

## Bath & North East Somerset Council

MEETING:	<b>Development Management Committee</b>	AGENDA ITEM NUMBER	
MEETING DATE:	<b>18th October 2017</b>		
RESPONSIBLE OFFICER:	Mark Reynolds – Group Manager (Development Management) (Telephone: 01225 477079)		
TITLE:	<b>SITE VISIT AGENDA</b>		
WARDS:	ALL		
BACKGROUND PAPERS:			
<b>AN OPEN PUBLIC ITEM</b>			

### BACKGROUND PAPERS

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

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

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

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

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

## INDEX

ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
001	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
002	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
003	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 (part retrospective), including a two-storey extension and partial demolition of rear boundary wall to create a vehicle access.	Bathavon West	Emma Hardy	REFUSE

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

<b>Item No:</b>	001
<b>Application No:</b>	17/02591/FUL
<b>Site Location:</b>	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 buildings. Revised plans have been submitted during this planning application process in response to concerns raised by officers. The latest set of

revised plans propose the front doors of the dwellings being set back from the main facades allowing the dwellings to benefit from a covered internal porch area.

Relevant planning history

DC - 08/02450/FUL - Permit- 3 September 2008 - Conversion of two existing bed sits into two one bedroom 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 (WA) - 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.

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:

- 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

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

- City of Bath Character Appraisal
- Planning Obligations SPD
- 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 existing development and is considered to be appropriate in relation to visual amenity and the setting of these listed buildings. The development is not considered to detract from the setting of the listed buildings.

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 and fits with the prevailing character of the Conservation Area.

The statutory duty to preserve or enhance the Conservation Area should be afforded 'considerable importance and weight' in the decision making process.

Overall, the proposed scale, siting, design and materials proposed are considered to be acceptable. This ensures that the development preserves the character and appearance of this part of the Conservation Area. Further, although sited adjacent to the listed terrace of St Marks Road, the development is set a sufficient distance and of an appropriate scale to ensure that the setting of this terrace is preserved. This preservation of the setting is further ensured due to the appropriate materials and the design of the proposals.

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.

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.

Revised plans now include the provision of an integral porch area for each dwelling which sets back the front doors behind the main facade of the buildings. This will ensure that front doors do not open directly onto the public highway and there is a refuge area for pedestrians entering and leaving the dwellings. This will ensure that pedestrian safety is not compromised.

#### 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 appreciated 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.

## Waste

Concerns have been raised with regards to the lack of space for refuse and recycling due to the lack of a footpath outside of the proposed dwellings. Refuse collection in the district is changing with wheelie bins being allocated to properties. However officers understand that this part of Calton Road is being allocated refuse bag rather than wheelie bins. There

is considered to be appropriate space within the building to store these, and on collection days these can be moved to the pavement on the opposite side of Calton Road or within the porch areas. There is adequate space for the storage of recycling boxes.

### 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 for the neighbours to the rear, 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. The development is considered to be of a suitable siting, scale and design and uses appropriate materials to ensure that the character and appearance of the Conservation Area, the setting of the Listed Buildings and the setting of the wider World Heritage Site is preserved.

## **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
	27 Sep 2017	1419 AP(0)06 D PROPOSED PLANS
	27 Sep 2017	1419 AP(0)07 D 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](http://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](http://www.planningportal.co.uk) or send it direct to [planning\\_registration@bathnes.gov.uk](mailto:planning_registration@bathnes.gov.uk). Alternatively this can be sent by post to The Planning Registration Team, Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

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

**Item No:** 002  
**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.

The application was considered by the planning committee 18th september when it was resolved to defer the application for a site visit.

## 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:

- 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)
  - 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: 255 \_BP01, PD01(1), PD02, PD03, PD04, PD05, PD06, PE01, PE02, PE03, PL01, PP01, PP02, SP01, SP02, SP03, SE01, L417/07 Rev A, L417/08, L417/09, SPL01.

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:** 003

**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 (part retrospective), including a two-storey extension 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.

The application was considered by the planning committee 18th september when it was resolved to defer the application for a site visit.

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:

- 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)
- 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: 255 \_BP01, PD01(1), PD02, PD03, PD04, PD05, PD06, PE01A, PE02, PE03, PL01, PP01B, PP02, SP01, SP02, SP03, SE01, L417/07 Rev A, L417/08, L417/09, SPL01.

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.