

Bath & North East Somerset Council

MEETING: Development Management Committee

MEETING DATE: 15th November 2017

AGENDA
ITEM
NUMBER

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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.

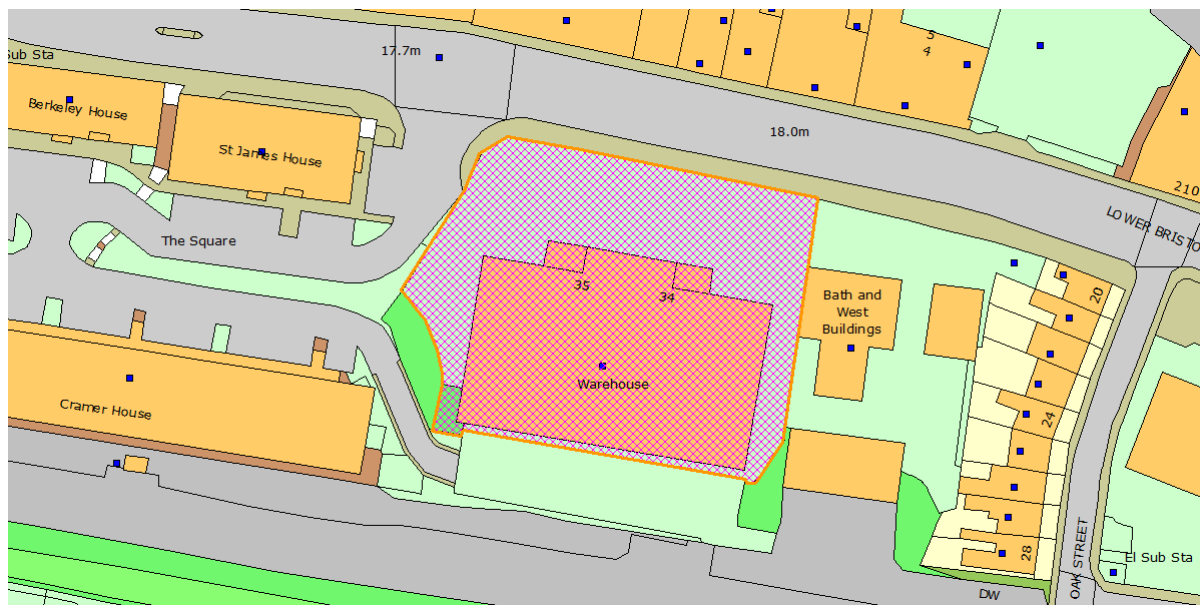
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ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	17/03774/OUT 9 November 2017	c/o Agent 34 - 35 Lower Bristol Road, Westmoreland, Bath, Bath And North East Somerset, BA2 3AZ Outline application for the erection of two buildings to provide residential accommodation for students (up to 204 bedrooms) with ancillary accommodation and facilities and external courtyards, alterations to existing pedestrian and vehicular access, and associated infrastructure following demolition of existing building. Access, appearance, layout and scale to be determined and landscaping reserved.	Widcombe	Chris Gomm	PERMIT
02	17/03603/FUL 16 November 2017	Amanda and Robert Hawking 9 Partis Way, Lower Weston, Bath, Bath And North East Somerset, BA1 3QG Erection of single garage and detached 4 bed house with garage following demolition of existing rear conservatory and side extension (accommodating garage) to existing dwelling	Newbridge	Samantha Mason	PERMIT
03	17/04031/FUL 22 November 2017	Mr B & Mrs A Fawcett The Paddocks, Pilgrims Way, Chew Stoke, Bristol, Bath And North East Somerset Erection of a new dwelling (Resubmission).	Chew Valley North	Anna Jotcham	REFUSE
04	17/02313/FUL 17 November 2017	Mr & Mrs Sue & Andrew Milloy 6 High Bannerdown, Batheaston, Bath, Bath And North East Somerset, BA1 7JY Erection of two storey side extension, new front boundary wall and change of layout of existing gardens.	Bathavon North	Alice Barnes	PERMIT

05	17/03629/FUL 22 September 2017	Mr & Mrs B & J Hogg & Stratford Manor House Farm, North Stoke Lane, North Stoke, Bath, Bath And North East Somerset Widening of front entrance and garden access with installation of aluminium frame doors.	Bathavon North	Adrian Neilson	PERMIT
05	17/03630/LBA 22 September 2017	Mr & Mrs B & J Hogg & Stratford Manor House Farm, North Stoke Lane, North Stoke, Bath, Bath And North East Somerset Internal and external alterations for the re-arrangement of internal stud walls, exposing of original stone walling in lobby and widening of garden and front access with replacement aluminium framed doors.	Bathavon North	Adrian Neilson	CONSENT
06	17/03930/FUL 16 November 2017	Mr & Mrs Tavender 1 Audley Avenue, Lower Weston, Bath, Bath And North East Somerset, BA1 3BL Removal of front boundary low wall and fence and formation of off street parking with permeable hardstanding	Kingsmead	Chloe Buckingham	PERMIT

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

Item No: 01
Application No: 17/03774/OUT
Site Location: 34 - 35 Lower Bristol Road Westmoreland Bath Bath And North East Somerset BA2 3AZ



Ward: Widcombe

Parish: N/A

LB Grade: N/A

Ward Members:	Councillor I A Gilchrist	Councillor Jasper Martin Becker
Application Type:	Outline Application	
Proposal:	Outline application for the erection of two buildings to provide residential accommodation for students (up to 204 bedrooms) with ancillary accommodation and facilities and external courtyards, alterations to existing pedestrian and vehicular access, and associated infrastructure following demolition of existing building. Access, appearance, layout and scale to be determined and landscaping reserved.	
Constraints:	Affordable Housing, Agric Land Class 3b,4,5, Air Quality Management Area, Article 4, Bath Core Office Area, British Waterways Major and EIA, British Waterways Minor and Householders, Contaminated Land, Flood Zone 2, Flood Zone 3, LLFA - Flood Risk Management, MOD Safeguarded Areas, Other Please specify, Other Please specify, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones, World Heritage Site,	
Applicant:	c/o Agent	
Expiry Date:	9th November 2017	
Case Officer:	Chris Gomm	

REPORT

This application has been referred to the Development Management committee by the Group Manager as this is a resubmission and the previous application was determined by committee.

Background

This application seeks outline planning permission for the demolition of the Pickfords self-storage building on Bath's Lower Bristol Road and its replacement with two buildings of purpose-built student accommodation. Only landscaping is reserved for subsequent approval and therefore the proposed means of access as well as the development's appearance, layout and scale form part of the current application.

Members will recall that a previous similar application (also in Outline with all matters reserved except landscaping) was refused by the Development Management committee in May 2017 contrary to the officer's recommendation (Ref: 16/05504/OUT).

The Proposal

The proposal involves the provision of 204 student bedrooms the majority of which will be within cluster flats of various sizes. The proposal includes 3 townhouses with frontage to Lower Bristol Road as well as communal spaces and other ancillary facilities including a laundry, gym and study rooms.

The Site

The existing building on site is of a substantial size and provides covered storage facilities (Use Class B8) operated by the storage/removal company 'Pickfords'; it is understood that the building was constructed in the mid-1980s.

The application site is located within the Bath Core Office Area; it is also within the Bath Central Area as identified in the Placemaking Plan. The site is identified by the Council as a Site of Potential Concern in respect of land contamination. The site is located within the World Heritage Site and Hot Springs Protection Area. The site is outside of the Bath Enterprise Area and the conservation area.

This application has been screened in order to ascertain whether the proposal constitutes EIA development (Environmental Impact Assessment) and it has been concluded that it is not; the submission of an Environmental Statement is therefore unnecessary. The proposal's impact on the environment is unlikely to be significant in EIA terms.

Relevant Planning History

16/05504/OUT: Erection of two buildings to provide residential accommodation for students (up to 204 bedrooms) with ancillary accommodation and facilities and external courtyards, alterations to existing pedestrian and vehicular access, and associated infrastructure following demolition of existing building. REFUSED for the following reasons : -

1 The proposed development by reasons of its height, bulk, massing and external appearance will have a dominating, oppressive and incongruous impact upon the character and appearance of this part of the Lower Bristol Road and the wider World Heritage Site. Accordingly the application is contrary to saved policies D2, D4 and BH1 of the Bath and North East Somerset Local Plan, including minerals and waste policies, adopted 2007, policies DW1, B1, B4 and CP6 of the adopted Bath & North East Somerset Core Strategy, and policies D1, D2, D3, D5, HE1 and BD1 of the draft Bath & North East Somerset Placemaking Plan.

2 The application site is currently occupied by a well-established storage use operating from purpose-built premises. The business has nine employees based at this site. It has not been demonstrated that there is a lack of business demand for the existing building or for the site itself. It is considered that the loss of this business site will have an unacceptable impact on the local economy and as such there are strong economic reasons why its redevelopment for non-business uses is inappropriate. Accordingly the application is contrary to policies DW1 and B1 of the adopted Bath & North East Somerset Core Strategy and policy ED2B of the draft Bath & North East Somerset Placemaking Plan

An appeal has been made against this decision.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Ward Member (Cllr Gilchrist): Since the previous application was refused by DMC I would expect this re-application to be determined by DMC. If this is not automatic, please may I request that it be determined in this way?

