES now comprises:

- o Core Strategy (July 2014)
- o Placemaking Plan (July 2017)
- o B&NES Local Plan (2007) - only saved Policy GDS.1 relating to 4 part implemented sites
- o Joint Waste Core Strategy
- o Made Neighbourhood Plans

Relevant Core Strategy Policies:

- o CP6 - Environmental Quality
- o CP2 - Sustainable construction
- o B4 - World Heritage Site
- o CP10 - Housing Mix

The following B&NES Placemaking Plan policies should be considered:

- o D.1 General urban design principles

- o D.2 Local character and distinctiveness
- o D.3 Urban Fabric
- o D.4 Streets and Spaces
- o D.5 Building design
- o D.6 Amenity
- o D.7 Infill and Backland Development
- o ST.1 Promoting Sustainable Travel
- o H.7 Housing Accessibility
- o ST.7 Transport access and development management
- HE.1 Historic Environment
- o LCR.9 Local Food Growing
- o LCR.7 B Broadband

LEGAL FRAMEWORK

- o Town and Country Planning Act, 1990

NATIONAL PLANNING POLICY FRAMEWORK, MARCH 2014

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

NATIONAL PLANNING PRACTICE GUIDANCE

Due consideration has been given to the recently published NPPG

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.

There is a duty under Section 16 of the same act 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.

OFFICER ASSESSMENT

The proposal is in relation to a grade II listed property located within the Bath Conservation Area and World Heritage Site. The current building is being used as offices and as a language school.

The application is located within the built-up area of Bath. Policy B1 of the Core Strategy allows for residential development within the built-up area of Bath. Therefore the principle of development is accepted subject to compliance with all other policies.

DESIGN OF THE DEVELOPMENT AND IMPACT ON THE STREET SCENE AND SURROUNDING AREA:

The scheme proposes to remove the existing roof and add an additional first floor storey to form a bedroom which is to be constructed with ashlar stone with the front elevation painted to match the existing building. The first floor level will incorporate a bedroom as well as a terraced area to the front to allow for some external amenity space. However, the fabric of the roof is not considered to be of any special historic or architectural interest.

The increase in roof height will impact upon the setting of the listed building and the conservation area and world heritage site but this is not considered to cause harm. Furthermore, the design is considered sensitive to the setting and has used appropriate materials.

The existing ground floor kitchen will be demolished and rebuilt in ashlar stone to match and the proposed ground floor will comprise the sitting room with the basement comprising a kitchen/dining room with additional utility and bin store area. However, as this building does not have a traditional planform and as the demolition of the existing ground floor kitchen is to the rear of the property this is not considered to have a significant impact on the conservation area, world heritage site or the setting of the listed building. Furthermore, the design and use of materials is considered in-keeping with the design and materials of the existing building.

A new glazed stairway will be constructed to level 1 above the newly constructed ground floor space which will provide access to the bedroom at first floor level. The extension will be stepped back at the rear elevation and will utilise obscure glazing. There are also a number of internal alterations to the existing layout. However, as this building does not have a traditional planform the new stairway and the internal alterations are not considered to cause significant harm to the grade II listed building.

A new access door from Princes Street will be inserted to the front of the property to allow a separate access to the new dwelling. The new access door and internal configurations will include removing an older staircase. The applicant has further explored the potential to alter the doorway to avoid interrupting the staircase; however, unfortunately this is not possible owing to the layout of the building, land ownership and the need to avoid harm to the existing historic door. The applicants have supplied an historical analysis of the building by a conservation professional which has concluded that the planform of the building, including that of the staircase is not of significant historic value. Without these alterations to the staircase access would be difficult and consideration must be given to enabling this building to be re-used. The impact of the addition of a new door immediately adjacent to the existing is considered to cause significant harm and this could not be supported. Therefore the proposed location, set away from the more historic door surround is supported.

The loss of the older staircase in the building could be considered to result in less than significant harm. Paragraphs 132 and 133 of the NPPF in this context requires this to be weighed against public benefits. Here it is considered that there are significant benefits in enabling the independent use of this part of the building which outweighs the harm.