B&NES Ecologist: No objection subject to conditions dealing with landscaping and lighting

B&NES Environmental Protection: No objection subject to conditions securing a Construction Environmental Management Plan and a mechanical ventilation system

Economic Development: Objection (summarised below)

Considering the positive and negative effects of the proposal in terms of its economic impact and the LPAs need to provide a strong economic case for its refusal, it is felt that there are strong economic grounds for refusal and should be refused on the following grounds:

- * The premises are in occupation and provide a service to the wider city economy.
- * If the business were forced to move there is little opportunity of relocation in the city, which could cause its closure
- * There is increasing demand for this type of accommodation in the city.
- * The industrial sector is experiencing growth in the city.
- * The loss of this space would remove a potential significant direct GVA contribution to the local economy
- * The loss of this space further damages the ability of the city to provide 'a mixed' economy with the further loss of industrial space to non-employment related uses.

Network Rail: No objection in principle

A trespass proof fence (1.8m minimum) should be erected along the boundary with the railway. No drainage shall discharge to railway land and there shall be no soakaways within 20metres of the boundary. There must be an agreed Method Statement for construction and demolition etc. All buildings must be 2m from the boundary fence. Details of any piling must be provided. There must be no interference with the structural integrity of the railway and no interference with signals. There must be no trees planted closer than 1.5 times their mature height to the boundary fence and consideration must be given to the railway when erecting scaffolding. Access to the railway must remain unimpeded.

B&NES Urban Design: Not acceptable in its current form.

- * The design concept is largely the same as previously refused;
- * The reduction of height by 380mm is welcome but insufficient to reduce the height of the central block from southern view-points meaningfully;
- * The proposals will remain very dominant particularly in near views;
- * The massing and building line of the slender block of 'townhouses' is at odds with the morphology of the surroundings;
- * A blank frontage will be presented to the Lower Bristol Road;
- * Compliance with sustainability policies (CP2 etc.) needs to be demonstrated.

Environment Agency: No objection subject to conditions requiring compliance with the submitted Flood Risk Assessment and dealing with contamination.

B&NES Landscape Officer: Not acceptable in its current form

The built form and material of the proposed development are not acceptable as they would not preserve or enhance the landscape and visual character of the Lower Bristol Road, the setting of the Grade II listed Newark Works or the World Heritage Site.

B&NES Arboricultural Officer: Not acceptable in its current form

- * The Tree Survey fails to identify and categorise trees within but on the boundary of the neighbouring properties to the sites east and west that could potentially be adversely affected by the development proposals;
- * The indicative trees shown on the site plan are inadequate;
- * There are two mature Hornbeam trees within the site boundary. These trees could be graded as 'A2' rather than 'B1'; and are therefore worthy of consideration as a design constraint.

Historic England: No objection

- * We were satisfied that the impact of the refused scheme upon the Outstanding Universal Values (OUV) of the World Heritage Site (WHS) was not unacceptably harmful to cause us to object to the application.
- * We remain of the view that the visual impact will not cause undue harm to the OUV of the City of Bath World Heritage Site.
- * In addition to the marginally lower roof lines on the revised scheme, the design details relating to fenestration and elevation treatments offer some overall improvements
- * The provision of a more active frontage onto Lower Bristol Road and the better articulation of previously blank elevations will result in an improved and more legible building form
- * The massing has also been further fragmented by the accentuation of the vertical line and shadowing of the recessed brick plinth
- * We consider that the application meets the requirements of the NPPF, in particular paragraph numbers 128, 132 and 137.

B&NES Archaeologist: Comments - A Roman villa has been discovered 45m to the south. A pre-determination evaluation will be difficult however due to the depth of the overburden, archaeological conditions are therefore suggested

B&NES Contaminated Land: No objection subject to conditions requiring site investigation and if necessary subsequent remediation.

B&NES Highways: No objection subject to conditions

Subject to the obligations and conditions that were previously agreed being implemented as part of this revised scheme, there is no highways objection to the application. There is a need to secure improvements to the local bus stops, and a controlled crossing will need to be delivered on the Lower Bristol Road before the site is occupied. It is recommended that the opportunity to provide a cycle hire station within the site is fully explored as part of Travel Plan process.

Avon & Somerset Police: Comment:

It is very difficult from a crime reduction/prevention point of view to give any detailed comments as the areas to be addressed such as the building security, access control methods to be used, as detailed design would normally be decided upon at Reserved Matters stage.

The Widcombe Association: Objection

- * The slight reduction in height (380mm) is insufficient;
- * The changes are purely cosmetic and fail to address original concerns;
- * Objection to the change of use from employment to student housing;
- * The location would be more suitable for meeting the recognised need for general professional and affordable housing;
- * None of the viewpoints 6,7 or 8 selected by the applicant, accurately capture the key location and viewing direction from the south;
- * Without a 'Verified Visual Montage' [from higher up Wellsway] it is not easy to say by how much that view would be damaged, but in view of Widcombe Association it would be severe;
- * This valuable view of the city's major features would be lost as a result;
- * A lens of 50 mm giving a field view of 39 degrees would be expected for all images.

Bath Heritage Watchdog: Objection

- * Objections to the loss of further employment space and jobs;
- * There is nothing in the documentation provided to indicate where, if anywhere, Pickford's will relocate to, or the fate of those currently employed;
- * This is also a much needed local storage facility; there are no alternative facilities of equivalent community benefit proposed to mitigate the loss;
- * We believe that a single use for this site is inappropriate and does not offset the harm caused to the built environment by its design;
- * It should be a mixed use scheme offering employment space such a start-up units and flexible residential units that offer a variety of accommodation types;
- * The viability claim is responsible for the height, scale, mass and build-line proposed, so it must also equate to the overdevelopment of the site;
- * The development and South Quays combined will have the greatest detrimental effect, enclosing and hemming in the Newark Works site, blocking or obscuring views out across to the northern slopes;
- * Structures at risk from these proposals include the whole Newark Works site, Maritime House and the Camden Mill/Bayer complex, the GWR Mainline Viaduct and Goods Shed and Oak Street;
- * Over-bearing height, scale and mass but the poor overall design ethos that does not respect or reflect local character and distinctiveness in both design and materials;
- * The build line is too close to the road and will removes the present more open aspect of the site. It also will see the loss of a number of mature trees;
- * The proposed structures are not subservient to the listed building located directly opposite that are stylistically at odds in both design and materials with a further even taller block over-shadowing it;
- * The key driver behind this design is the need to accommodate the number of rooms rather than provide something of quality and appearance that enhances the location;

- * Though we understand the industrial approach behind the design here, it fails badly in this location;
- * The North Block is a strangely narrow almost squashed design;
- * The H block behind is almost prison-like in its starkness;
- * Residential amenity is likely to be poor with little in terms of landscaping, and limited amounts of natural light reaching the courtyards and rear of the North block and the lower levels all around both buildings;
- * The use of brick as a material is not opposed in principle it is the way the material is treated that is key along with the colour choice and the amount of it used - stone or coarse stone rubble should be considered;
- * The use of copper/metal roofing is opposed as is its continuation down the sides of the blocks;
- * Yet another disastrously inappropriate scheme that will put the WHS status at risk, impact on the setting of the Conservation Area, severely impact the setting of the Newark Works complex and other designated and undesignated heritage assets, and lead to a poorer public realm.

Federation of Baths' Residents Associations: Objection

- * The original proposal was refused on aesthetic grounds because it was deemed to be too high, too bulky, too massive and that the external appearance would have a dominating oppressive and incongruous impact;
- * The revised scheme makes minimal difference, and still blocks views of the city from southern aspects;
- * The original proposal was also refused because the loss of this site would have an unacceptable impact on the local economy and they [the committee] deemed that there were strong economic reasons why its development for non-business uses was inappropriate; this remains the case;
- * Little effort has been made by the applicants to revise their proposals or to consider sympathetically either the adverse aesthetic or economic impact of their proposals;
- * To threaten the LPA with an immediate appeal should the decision be negative may be tactically sound but is hardly likely to engender a good future working relationship with the Council;
- * Will the rooms be affordable for the average student? evidence from other recently built PBSAs suggests otherwise;
- * This site should be used for urgently needed housing.

Bath Preservation Trust: Support design/appearance but object to student use:

The Trust supported the high quality contemporary design, creative use of materials and contextually relevant industrial aesthetic of the scheme in our last response to this application (though we objected to the student accommodation proposed use). In our view the scheme responded positively and innovatively to the surrounding urban morphology. Therefore we have nothing more to add regarding this revised proposal other than to say the reduction in height is probably welcome.

Transition Bath: Objection

- * It has not been demonstrated that the 10% reduction in carbon emissions through onsite renewables requirement will be met;

- * The 1 in 7 provision for cycling is inadequate for students;
- * 13 Sheffield racks are insufficient to hold 50 bicycles as the developer claims; normally this would support 26 bicycles;
- * It is also not clear whether this provision is 'secure'.