Conditions regarding sample wall and roof materials and a standard recording condition as well as a condition to ensure flush fitting roof lights are considered necessary in order to be in-keeping with the character and appearance of the listed building.

It has been confirmed that the glass link would be frameless and therefore no joinery details are necessary. Conditions regarding sample wall and roof materials and a standard recording condition as well as a condition to ensure flush fitting roof lights are considered necessary in order to be in-keeping with the character and appearance of the streetscene and conservation area.

Objection comments have been received from the neighbouring occupier being no.2 Chapel Row to explain that the proposal represents overdevelopment and querying the size of the 1 bedroom flat. However, within the technical housing standards guide which specifies national space standards it explains that minimum standards for a one-bed property are 39 square metres for a flat with a bathroom and 37 square metres for a flat with a shower room. As the proposed area of the flat is above both these figures the proposal is compliant with this standard and the council do not impose maximum space standards. In terms of overdevelopment the proposal is to include a second storey above the existing ground floor and these types of built up properties are not uncommon within this area.

Overall the proposal is considered acceptable in terms of design and compliant with policies D1, D2, D3, D4, D5 and HE1 of the Local Plan.

IMPACT ON RESIDENTIAL AMENITY:

Objection comments have been received from the occupiers of no.2 to explain that the proposal would have a detrimental loss of light impact to the rear of the property and courtyard area. The objection requests that a sunlight/daylight analysis should be undertaken as well as a right to light analysis. It is noted that a report assessing the loss of light impact from Rapleys was submitted on behalf of the agents as well as an analysis made by the Watts Group for the occupiers of no.2. Two conflicting points of view were expressed by both professional reports. Therefore an assessment needs to be made regarding the significance of the impact. Whilst it is considered that there will be some impact in terms of loss of light within the rear basement and ground floor windows as well as more shadowing within the garden, due to the existing situation with the rear courtyard garden enclosed on all sides and combined with the large side elevation of no.7 Princes Street to the rear, the loss of light impact is not considered to be significant. There are not considered to be any significant impacts in terms of loss of light over and above the existing situation. In regard to the request for a 'right to light' assessment this would be considered separately from the planning assessment and would be a civil matter between the applicants and no.2.

The objection comment explains that on consultation with Dr Paul Littlefair it was explained that Rapley's assessment highlighted that the 45 degree rule of thumb only covers daylight and not sunlight and that neither rule of thumb covers loss of sunlight in the garden. However it must be stressed that policy D6 of the Placemaking Plan must allow the existing and proposed development to achieve appropriate levels of natural light amongst other things. Therefore an assessment is made regarding the level of natural light received and not levels of sunlight. The proposal is not considered to significantly impact the levels of light currently received to the rear windows of no.2 or the rear courtyard garden over and above the existing situation.

The occupiers of no.2 have highlighted that a planning application in 1989 to build a floor above no.3 on the opposite side was refused due to design objections and impact on the amenity of neighbouring occupiers. However, it must be highlighted here that the local plan policies regarding amenity in 1989 did not go into detail regarding loss of light and so this would not have been assessed. It must also be highlighted that each proposal must be considered on their own merits and in this case the loss of light impact is not considered to have a significant negative impact over and above the existing situation.

The objection comment has also explained that the development would create a significant impact in terms of overlooking and loss of privacy. It is agreed that the change of use from an office to a dwelling house will mean people will be present at different times of the day than at the present situation which may cause more of an issue in terms of overlooking and loss of privacy from the windows serving the proposed sitting room at ground floor level. Therefore a condition will be attached to the permission to ensure that the windows serving the sitting room to the rear are obscurely glazed. As there are windows serving the sitting room to the front elevation it is not considered that the existing rear elevation windows being obscurely glazed will have any significant impact on the levels of light or outlook for any future occupiers of the proposed flat.

It must be highlighted that no part of the proposed extension to the rear contains windows overlooking the courtyard of no.2 Chapel Row. Velux rooflights will be inserted to the ensuite at level 1 whilst the staircase is proposed to contain obscure glazing to prevent overlooking. It must also be noted that the proposed first floor extension is set back from the rear elevation. The existing window on the ground floor will be taken out to be replaced with stonework and a velux rooflight which would not cause any impact in terms of overlooking. Similarly other windows within the rear elevation are either rooflights or high level and so overlooking is not considered to be an issue.

As the part of the first floor extension closest to no.2 is set back from the rear elevation and as the rear elevation and courtyard area is already enclosed the addition of the first floor extension is also not considered to create any significant over-bearing impacts over and above the existing situation.

The objection comment from no.2 also raises concerns that the development would have an impact on noise levels. However, the inclusion of a one-bedroom flat is not considered to create any significant increase in noise levels than that current situation. If there is concern about noise during the construction phase of the development the objectors are minded to contact the council's environmental protection team.

HIGHWAYS

There are not anticipated to be any impacts of significance on the adjacent public highway as a result of the proposed change of use. While there are no off-street parking facilities, parking in the vicinity is restricted to permit holders only and instances of indiscriminate parking are therefore highly unlikely. However, the applicant should note that the site is located within a Controlled Parking Zone where existing permits exceed the supply of parking spaces. As such, in accordance with Single Executive Member Decision E1176, dated 14th August 2006, occupants of this proposed development will not be entitled to apply for Residents Parking Permits. This, however, is considered to be at the developers risk given the sustainable location of this development proposal.

With regard to highway and access matters, the only change requiring consideration is the creation of a new pedestrian entrance door onto Princes Street. Drawing CR/15/F shows the proposed plans and elevations, including details of the new entrance to Princes Street. This shows that no step or projection into the footway is proposed to achieve access to the threshold and, as such, this is acceptable.

In view of the fact that the existing width and level of the footway is unaffected by any part of the works necessary to create the new doorway/threshold there is no objection to the proposal.

OTHER MATTERS:

For market housing 19% of proposed dwellings need to meet the Optional Technical Standard 4 (2) in the Building Regulations Approved Document M. As only whole units can be delivered to the enhanced standard, the number of accessible housing units to be delivered should be rounded to the nearest whole number. Therefore, in this case as there is only 1 unit proposed there is no requirement for the enhanced accessibility standards and overall the proposal is compliant with Policy H7.

It is noted that there is a roof terrace area which would be suitable for growing food and the location of the property would be adequate for appropriate broadband. Therefore the proposal is considered to comply with policies LCR.9 and LCR.7 B.

CONCLUSION:

For the reasons set out above, it is recommended that this application is granted permission subject to conditions.

RECOMMENDATION

PERMIT

CONDITIONS

1 Standard Time Limit (Compliance)

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

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

2 Joinery Details (Bespoke Trigger)

No installation of the window and door in the front elevation shall commence until full details comprising the joinery details have been submitted to and approved in writing by the Local Planning Authority. Thereafter the work shall only be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the building in accordance with Policy CP6 of the Bath and North East Somerset Core Strategy and Policy HE1 of the Bath and North East Somerset Placemaking Plan.

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

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

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policies D1, D2, D3 and D5 of the Bath and North East Somerset Placemaking Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

4 Obscure Glazing and Non-opening Window(s) (Compliance)

The rear ground floor windows serving the proposed sitting room shall be obscurely glazed and thereafter the window shall be permanently retained as such.

Reason: To safeguard the amenities of adjoining occupiers from overlooking and loss of privacy in accordance with Policy D6 of the Bath and North East Somerset Placemaking Plan.

5 Archaeology - Historic Building Recording (Pre-commencement)

No development or demolition shall commence, except archaeological investigation work, until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a record of those parts of the building(s), which are to be demolished, disturbed or concealed by the proposed development, and shall be carried out by a competent person(s) and completed in accordance with the approved written scheme of investigation.

Reason: The site is within an area of significant archaeological interest and the Council will wish to examine and record items of interest discovered in accordance with Policy HE1 of the Bath & North East Somerset Placemaking Plan. This is a condition precedent because archaeological remains and features may be damaged by the initial development works.

6 Rooflights (Bespoke Trigger)

The rooflights proposed shall be conservation style and flush fitting.

Reason: To be in-keeping with the character and appearance of the listed building and this part of the Bath Conservation Area in accordance with policies D5 and HE1 of the Bath and North East Somerset Placemaking Plan (2017) and the provisions of the National Planning Policy Framework.