University of Bath: Support

- * This location is particularly well suited to University of Bath students with excellent links to the campus;
- * The development will contribute positively to the regeneration of this part of the Lower Bristol Road
- * The developers are known to the university; it is understood that they will retain their investment and therefore maintain their interest in the city;
- * The proposed management company (CRM) is experienced, reputable and trusted by the university;
- * The development will complement the university's own goals including strategic plans to increase research and postgraduate numbers;
- * The need for student residences in the city substantially exceeds what can be provided on the university campus;
- * The capacity of the campus falls some way short of that required to meet the university's development requirement and therefore academic and research development is prioritised on campus;

Two letters of objection have been received from members of the public, these are summarised as follows:

- * This sites close proximity to public transport would suit a commercial development, creating jobs for local people;
- * A layby should be provided within the boundry of the site to enable the many University buses stopping to pull off a very busy main route through the City, thus reducing congestion;
- * The reduction in height to the buildings appears negligible, and does not meet the original objections;
- * Same set of problems in a different wrapper;
- * Air pollution exacerbated by canyon type development;
- * No comparison can be drawn with nearby buildings which are of a height necessitated by their historic use;
- * There is a demographic disaster happening to a diminishing group of people known as Bathonians;
- * Planning policy must urgently be changed to prevent further increases in student numbers;
- * Increased nuisance, noise and night-time disturbance;
- * Increased waste generation and extra pressure on services;
- * There will be an increase in competition for car parking;
- * Reduction in jobs and adverse economic impact.

POLICIES/LEGISLATION

Policies/Legislation:

The Council's Development Plan now 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 (2007) Policy GDS1 (K2;NR2;V3 &V8) only
- * Neighbourhood Plans (where applicable)

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 considered relevant to the determination of this application:

Policy DW1: District Wide Spatial Strategy
 Policy B1: Bath Spatial Strategy
 Policy B2: Central Area Strategic Policy
 Policy B4: The World Heritage Site and its Setting
 Policy B5: Strategic Policy for Bath's Universities
 Policy SD1: Presumption in favour of Sustainable Development
 Policy CP2: Sustainable Construction
 Policy CP4: District Heating
 Policy CP5: Flood Risk Management
 Policy CP6: Environmental Quality
 Policy CP13: Infrastructure Provision

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 SU1: Sustainable drainage policy
 Policy D1: General urban design principles
 Policy D2: Local character and distinctiveness
 Policy D3: Urban fabric
 Policy D4: Streets and spaces
 Policy D5: Building design
 Policy D6: Amenity
 Policy D10: Public realm
 Policy NE6: Trees and woodland conservation
 Policy PCS1: Pollution and nuisance
 Policy PCS3: Air quality
 Policy PCS5: Contamination
 Policy PCS7A: Sewage Infrastructure
 Policy PCS8: Bath Hot Springs
 Policy LCR7B: Broadband
 Policy LCR9: Increasing the provision of local food growing
 Policy ED2B: Non-strategic industrial premises
 Policy ST1: Promoting sustainable transport
 Policy B4: The World Heritage Site
 Policy BD1: Bath Design Policy
 Policy D8: Lighting

Policy HE1: Historic environment
Policy PCS2: Noise and vibration
Policy ST7: Transport requirements for managing development

OFFICER ASSESSMENT

Principle

One of the reasons that members refused the earlier application was due to concerns regarding the economic impact of the loss of this business/site. The committee was concerned that there had been a failure to demonstrate that there was a lack of demand for the existing building or for the site itself. The loss of the site was considered to have an unacceptable impact on the local economy and this was considered to be a strong economic reason for refusal.

The Bath spatial strategy (Policy B1 of the adopted Core Strategy) is clear that, in order to facilitate the growth of the city's two universities, both on and off campus purpose-built student accommodation in Bath is supported in principle subject to compliance with CS Policy B5. CS Policy B5 restricts off-campus student accommodation within the Central Area, the Enterprise Area and on MOD land where this would "adversely affect the realisation of other aspects of the vision and spatial strategy for the city in relation to housing and economic development". The application site is very close to both the Enterprise Area and the Central Area but crucially it is not within either of those designations nor is it former MOD land; the restrictions imposed by Policy B5 are therefore not applicable.

CS Policy B1 acknowledges that there will be a contraction in the demand for industrial space in Bath from around 167,000m² in 2011 to around 127,000m² in 2029 (i.e. 40,000m²). The policy seeks to plan for this contraction whilst sustaining a mixed economy to support Bath's multi-skilled workforce and multi-faceted economic base; it states that it seeks to do this by retaining a presumption in favour of industrial land in the Newbridge riverside area.

The application site is situated outside of a Strategic Industrial Estate as identified in the adopted Placemaking Plan. Placemaking Plan Policy ED2B sets out the Council's policy in respect of industrial premises which are located outside of Strategic Industrial Estates. The policy is clear that non-strategic sites, such as the Pickford's site, are not afforded the same degree of protection as strategic sites and that there is a presumption in favour of residential redevelopment unless there is a strong economic reason why this would be inappropriate. The policy makes no distinction between student residential accommodation and non-student residential accommodation.

The National Planning Policy Statement (NPPF) states at Paragraph 51 that, "they [local planning authorities] should normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate".

The Council's Economic Development Team has raised an objection to the application and considers there to be a strong economic reason for refusal. The Economic

Development Team recognise that the aforementioned Core Strategy Policy B1 states that allowance should be made for a managed reduction of approximately 40,000sqm of industrial space in Bath during the plan period but have stated that current evidence suggests that this figure could be substantially exceeded. This position is supported by the Council's Planning Policy Team (although no written comments have been received in respect of this current application).

Monitoring data shows that in the five years between 2011 and 2017 21,545sqm of industrial floor space has been lost in Bath; the proposal represents a further loss of at least 1,460sqm. The ED team have highlighted that in contrast to the national trend Bath has experienced growth in employment of 4.5% and enterprises of 1.87% (2011-2015).

The ED team accept that the University of Bath makes a considerable contribution to the local economy but this is an application for residential accommodation which does not in itself represent a significant contribution to the success and impact of UoB on the local economy. It is acknowledged by the ED Team that Core Strategy Policy B1 supports a managed loss of industrial floor space but it is argued that this must be applied on a case by case basis accordingly to local demand and changes in sectoral growth. It is the case that on the date of the ED team's response there were three live enquiries for industrial accommodation (being dealt with by Invest in Bath), which this site could service. It is considered by the ED team that there is sufficient demand to protect this site for industrial uses and that its loss constitutes a strong economic reason for refusal.

The agent argues that there is nothing of particular economic merit or value in the Use Class B8 floor space that will be lost. It is highlighted that the storage use has an extremely low employment density (less than 10 employees) and that the footprint of the building is limited in area (1460sqm). The agent has further highlighted that the objective set out in the Core Strategy - which is to plan for a decline in industrial floor space has not been superseded. It is argued that if the Council now takes a different view in the light of new evidence, then that is a matter for the forthcoming Core Strategy review.

Officer's Assessment of this Issue

The starting point continues to be that Policy B1 of the adopted Core Strategy states that the strategy for Bath is, amongst other things, to plan for a contraction in the demand for industrial floor space by 40,000m² between 2011 and 2029 whilst sustaining a mixed economy by retaining a presumption in favour of industrial land in the Newbridge Riverside area. This protection is carried forward to the recently adopted Placemaking Plan in the form of Policy ED2A.

The application site is not within the Newbridge Riverside area nor is it within any other area singled-out by Policy ED2A for special protection; accordingly Policy ED2B is instead applicable. This policy states that the redevelopment of non-strategic sites (such as Pickford's) for residential purposes should normally be approved unless there is a strong economic reason why this would be inappropriate. There is therefore a clear presumption in favour of the residential redevelopment of such sites unless the local planning authority can clearly demonstrate that significant/strong economic harm will result justifying an exception to the presumption in favour to be made. Given the clear presumption in favour of residential redevelopment the onus is on the LPA to demonstrate the strong economic reason for refusal; there is no onus on the applicant to demonstrate the absence of one.

The ED team's concern that a number of industrial sites have already been lost in Bath and that the 40,000m² figure could therefore be exceeded are noted but this can only be afforded limited weight. Planning applications must be assessed and determined in respect of the current situation rather than on the basis of speculation (albeit potentially accurate speculation) in respect of what may or may not happen in the future. At present the 40,000m² figure has not been exceeded and based upon the current rate of losses it will be several years before that figure is reached. Even if/when that figure is reached; it would not be appropriate to impose a blanket restriction on all industrial losses as each site/proposal must be assessed on its own merits having regard to the site-specific economic circumstances.

The ED team's comments in respect of the value that the existing use contributes to the local economy, and the potential value of the site's contribution should it be repurposed and/or redeveloped for industrial uses are noted but all industrial sites in Bath will have an economic value to the city (both the existing use and potential future uses). It is unclear what is so exceptional about the value of the Pickford's site's contribution such that a decision contrary to the presumption in favour of redevelopment is justified. Ultimately this non-strategic site currently accommodates a warehouse use employing less than 10 individuals.

It is questionable whether the committee's previously raised concerns have been overcome (members will need to reach their own conclusions on this matter) because it is the case that a lack of demand has not been demonstrated - but this is not in itself the test. The test is whether there are 'strong economic reasons' overriding the presumption in favour of residential redevelopment. For the reasons set out above, there are not considered to be strong economic reasons and overriding the presumption in favour of residential redevelopment therefore a refusal on that basis is not recommended.