7 Plans List (Compliance)

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

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

PLANS LIST:

1 This decision relates to;

Block Plan (CR13), Existing Floor Plans (CR17 A), Proposed Floor Plans (CR18 A), Detailed Drawing (CR19) and Existing Elevations (CR19 A) received 21st June 2017.

Proposed Elevations (CR15 G) received 18th August 2017.

DECISION TAKING 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 Policy Framework. For the reasons given, and expanded upon in the delegated report, a positive view of the submitted proposals was taken and planning permission was granted.

2 Condition Categories

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

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

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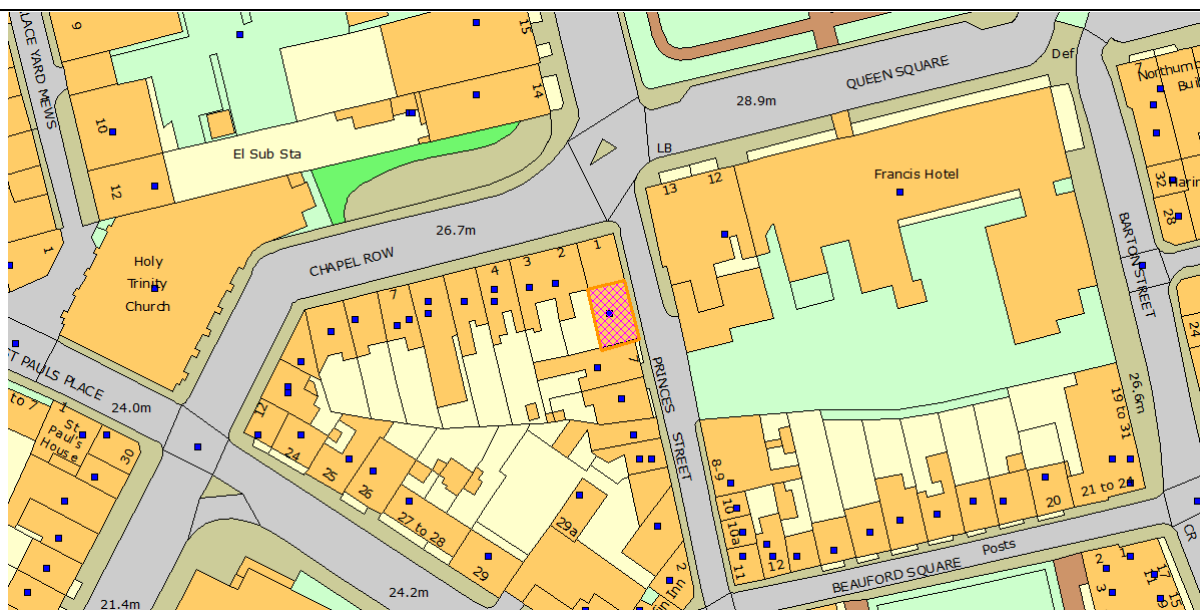
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Item No:	11
Application No:	17/02945/LBA
Site Location:	1 Chapel Row City Centre Bath Bath And North East Somerset BA1 1HN



Ward: Kingsmead

Parish: N/A

LB Grade: II

Ward Members: Councillor Chris Pearce Councillor Andrew Furse

Application Type: Listed Building Consent (Alts/exts)

Proposal: Internal and external alterations for the creation of a new dwelling.

Constraints: Affordable Housing, Agric Land Class 3b,4,5, Article 4, Bath Core Office Area, Centres and Retailing, Conservation Area, Forest of Avon, Hotspring Protection, Listed Building, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,

Applicant: Minster Square Ltd

Expiry Date: 16th August 2017

Case Officer: Chloe Buckingham

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

The Chair of Committee has stated that;

The report has clearly assessed the impact on no.2 Chapel Row but due to the conflicting views regarding the light assessment the application should be determined by committee so all aspects can be debated in public.

DESCRIPTION OF SITE AND PROPOSAL:

The application relates to a grade II listed property which currently has a B1A (office) use. The site is located within both the Bath World Heritage Site and Conservation Area. The application seeks planning permission for the internal and external alterations for the creation of a new dwelling which includes the change of use from B1 (office) to C3 (dwellinghouse).

There is a full planning application running alongside this application under reference 17/02944/FUL.

Relevant Planning History:

01/02013/LBA - CON - 26 October 2001 - Statutory fire precaution works consisting of the upgrading of the fire resistance of doors to the staircase, installation of an emergency lighting system and extension of the fire alarm system

DC - 11/00545/FUL - PERMIT - 28 March 2011 - Change of use from offices (Use Class B1) to mixed use education and training (Use Class D1) and offices (Use Class B1)

DC - 16/05304/FUL - WD - 16 December 2016 - The creation of a new dwelling with an entrance off Princes Street, within the structure of 1 Chapel Row, utilising an unused basement, part office ground floor and new first floor extension.

DC - 16/05305/LBA - WD - 16 December 2016 - Internal and external alterations for the creation of a new dwelling with an entrance off Princes Street, within the structure of 1 Chapel Row, utilising an unused basement, part office ground floor and new first floor extension.

DC - 16/06157/LBA - CON - 30 January 2017 - Internal alterations for the refurbishment of 2 basement rooms into offices with cloaks and a kitchen including the demolition of an internal wall, addition of a partition wall recommendation

DC - 17/01623/LBA - CON - 26 May 2017 - Internal alterations for the reopening of a previously blocked up doorway between offices 2 and 3. Installation of new door.

DC - 17/02002/COND - DISCHG - 21 June 2017 - Discharge of conditions 2 and 3 of application

16/06157/LBA (Internal alterations for the refurbishment of 2 basement rooms into offices with cloaks and a kitchen including the demolition of an internal wall, addition of a partition wall recommendation)

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

CONSULTATIONS AND REPRESENTATIONS:

Cllr Chris Pearce: No real contentious issues- if the decision is to refuse request that the application is called in to committee.

Cllr Andrew Furse: The loss of light issue appears to be a significant concern for the neighbours and thus their loss of residential amenity. Upon reading the reports on the light issue there are conflicting views. Therefore due to both the conflicting views from expert opinion and my concern over loss of residential amenity I would like this to come to committee if minded to approve.

Conservation Officer: No objection subject to five conditions.

Historic England: No comment- consult in-house conservation officer.

OTHER REPRESENTATIONS/THIRD PARTIES:

1 objection comments received from no.2 Chapel Row. The main issues being:

- o Detrimental loss of light to the rear of the property and rear courtyard garden.
- o Would like a daylight and sunlight analysis to include a right-to-light analysis.
- o Query the size of the 1 bedroom flat which is approx 90 metres squared. Minimum space standards for a one bedroom flat is 58 square metres.

- o Overdevelopment
- o Historic streetscape drastically altered in an irreversible manner.
- o A planning application for no.3 Chapel Row was refused in 1989 on design and residential amenity impact concerns.
- o Increased overlooking.
- o Noise.

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.

On 13th July the Council adopted the B&NES Placemaking Plan. It now becomes part of the statutory Development Plan for the district, against which planning applications are determined. The statutory Development Plan for B&NES now comprises:

- o Core Strategy (July 2014)
- o Placemaking Plan (July 2017)
- o B&NES Local Plan (2007) - only saved Policy GDS.1 relating to 4 part implemented sites
- o Joint Waste Core Strategy
- o Made Neighbourhood Plans

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

- CP6 - Environmental quality
- CP2 - Sustainable Construction

The following policies of the Adopted Placemaking Plan are relevant:

- HE1 - Historic Environment

Historic Environment Good Practice Advice in Planning Notes issued by Historic England - 2015

OFFICER ASSESSMENT

DESCRIPTION OF SITE AND APPLICATION:

The scheme proposes to remove the existing roof and add an additional first floor storey to form a bedroom which is to be constructed with ashlar stone with the front elevation painted to match the existing building. The first floor level will incorporate a bedroom as well as a terraced area to the front to allow for some external amenity space. However, the fabric of the roof is not considered to be of any special historic or architectural interest. The increase in roof height will impact upon the setting of the listed building and the conservation area and world heritage site but this is not considered to cause harm. Furthermore, the design is considered sensitive to the setting and has used appropriate materials.