Loss of Storage Facility

The Bath Pickfords storage facility is a widely used local service. The previous application attracted a number of objections from customers but these have largely not been repeated (although this issue remains an objection). Paragraph 70 of the NPPF states that planning decisions should, amongst other things, "guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs". It is considered that the Pickfords facility, whilst a privately operated business, does fall within the definition of a 'valued facility/service' and therefore the scope of Paragraph 70.

Policy LCR1 of the Placemaking Plan also seeks to safeguard local community facilities and qualifies the protection offered by NPPF Paragraph 70. This policy states that the loss of valued community facilities will only be permitted if there are (or will be) adequate alternative facilities of equivalent community value, or if the loss is an integral part of wider improvements by a public service provider. The existing Pickfords facility provides a valuable local service but it is not the only storage facility within the city; alternative providers include Walcot Self-Storage and Safe Store in Twerton for example. There are also additional storage providers outside of the city. It is evident that the loss of the Pickfords facility, whilst inconvenient to its customers, will not have a significant adverse community impact; its on-going protection is therefore considered unnecessary.

For the reasons set out above there is no objection to the loss of the Pickfords facility and its redevelopment for purpose-built student accommodation. The application is considered to accord with Policy B1 and B5 of the adopted Core Strategy as well as Policy ED2B and LCR1 of the adopted Placemaking Plan.

Design and Impact on Heritage Assets

The development, as before, takes the form of two buildings of student accommodation; a narrow row of 4-storey 'town houses' situated along the site's frontage with Lower Bristol Road and a much larger part 4-storey/part 5-storey building to the rear.

The proposed 'town houses' involve three large units comprising 10 bedrooms each with shared/communal facilities. A bicycle store (50 spaces) and gym will be provided on the lower ground floor of this building serving the whole development. The main building to the rear is 'H' in plan and includes common areas within the building's central core at ground floor level. Elsewhere cluster flats are provided and these typically involve 4 to 8 bedrooms within each unit clustered around a shared kitchen/living area; there are 174 bedrooms in the main building in total.

The proposed buildings are contemporary in style and are to be faced in brickwork to reflect the site's industrial history and the wider industrial context of Lower Bristol Road. A variety of brick bonding patterns are proposed including linear brickwork, Flemish bond and textured brick, the fine details of which can be controlled by condition. It is proposed that the roof will be faced in a metal material and the end elevations of the town houses will be clad in a matching metal material.

A number of revisions have been made to the proposal since its previous (refused) iteration in order to address the design concerns of members. The key revisions are as follows:

- * The main building has been reduced in height by approximately 38cm;
- * Alterations to the way in which brickwork is applied including the removal of contrasting brickwork and simplification;
- * A recessed pattern of brickwork employed on the plinth (to accentuate it);
- * Architectural features on the end gables e.g. recessed panels and blind windows (to break up the surface);
- * Windows provided along the Lower Bristol Road frontage to provide an active frontage (the previous submission had hit and miss brickwork here);
- * A number of the windows will be framed in a way which gives the appearance of them being joined (the intention here is to give the semblance of fewer floors and reducing the bulk and massing).

The application site is outside of the Conservation Area but is situated in close proximity to it, to both the north and south. The site is within the World Heritage Site (WHS). The former factory buildings of the former Newark Works, situated immediately to the north of the site beyond the Lower Bristol Road, are Grade II listed. Close by to the east are a number of Regency-era terraced houses which are also Grade II listed.

Historic England has confirmed that, as previously, they have no objection to the proposals; they have confirmed that they remain of the view that the visual impact of the proposed development will not cause undue harm to the OUV of the City of Bath World Heritage Site. In respect of the design amendments (as summarised above) Historic England have opined that they offer some overall improvements to the previously refused scheme. In particular they have opined that the provision of a more active frontage onto Lower Bristol Road and the better articulation of previously blank elevations will result in an improved and more legible building form, they have highlighted that this is particularly the case in respect of the south elevation and oblique views of the Lower Bristol Road blocks. In addition Historic England welcome the accentuation of the vertical line and shadowing of the recessed brick plinth which results in the massing of the building being further fragmented.

The Council's Urban Designer, as before, considers the scheme unacceptable in its current form (but has not formally objected). Concerns relate to the dominance of the proposals in near views; the massing and building line of the 'town houses' is considered to be at odds with its surroundings and the reduction in building height is welcomed but insufficient to have a meaningful impact.

Officer Assessment of this Issue

Paragraph 132 of the NPPF states that, "when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be". The site, as stated, is within the WHS which is considered to be a very important designated heritage asset, very significant weight must therefore be given to its conservation. Significant weight must also be given to the conservation of the Conservation Area as whilst the site is outside of it, the development has the potential to impact upon its setting.

In addition 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.' The impact of the proposed development on the setting of the Grade II listed Newark Works as well as other listed buildings in the vicinity must therefore be given significant and statutory weight.

It is evident that the representations and consultation responses received in relation to this application are mixed and in some cases conflicting. What is clear however is that Historic England, as before, do not object to the application and the Council's Urban Designer, whilst expressing some concerns, stops short of formally raising an objection.

The industrial design approach continues to be supported; the saw-tooth style roof is a nod to the site's industrial past as well as its existing semi-industrial location; this will create an interesting contemporary feature within the street scene. The proposed materials palette is welcomed; it is considered that brickwork is an appropriate material along this part of Lower Bristol Road where a number of existing brick-built buildings, both modern and historic, are in place.

The issue of the building's height has been raised by the Urban Design Team. Whilst there is a preference for the building to be lower than currently proposed, this is not considered to be a necessity as no unacceptable adverse impacts will result from the proposed building's height. The most recent revisions (a further reduction of 38cm) makes a small but positive contribution. The impact of the building's height is to a large extent mitigated by the local topography (which rises steeply to the rear) as well as the height of the adjacent railway viaduct and the height of a number of neighbouring buildings some of which are comparable. It is considered that the site can satisfactorily accommodate a building of this height and scale without unacceptable adverse impacts resulting. Historic England have opined that whilst views from the South (along Wells Road etc.) will be affected by the building's height, this impact will not be unacceptably harmful on the so-called green bowl of Bath nor the other attributes of the World Heritage Site's Outstanding Universal Values.

The Grade II Newark Works building(s) is situated opposite the application site. Concern has been raised (although not by Historic England) that the proposed development will harm the setting of this listed building. Concern has also been raised by third-parties that the impact of the proposed development on Newark Works will be particularly harmful when combined with the impact of Bath Quays South development. As stated above significant statutory weight must be given to such matters.

It is not considered that the proposed development, alone or in combination with the Quays South redevelopment, will harm the setting of Newark Works. The application site is separated from the Newark Works site by Lower Bristol Road. The proposed main building is set back somewhat from Lower Bristol Road and whilst higher than the current Pickford's building it is not substantially so. The site frontage, i.e. the part of the site closest to Newark Works, is to be occupied by the 'townhouses' which are lower in height and less significant in scale. The development, as stated, follows an industrial design approach, this is intended to be respectful to, and sympathetic to its industrial neighbours including Newark Works. For these reasons the proposed development is considered to be compatible with the Newark Works site and its Grade II listed status; the relationship between the two sites will be a positive one and no harm on the listed building's setting will result. This positive relationship will not be altered by the implementation of the Quays South scheme. The Quays South buildings (office and residential blocks) are too distant from the Pickford's site for any real sense of overbearing or 'hemming in' to result.

The committee refused the original application on the grounds that the proposal would have a dominating, oppressive and incongruous impact upon the character and appearance of this part of the Lower Bristol Road and the wider World Heritage Site (by reason of its height, bulk and massing). It is questionable whether members' concerns have been overcome by this revised scheme (members will need to reach their own conclusions on such matters) but amendments to the proposal provide an overall improvement to that previously refused. As stated, the reduction in height will have a small but positive impact on the building's presence within the street scene. Architectural amendments such as the alterations to brickwork, materials and fenestration together will help to break-up the bulk and massing of the buildings. It is not considered that the proposed building will have a dominating, oppressive or incongruous impact upon its surroundings.

Overall for the reasons set out above, it is considered that the proposed development is of an acceptable design which will preserve the character and appearance of the adjacent conservation area, enhance the setting of nearby listed buildings as well as conserve the Outstanding Universal Values of the World Heritage Site. Great weight has been given to the need to conserve the WHS and significant weight has been given to the need to conserve the conservation area and setting of nearby listed buildings but ultimately it is not considered that the proposed development will cause any harm to these designated heritage assets.

The application accords with Core Strategy Policy B4 which has a strong presumption against development that would result in harm to the World Heritage Site as well as Core Strategy Policy CP6 which, amongst other things, supports high quality design the enhancement of the historic environment. CS Policy CP6 also encourages, in regeneration areas, the imaginative integration of new development with the historic environment. It is considered that the proposed contemporary is indeed imaginative and complies with the objectives of Policy CP6 in this respect.

In addition it is considered that the application complies with emerging Policy BD1 of the Placemaking Plan (Bath Design Policy). Again this policy encourages development which respects, responds to and positively contributes to the character of Bath including maintaining the World Heritage Site and the character and appearance of the conservation area. Finally, the proposals also accord with the general design policies of the Placemaking Plan (policies D1-D5) which seeks to ensure a high standard of design.

Highway Matters

The highway elements of the proposed development are unchanged to the previous application and the Council's Highway Team refer to their previous comments. The application site is situated on the main A36 Lower Bristol Road one of the key vehicular routes through the city. The site is situated within a Controlled Parking Zone (CPZ) which is operational Monday-Saturdays (8am-6pm); parking is restricted to permit holders only. There is an existing bus stop adjacent to the site frontage and the railway station and city centre are within easy walking distance.

This continues to be a car-free development in respect of the student accommodation; three car parking spaces are proposed within the site but these will be used solely by staff and blue badge holders. The development includes 50 cycle parking spaces; these are to be provided within an undercroft storage area beneath the town houses fronting Lower Bristol Road.

A change-over Student Management Plan has been submitted and this deals with the management of student arrivals and departures at the start and end of each term.

The Council's Highway Team has raised no objection to the proposal, including its car-free nature, however some additional off-site improvements are considered necessary in the interests of pedestrian safety. There is a need to ensure that students are able to safely cross Lower Bristol Road in order to reach the bus stop on the opposite side of the road.

In the event that permission is granted a pedestrian crossing will therefore need to be provided on this desire line. The Bath Quays South development (immediately to the north) is proposing to provide a pedestrian crossing on this desire line across Lower

Bristol Road. Members will recall that the committee resolved to permit the Bath Quays South scheme at the April 2017 meeting, timescales for the implementation of that permission remain unclear and as such it will be necessary to ensure that a pedestrian crossing is delivered by this development prior to occupation in the event that it is not delivered by the Bath Quays South scheme.

The Highway Team had raised concerns in respect of the quantum of cycle parking proposed; there is concern that the proposed provision of 50 spaces is too low. It is recommended that a Travel Plan commits the operator to monitor the need for cycle parking and provide additional cycle parking as appropriate. Visitor/short-stay cycle parking will also need to be provided adjacent to the main pedestrian entrance; this can be secured by condition in the event that permission is granted.

The proposed development will significantly intensify the use of the existing bus stops adjacent to the site's frontage. Currently both of these bus stops are of a low standard with no shelters or raised kerb provision; these stops will need to be upgraded at the developer's expense; this can be secured by S.106 Agreement. The submitted Student Management Plan is considered broadly acceptable albeit lacking in detail; a more detailed plan can be secured by condition.

Subject to the aforementioned planning obligations and subject to conditions securing a Construction Management Plan, Travel Plan and Student Management Plan the application is considered to be acceptable in highway terms and accords with Policy ST7 of the adopted Placemaking Plan.

Flood Risk Matters

The site frontage is situated in Flood Zone 3; this is an area deemed by the Environment Agency as being at a high risk of flooding. The remainder of the site is designated as Flood Zone 2 (medium risk). In accordance with Para. 103 of the NPPF the local planning authority must be satisfied that there is no alternative land reasonably available for the development in areas of lower flood risk (the so-called sequential test).

The previous application was judged to have passed the sequential test as at that time it had been considered demonstrated by the agent that there were no alternative sites available to the developer within a lower flood risk zone. However whilst that position was on balance and in the context of the overall scheme accepted at that time there are evidently other sites reasonably available outside of Flood Zone 2 or 3 which could accommodate a student development of this nature (on the university's campus for example). Be that as it may, given that the Council did not refuse the previous application on flood risk grounds and flood risk does not form part of the Council's case at the upcoming appeal, it is not recommended that sequential test issues form a reason for refusal in this case

The Exception Test must be applied; the local planning authority must be satisfied that the sustainable benefits [of the development] to the community outweigh the flood risk and that the development will be safe for its lifetime. A Flood Risk Assessment (FRA) forms part of the application submission. As stated, the site's Lower Bristol Road frontage falls within Flood Zone 3 (high risk). This part of the site is at a risk of river flooding during a 1:100 year storm event. The scheme has been designed however such that only less

vulnerable uses are located within these areas (at ground floor level) for example the bicycle store. The Finished Floor Level of the student accommodation itself (i.e. the cluster flats etc.) is above the 1 in 100 year (plus 30% climate change allowance) flood level plus a further 300mm freeboard i.e. +20.35m AOD.

The scheme includes various flood resilient measures and the drainage scheme will be designed to minimise the risk of flooding further. The Environment Agency has raised no objection to the application subject to a number of conditions securing implementation of the FRA and its various mitigation measures (see below). Accordingly it is considered that the development will be safe for its lifetime and in this respect the application passes the Exception Test.

The sustainable benefits to the community will outweigh the flood risk; the development brings with it a number of benefits including the economic benefits association with the construction phase and the benefits in respect of the building's positive impact in design terms. These benefits will outweigh the potential impact of flooding which, for the reasons set out above, will be low. The Exception Test is therefore passed in full. The application is acceptable in flood risk terms and thus accords with Policy CP5 of the Core Strategy, Policy SU1 of the Placemaking Plan as well Paragraph 103 of the National Planning Policy Framework.

Air Quality

The site frontage is situated within an Air Quality Management Area (AQMA). AQMA are those areas where nitrogen dioxide levels have been found to exceed National Air Quality Objectives and within Bath includes much of the main road network. The location of a site within an AQMA does not necessarily result in a scheme being objectionable for air quality reasons however it is an important material consideration which must be taken into account. The Council's Senior Public Protection Officer has raised no objection to the application subject to those units within the AQMA incorporating mechanical ventilation systems; this can be secured by condition. Accordingly, subject to such conditions, the application accords with Policy PCS1 of the Placemaking Plan.

Contaminated Land

The site is identified in the Council's records as a 'Site of Potential Concern' in respect of contaminated land. The site was historically railway land and included a number of sidings and associated railway infrastructure; this is a potentially contaminative historical use. A Phase 1 Desk Study has been submitted by the applicant and the Council's Contaminated Land officer is content with its findings. A number of conditions securing the investigation, remediation and monitoring of contaminated land are suggested by the Contaminated Land Officer in the event that permission is granted. Subject to these conditions the application accords with Policy PCS5 of the Placemaking Plan.

Impact upon the Railway

The Bristol-Bath Spa-Paddington main line runs in close proximity to the south of the application site. A small decked car park, which is not part of the application site, is situated between the site and the railway embankment. Network Rail have raised no objection in principle to the development but require certain safeguards to be in place to

protect their assets (for example any piling to be approved by them prior to commencement); these safeguards can be secured by condition (see below) and/or informatives in event that permission is granted.

Arboriculture/Impact upon Trees

Two semi-mature Hornbeam trees are located at the very front of the site, adjacent to the site's boundary with Lower Bristol Road; they form a highly visible and attractive part of the street scene. The submitted tree survey states that these trees are of a moderate quality with an expected lifetime of a further 20-40 years. The survey concludes that the trees are not worthy as a key design constraint within a future development; the Council's Arboriculturalist disagrees with this assessment and considers that the trees are worthy as a design constraint.

It is agreed that the two existing Hornbeams are worthy of retention but be that as it may they are proposed to be felled to make way for the 'townhouses' to be situated on the site's frontage. The Council arboriculturalist, whilst commenting on the quality of these trees, has not formally objected to the loss of them. The loss of these two Hornbeam trees is unfortunate but it is nevertheless considered necessary to ensure a high quality design (i.e. one with a strong road frontage). If the trees were to be retained, a large part of the site's frontage would effectively be sterilised - this would most likely result in a lower quality development. There is no significant ecological value in retaining these trees.

There are no other trees within the application site but trees situated on neighbouring sites do overhang the site to both the east and west. The lack of any information regarding these trees is unfortunate but ultimately this issue would constitute a very weak reason for refusal given that the main proposed buildings are to be sited some distance from these trees and there is no evidence that the buildings would adverse impact upon them.

Furthermore the trees benefit from no formal protection as they are neither the subject of Tree Preservation Orders (TPO) nor within a Conservation Area. The trees in question are situated at a higher level than the application site behind a retaining wall and therefore are highly unlikely to be adversely affected by this development. The application accords with Policy NE6 of the Placemaking Plan which does not resist development which has an adverse impact upon trees if it is demonstrably unavoidable (as is the case with the aforementioned hornbeams). To comply with this policy however compensatory tree planting will be required in accordance with the Council's adopted 'Planning Obligations' SPD; this can be secured by S.106 Agreement (see below) should members be minded to grant permission.

Residential Amenity

There are no residential properties situated in close proximity to the application site. The site is in a predominantly commercial area. Office uses are located to both the east and west of the application site and the Bath Quays South development site is situated opposite the site across Lower Bristol Road. The railway is situated to the south. A number of terraced residential properties in Oak Street are situated some 30m (min) to the east and south east. Residential properties are also situated in Thornbank Gardens and The Academy some 50m and 60m to the south respectively (beyond the railway). There are no residential properties sufficiently close to this development to be adversely affected

to an unacceptable degree. The distances described above are sufficient to ensure that the proposed building(s) will not have an unacceptable detrimental impact upon residential amenity through overlooking, overshadowing, visual domination or noise and disturbance. The outlook from the dwellings to the south will be altered by this development but the loss of, or impact upon, a private view is not a material planning consideration and therefore this matter cannot be afforded any weight.