The existing ground floor kitchen will be demolished and rebuilt in ashlar stone to match and the proposed ground floor will comprise the sitting room with the basement comprising a kitchen/dining room with additional utility and bin store area. However, as this building does not have a traditional planform and as the demolition of the existing ground floor kitchen is to the rear of the property this is not considered to have a significant impact on the conservation area, world heritage site or the setting of the listed building. Furthermore, the design and use of materials is considered in-keeping with the design and materials of the existing building.

A new glazed stairway will be constructed to level 1 above the newly constructed ground floor space which will provide access to the bedroom at first floor level. The extension will be stepped back at the rear elevation and will utilise obscure glazing. There are also a number of internal alterations to the existing layout. However, as this building does not have a traditional planform the new stairway and the internal alterations are not considered to cause significant harm to the grade II listed building.

A new access door from Princes Street will be inserted to the front of the property to allow a separate access to the new dwelling. The new access door and internal configurations will include removing an older staircase. The applicant has further explored the potential to alter the doorway to avoid interrupting the staircase; however, unfortunately this is not possible owing to the layout of the building, land ownership and the need to avoid harm to the existing historic door. The applicants have supplied an historical analysis of the building by a conservation professional which has concluded that the planform of the building, including that of the staircase is not of significant historic value. Without these alterations to the staircase access would be difficult and consideration must be given to enabling this building to be re-used. The impact of the addition of a new door immediately adjacent to the existing is considered to cause significant harm and this could not be supported. Therefore the proposed location, set away from the more historic door surround is supported.

The loss of the older staircase in the building could be considered to result in less than significant harm. Paragraphs 132 and 133 of the NPPF in this context requires this to be weighed against public benefits. Here it is considered that there are significant benefits in enabling the independent use of this part of the building which outweighs the harm.

Conditions regarding sample wall and roof materials and a standard recording condition as well as a condition to ensure flush fitting roof lights are considered necessary in order to be in-keeping with the character and appearance of the listed building.

RECOMMENDATION

CONSENT

CONDITIONS

1 Time Limit - Listed Building Consent (Compliance)

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

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

2 Joinery Details (Bespoke Trigger)

No installation of the window and door in the front elevation shall commence until full details comprising the joinery details have been submitted to and approved in writing by the Local Planning Authority. Thereafter the work shall only be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the building in accordance with Policy CP6 of the Bath and North East Somerset Core Strategy and Policy HE1 of the Bath and North East Somerset Placemaking Plan.

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

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

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policies D1, D2, D3 and D5 of the Bath and North East Somerset Placemaking Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

4 Rooflights (Bespoke Trigger)

The rooflights proposed shall be conservation style and flush fitting.

Reason: To be in-keeping with the character and appearance of the listed building and this part of the Bath Conservation Area in accordance with policies D5 and HE1 of the Bath and North East Somerset Placemaking Plan (2017) and the provisions of the National Planning Policy Framework.

5 Archaeology - Historic Building Recording (Pre-commencement)

No development or demolition shall commence, except archaeological investigation work, until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a record of those parts of the building(s), which are to be demolished, disturbed or concealed by the proposed development, and shall be carried out by a competent person(s) and completed in accordance with the approved written scheme of investigation.

Reason: The site is within an area of significant archaeological interest and the Council will wish to examine and record items of interest discovered in accordance with Policy HE1 of the Bath & North East Somerset Placemaking Plan. This is a condition precedent because archaeological remains and features may be damaged by the initial development works.

6 Plans List (Compliance)

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

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

PLANS LIST:

1 This decision relates to;

Block Plan (CR13), Existing Floor Plans (CR17 A), Proposed Floor Plans (CR18 A), Detailed Drawing (CR19) and Existing Elevations (CR19 A) received 21st June 2017.

Proposed Elevations (CR15 G) received 18th August 2017.

DECISION TAKING 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 Policy Framework. For the reasons given, and expanded upon in the delegated report, a positive view of the submitted proposals was taken and planning permission was granted.

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