The key residential amenity issue in respect of this application is the potential impact of the adjacent railway on the living conditions of the resident students in terms of noise and vibration. The railway line, at its closest, is situated approximately 23m to the south of the main accommodation block. It has been demonstrated that using standard construction forms, all habitable rooms can have internal noise levels that comply with the recommendations of BS8233: 2014. Typical maxima noise levels have been predicted to comply with the WHO guideline that indoor sound pressure levels should not exceed approximately 45 dB LAFmax more than 10-15 times per night. The application accords with emerging Policy PCS2 of the Placemaking Plan in respect of noise and disturbance considerations as well as Policy D6 in respect of general residential amenity considerations.

Technical Requirements

Policy SCR1 of the Placemaking Plan requires (for developments of 10 or more dwellings or 1000sqm but excluding B2 and B8 uses) a reduction in carbon emissions (from anticipated regulated energy use) of at least 10% by the provision of sufficient renewable energy generation. The 10% reduction must be achieved by means of renewable energy generation not by means of low-carbon technologies or other means of reducing carbon emissions (better insulation for example). An updated Sustainable Construction Checklist will be available in due course to enable developers to clarify, at the application stage, how this policy will be met however in the meantime a planning condition is considered appropriate.

Policy LCR7B requires all new residential and employment development to be provided with superfast broadband (i.e. 24Mbps) - unless it can be demonstrated that to do so would render the development unviable. If it is unviable alternative solutions should instead be incorporated into the design (e.g. mobile broadband connectivity). This matter is dealt with by planning condition.

Summary, Conclusion and Overall Planning Balance

The proposed redevelopment of this site is acceptable in principle. The objections of the Economic Development team are noted but it is considered that the Council would have difficulty in defending an economic-based reason for refusal given the policy context. It is Council policy to plan and make allowances for a significant contraction in industrial land in Bath during the plan period. The Placemaking Plan affords special protection to certain strategic industrial areas but the application site is not within one of those strategic areas. PMP Policy ED2B does offer a degree of protection to the non-strategic industrial sites but only where there are demonstrable strong economic reasons to do so. Whilst the Economic Development team continue to put forward a number of reasonable and legitimate reasons for resisting the loss of the Pickford's storage facility, the agent has also put forward a number of reasonable and legitimate arguments in favour of its loss. On

balance and given the broader policy context set out above it is not considered that the economic reasons for resisting the development amount to 'strong' reasons as required by Policy ED2B. Furthermore alternative storage facilities are available elsewhere within the city and as such it would be unreasonable to resist the development on the grounds of the loss of a community facility. The redevelopment of the site continues to be supported in principle by officers. Having accepted that the site may be redeveloped for non-industrial purposes, there are considered to be no development plan policies or any other site-specific reasons to resist purpose-built student accommodation in this location.

The design and external appearance of the proposed development, including its scale, height, bulk and massing, is appropriate to its context. The design changes incorporated into the latest submission represent an overall improvement which go some way towards addressing members previous concerns. The perceived bulk and massing of the building will be reduced by the architectural changes and the reduction in height is a positive step. No harm will result to the character or appearance of the conservation area and no harm will be caused to the Outstanding Universal Values of the World Heritage Site. The setting of the Grade II listed Newark Works will not be harmed nor will the setting of other heritage assets in the vicinity. Subject to a number of conditions and planning obligations (secured by S.106 Agreement) as set out below, the application is acceptable in all other respects including in respect of its highway impact and impact on residential amenity. The proposed development accords with adopted development plan policy and there are no overriding material considerations suggesting that a decision contrary to the development plan should be taken. Accordingly it is recommended that the application be permitted subject to a S106 agreement.

RECOMMENDATION

PERMIT

CONDITIONS

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

- a) a car-free development;
- b) the installation of a controlled pedestrian crossing of Lower Bristol Road immediately to the north of the application site;
- c) the upgrading of the existing bus stops to include raised kerbs, live bus information and where appropriate shelters;
- d) a financial contribution towards off-site replacement tree planting;
- e) a site specific Targeted Recruitment & Training in Construction obligation

1 The development hereby approved shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the latest.

Reason: As required by Section 92 of the Town and Country Planning Act (as amended), and to avoid the accumulation of unimplemented planning permissions.

2 Approval of the details of the landscaping of the site (hereinafter called the reserved matters) shall be obtained from the Local Planning Authority before any development is commenced.

Reason: This is an outline planning permission and these matters have been reserved for the subsequent approval of the Local Planning Authority under the provisions of Section 92 of the Town and Country Planning Act (as amended) and Parts 1 and 3 of the Development Management Procedure Order 2015.

3 Prior to work commencing on the construction of the building hereby approved (i.e. excluding demolition works) samples of all external facing materials shall be submitted to and approved in writing by the local planning authority. The development shall proceed in accordance with the details/samples so approved.

Reason: In the interests of visual amenity.

4 Prior to the construction of any brickwork, a sample panel of the proposed brickwork (measuring a minimum of 1m x 1m) shall be erected on site and shall be approved in writing by the local planning authority. The approved sample panel shall be retained on site throughout the construction phase and the brickwork shall be constructed in accordance with it.

Reason: In the interests of visual amenity.

5 Prior to the commencement of development a method statement detailing how the existing trunk sewer beneath the application site will be protected during the construction phase and permanently thereafter shall be submitted to and approved in writing by the local planning authority. The trunk sewer shall be protected in accordance with the approved method statement during development works and thereafter.

Reason: To ensure that the trunk sewer is protected during development works and thereafter. A pre-commencement condition is necessary because there is the potential for the sewer to be damaged immediately upon commencement (including during demolition).

6 The development hereby approved shall only be carried out in accordance with approved Flood Risk Assessment (FRA) by BuroHappold Rev 3 dated 07 July 2017 and the following mitigation measures detailed within the FRA:

- * Finished Floor Levels of all living accommodation and the electrical substation set at a minimum of 20.35mAOD
- * Only less vulnerable uses (such as bike storage and gym) located on the lower ground floor and this shall be set no lower than 17.96mAOD.
- * Inclusion of resilience measures

The mitigation and resilience measures shall be implemented in full prior to first occupation and shall be maintained thereafter for the lifetime of development.

Reason: To reduce the risk of flooding to the development and future users.

7 No development shall commence above slab level until details of a mechanical ventilation system (including a maintenance schedule) has been submitted to and approved in writing by the local planning authority. The mechanical ventilation system shall be fitted to all units which have an external wall located within the Air Quality Management Area (AQMA) [reference to plan to be inserted] and shall draw air into the applicable building(s) from an area where the annual average nitrogen dioxide concentration is below 40 $\mu\text{g}/\text{m}^3$. The mechanical ventilation system shall be installed and maintained in accordance with the approved details

Reason: To protect occupants from high levels of air pollution associated primarily with the Lower Bristol Road.

8 No development shall commence until a Construction Dust Environmental Management Plan for all works of construction and demolition has been submitted to and approved in writing by the local planning authority. The Construction Environmental Management Plan shall comply with the guidance the BRE Code of Practice on the control of dust from construction and demolition activities. The development shall thereafter be carried out in accordance with the approved details.

Reason: To protect local residents from undue disturbance during the demolition and construction phase. A pre-commencement condition is necessary because the potential adverse impact of dust will be result immediately and particularly during demolition works.

9 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 statement should include all trees within the site and on the boundary of the site within neighbouring properties whose canopies and/or Root Protection Areas lie within or encroach upon the site; proposals for tree planting including species, size, and location; 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; the burning of materials on site; the location of site office; service run locations including soakaway locations; and movement of people and machinery. No development or other operations shall thereafter take place except in complete accordance with the approved details.

Reason: To ensure that trees to be retained are not adversely affected by the development proposals in accordance with Policy NE.4 of the Bath and North East Somerset Local Plan. This is a condition precedent because the works comprising the development have the potential to harm retained trees. Therefore these details need to be agreed before work commences.

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

Reason: To ensure that safe operation of the highway and in the interests of protecting residential amenity in accordance with Policies T.24 and D.2 of the Bath and North East

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

11 No occupation of the development shall commence until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be operated in accordance with the approved Travel Plan.

Reason: In the interest of encouraging sustainable travel methods in accordance with Policy T.1 of the Bath and North East Somerset Local Plan.

12 No occupation of the development shall commence until a Site Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be operated in accordance with the approved Travel Plan

Reason: To ensure that safe operation of the highway and in the interests of protecting residential amenity in accordance with Policies T.24 and D.2 of the Bath and North East Somerset Local Plan.

13 The development shall be constructed in accordance with provisions of the noise assessment report, dated 10 November 2016.

Reason: To mitigate the noise impact of the development on neighbouring properties and to offer appropriate protection to future occupants of the development from road traffic noise.

14 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.

15 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.

16 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.

17 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.

18 Prior to the installation of any drainage infrastructure (foul and surface water), details of that infrastructure shall be submitted to and approved in writing by the local planning authority. The development shall proceed in accordance with the details so approved.

Reason: To ensure that the development is served by an adequate system of surface water and foul drainage and to ensure that those systems do not impact adversely upon Network Rail infrastructure.

19 In the event that vibro-compaction/displacement piling plant is to be used in the construction of the development hereby approved, details of such machinery as well as a method statement for such shall be submitted to and approved in writing by the local planning authority in advance of any piling activity commencing. The development shall proceed in accordance with the details so approved.

Reason: To ensure that piling activities do not have an unacceptable impact upon Network Rail infrastructure.

20 Prior to first occupation of the development hereby approved details of visitor cycle parking, including the location and nature of such facilities, shall be submitted to and approved in writing by the local planning authority. The cycle parking shall be installed in accordance with the details so approved prior to first occupation of the approved development.

Reason: To ensure that secure cycle parking is available on-site for those visiting the site.

21 No new 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 policy CP6 of the Bath and North East Somerset Core Strategy and policy NE.3 of the Bath and North East Somerset Placemaking Plan

22 No development shall commence 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 first been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a field evaluation of the site to determine date, extent, and

significance of any archaeological deposits or features, and shall be carried out by a competent person and completed in accordance with the approved written scheme of investigation.

Reason: The site is within an area of potential archaeological interest and the Council will wish to evaluate the significance and extent of any archaeological remains

23 No development shall commence until the applicant, or their agents or successors in title, has presented the results of the archaeological field evaluation to the Local Planning Authority, and has secured the implementation of a subsequent programme of archaeological work in accordance with a written scheme of investigation which has first been agreed and approved in writing by the Local Planning Authority. The agreed programme of archaeological work shall be carried out by a competent person and completed in accordance with the approved written scheme of investigation.

Reason: The site is within an area of potential archaeological interest and the Council will wish record and protect any archaeological remains.

24 The development shall not be brought into use or occupied until the applicant, or their agents or successors in title, has secured the implementation of a programme of post-excavation analysis in accordance with a publication plan which has been submitted to and approved in writing by the Local Planning Authority. The programme of post-excavation analysis shall be carried out by a competent person(s) and completed in accordance with the approved publication plan, or as otherwise agreed in writing with the Local Planning Authority.

Reason: The site may produce significant archaeological findings and the Council will wish to publish or otherwise disseminate the results.

25 The development hereby approved shall incorporate sufficient renewable energy generation such that carbon emissions from anticipated (regulated) energy use in the development shall be reduced by at least 10%, unless it can be demonstrated to the local planning authority's satisfaction that meeting this requirement would render the development unviable. Should it be accepted by the local planning authority that meeting the 10% reduction is unviable, the maximum percentage that is viable shall instead be achieved. Details shall be submitted to and approved in writing by the local planning authority, prior to first occupation, demonstrating how the 10% reduction (or agreed lower percentage) will be achieved.

The approved renewable energy infrastructure shall be installed and shall be fully operational prior to first occupation of the development hereby approved. Where renewable energy installations will materially affect the external appearance of the development/building, the details submitted pursuant to this condition shall include drawings of said installations.

Reason: To ensure that the development's carbon emissions (from anticipated regulated energy use) are reduced by at least 10% by means of sufficient renewable energy generation, in accordance with Policy SCR1 of the Bath & North East Somerset Placemaking Plan.

26 Prior to first occupation, all accommodation 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 Placemaking Plan. Alternative solutions may include for example mobile broadband infrastructure or Wi-Fi infrastructure.

27 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 * Existing Site Plan: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-00002 PL03
- * Site Plan: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-00003 PL03
- * GA Plan Level -01: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-01001 PL03
- * GA Plan Level 00: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-01002
- * GA Plan Level 01: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-01003 PL03
- * GA Plan Level 02: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-01004
- * GA Plan Level 03: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-01005 PL03
- * GA Plan Level 04: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-01006 PL03
- * GA Plan Roof: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-01007 PL03
- * GA Elevations - North & East: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-02001 PL03
- * GA Elevations - South & West: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-02002 PL03
- * Front Block Elevations - North & South: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-02003 PL03
- * GA Sections - AA & BB. Drawing No: 80554-STL-XX-ZZ-DR-A-ZZZZ-03001 PL03
- * Site Sections - AA & BB. Drawing No: 80554-STL-XX-ZZ-DR-A-ZZZZ-03002 PL03
- * Long site sections: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-03003 PL03
- * Site Location Plan: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-00001 PL03

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.

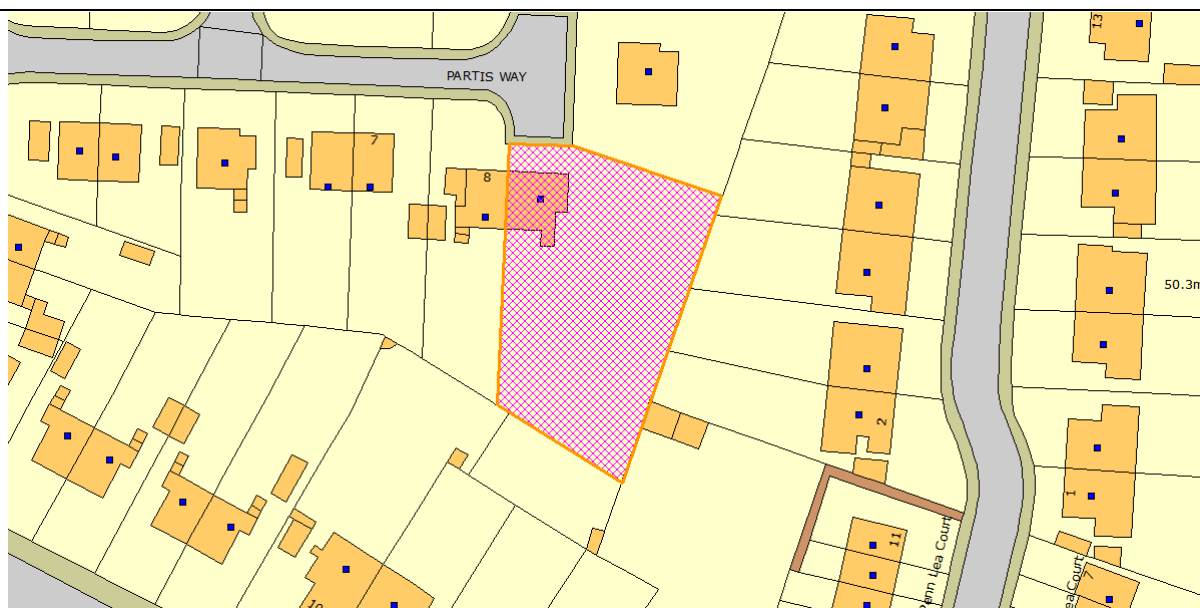
Please note all conditions should be read fully as these headings are intended as a guide only.

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 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. 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:	02
Application No:	17/03603/FUL
Site Location:	9 Partis Way Lower Weston Bath Bath And North East Somerset BA1 3QG



Ward: Newbridge

Parish: N/A

LB Grade: N/A

Ward Members: Councillor Michelle O'Doherty Councillor Caroline Roberts

Application Type: Full Application

Proposal: Erection of single garage and detached 4 bed house with garage following demolition of existing rear conservatory and side extension (accommodating garage) to existing dwelling

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

Applicant: Amanda and Robert Hawking

Expiry Date: 16th November 2017

Case Officer: Samantha Mason

REPORT

Reasons for going to committee:

Cllr Roberts objected to the scheme and has requested that the application be heard before committee should the officer be minded to approve. As per the Councils scheme of delegation the application was referred to the Chair of the Committee for a recommendation.

The Chairman considered that the application should be heard before committee stating that; 'I have studied this application & note the changes made as it has progressed which the Officer has reconsulted on. I note Ward Cllr DMC request if the Officer is minded to approve the application, comments from Statutory consultees who support the application however there are a number of third party comments, the majority of which object to the proposals for several reasons, these have been addressed in the assessment of the application by the Officer however I note the controversy it has raised particularly linked to residential amenities. I therefore recommend the application be determined by the DMC.'

Description:

The application refers to a two storey semi-detached dwelling located in the Lower Weston residential area of Bath. The Bath Conservation Area boundary is adjacent to the eastern edge of the site. The property is within the World Heritage Site.

Planning permission is sought for the erection of a single garage and a detached 4 bed house with garage following the demolition of the existing rear conservatory and side extension to existing dwelling. The proposed materials include Bath Stone, render and tile.

Relevant Planning History:

DC - 13/03993/FUL - WD - 15 November 2013 - Erection of a two storey side extension and detached double garage.

DC - 14/00860/FUL - PERMIT - 17 April 2014 - Erection of two storey side extension, loft conversion and detached double garage. (Resubmission).

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses:

Highways: No objection. 13th Sept: adequate levels of parking are provided. Adequate room for turning facilities will be provided for both dwellings. The means of access from the turning head will be maintained, it is considered acceptable to serve the development.

18th Oct: The revised proposals maintain the same level of parking, which is appropriate for the size of dwellings, and adequate space is also maintained to enable on site manoeuvring.

Arboricultural Officer: no objections subject to conditions. The trees on site are not considered worthy of a TPO; however it is noted that 6 trees are being retained for screening purposes. The planning statement also refers to new planting to contribute to the general green infrastructure.

Drainage and Flooding Team: No objection subject to conditions.

Archaeology Officer: No objection subject to conditions.

Representations Received:

Cllr Roberts: Cllr Roberts has requested that the application be heard before committee should the officer be minded to approve. She stated that 'the proposal is an over development of the site, and this build would set a precedent in the area. A previous application in a neighbouring property was refused so I do not think that this merits approval'.

During the first round of consultation 1 letter of support was received, 2 representations and 31 objections have been received from third parties. The following is a summary of the points raised by the objectors and representations:

- There is a covenant on the site restricting the density of houses to 7 buildings per acre; this development would be contrary to that covenant.
 - The proposal will adversely affect the character of the neighbourhood.
 - The design of the house is not in keeping with neighbouring properties, including materials and fenestration.
 - The proposed house is oversized and bulky in relation to its neighbours. The proposal would be overdevelopment of the site.
 - It does not contribute to the continuity of the street frontage and is incongruous in its position, will remove a green area.
 - Negative impact on local wildlife
 - Reduced run off will impact surface water drainage
 - Pedestrian (in particular children) and highway safety is a concern
 - Harmful to the amenity of neighbours
 - Additional cars from new development will impact on street parking and congestion and traffic.
 - Shared access is not compatible with other houses in the street
 - If allowed a condition should be included regarding construction management
 - Two trees on site are not mentioned in the tree report, both should be retained.
- Concerns for loss of trees.
- The proposal would set a precedent
 - The proposal would result in loss of neighbours views
 - Overbearing impact on neighbours properties, dominating neighbours outlook
 - Overshadowing and overlooking of neighbours properties. The proposed dormer is of a particular concern in regards to overlooking.
 - The proposal would affect the setting of the adjacent Conservation Area, the proposal can be viewed from the Conservation Area
 - Recently an appeal was dismissed for a similar proposal at number 11 Partis Way
 - There are discrepancies in the Design and Access statement
 - Planning permission if granted should not be transferrable if the land is sold
 - The height of the proposed development will be significantly higher than the existing houses.
 - The proposed floor area is 198 square metres, most properties in Partis Way are around 95 square metres.
 - If permitted the development will cause noise and traffic disruption whilst being constructed.
 - Garden infill development is not acceptable

Following conversations with the agent revised plans were submitted. Neighbours were subsequently reconsulted on the revised plans. During the second round of consultation 14 objections were received, only one of these was from a new objector that hadn't previously objected. Many of the same points were raised that had previously been raised by objectors; the following is a summary of new points raised:

- Moving the property closer to number 9 Partis way will have a worse impact on neighbours
- Precedent for refusing such an application has been set in planning history
- Concern over the roof dormer window
- New layout will prevent use of garage
- Garden land is not 'previously developed land', result is garden grabbing

- The house is larger than the previous design

POLICIES/LEGISLATION

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

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:

B1: Bath Spatial Strategy
 B4: The World Heritage Site and its Setting
 CP6: Environmental Quality
 CP2: Sustainable construction
 CP10: Housing Mix
 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
 D4: Streets and Spaces
 D.5: Building Design
 D.6: Amenity
 ST7: Transport requirements for managing development
 HE1: Historic Environment
 Policy H7: Housing Accessibility
 Policy SCR1: On-site Renewable Energy Requirement
 Policy STR5: Water Efficiency

Policy SU1: Sustainable Drainage Policy
Policy LCR7B: 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).

Conservation Areas

In addition, 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.

SPD's

The City of Bath World Heritage Site Setting Supplementary Planning Document (August 2013) is also relevant in the determination of this planning application.

OFFICER ASSESSMENT

The main issues to consider are:

- The principle of development
- Character and appearance
- Conservation Area impact
- Residential amenity
- Highways safety and parking
- Drainage
- Arboriculture
- World Heritage Site impact
- Other matters

Principle of Development:

The primary issue to consider is the principle of a new residential dwelling within this location. The site lies within the built up area of Bath where housing development can be acceptable in principle, this is subject to the material consideration of the relevant planning policies. These are outlined below.

Character and appearance and impact on Conservation Area:

Policy D1, D2, D3 and D5 of the Placemaking Plan have regard to the character and appearance of a development and its impact on the character and appearance of the host dwelling and wider area. Development proposals will be supported, if amongst other things they contribute positively to and do not harm local character and distinctiveness. Development will only be supported where, amongst other things, it responds to the local context in terms of appearance, materials, siting, spacing and layout and the appearance of extensions respect and complement their host building.

Policy HE1 requires development that has an impact upon a heritage asset, whether designated or non-designated, will be expected to enhance or better reveal its significance and setting.

Initial concerns were raised by the officer in regards to the size and scale of the proposed dwelling. Following conversations with the agent revised plans were submitted of a similar yet scaled back design that is reflective of the design of the other detached dwellings in the street.

The proposal is now seeking permission for a 4 bedroom (reduced from 5) detached property with a detached garage. The proposal has been moved to the west towards number 9 by 3.4m, the eastern 'extension' at first floor has been removed, the eastern 'extension' at ground floor has slightly increased. The garage of the proposed dwelling has also been moved to the north east corner of the site. The proposal also seeks the demolition of the existing single storey garage at number 9 and its replacement further back in the site to facilitate access to the proposed dwelling.

Partis Way is a mixture of detached and semidetached dwellings. The footprint of the proposed dwelling is comparable to the other detached dwellings in the street. The agent has provided figures to show that the gross external footprint of the proposed property is nearly identical to that of number 10 and 14, and less than number 5 - the other detached properties within the street. The proposed property has a two storey width of 10.8m and is also considered comparable visually to the size of the other dwellings within the street. The height of the dwelling is approximately 8.6m. It is noted that neighbours raised concerns over the height of the dwelling. The proposal height is comparable to other dwelling in the street with number 10 also being approximately 8.6m and number 9 being 9.3m high (these two dwellings have been surveyed on the submitted plans). The proposal site will have a large garden and has space around the dwelling, it is considered to fit comfortably within the plot and not result in overdevelopment.

The proposed dwelling is sited parallel to the highway however is set back in the plot. The front elevation of the proposal is almost in line with the rear elevation of number 9. It is noted that number 8 and 9 are stepped back from numbers 6 and 7 and so the step back of the proposed dwelling is considered to form a logical progression. It is also noted that an application was refused at appeal for a new dwelling at 11 Partis Way that incorporated a rotated position within the plot creating a radial end to the cul-de-sac. The inspector's view of this arrangement was that it would disrupt the rhythm of the street scene, this was the key reason the scheme was dismissed. It is therefore considered that a parallel arrangement is more suitable in this location.

The proposed dwelling is generally in keeping with the character of the local area, the front projection accommodating the stairwell is a more contemporary addition to the property, however it is considered that this element adds interest and is not considered to be harmful to the street scene.

The proposed materials include Bath Stone Ashlar to the front and side elevations and render to the rear elevation as well as render to the single storey element. The proposed roof materials are concrete plain tiles to match number 9. The proposed materials are in keeping with the character of the street and are considered to be an acceptable pallet. The zinc canopy over the front door is subtle and would inject another more contemporary

material into the front elevation. Windows and doors are proposed to be powder coated aluminium, there is already a mix of UPVC and metal windows in the street scene so again this is considered acceptable.

The proposal site is not within the conservation area but it is directly adjacent to the boundary, therefore the impact of the proposal on the setting of the conservation area has been considered. The prevailing character of the conservation area is of semi-detached and detached residential properties set within generous plots, it is not considered that the proposal conflicts with the character or the views of the dwelling from the conservation area are a concern. Furthermore the gable end that can be viewed from the Conservation Area will now be finished in Ashlar instead of render. In this case by virtue of the design, scale, massing, position and the external materials of the proposed development it is not considered that the development would cause harm to the character and appearance of this part setting of the adjacent Conservation Area.

The demolition of the existing garage at number 9 is considered acceptable. The replacement garage at number 9 is considered to be a subservient addition, similar in scale to other garages in the locality, it is not considered to impact negatively on the street scene.

The proposal by reason of its design, siting, scale, massing, layout and materials is acceptable and contributes and responds to the local context and maintains the character and appearance of the surrounding area. The proposal accords with policy CP6 of the adopted Core Strategy (2014) and policies D1, D2, D3, D4 and D5 of the Placemaking Plan for Bath and North East Somerset (2017) and paragraph 17 and part 7 of the NPPF.

Residential Amenity:

Policy D.6 sets out to ensure developments provide an appropriate level of amenity space for new and future occupiers, relative to their use and avoiding harm to private amenity in terms of privacy, light and outlook/overlooking.

The proposal is sited within a residential area of Bath at the end of a cul-de-sac. To the west of the site is number 9. There is approximately 5.5m between number 9 and the proposed dwelling. The western elevation of the proposed dwelling has two narrow set windows that will face towards number 9, one of which is a bathroom window. Both windows are proposed to be obscurely glazed. The introduction of a new dwelling in this location is likely to lead to a small increase in overlooking of the garden of number 9, but this is considered to be at to an acute angle to be direct overlooking. Furthermore the amenity space most frequently enjoyed by residents is that area closest to the dwelling and this area will not be overlooked. A level of overlooking already exists in built up residential areas and it is not considered that overlooking would increase so significantly from the proposal that it would warrant refusal.

Again the eastern elevation facing towards 6 Penn Lea Road will have two narrow set windows. These are again both proposed to be obscurely glazed. The siting of the proposed dwelling has been moved further west in the plot away from number 6 Penn Lea Road as part of the revised scheme. The proposed dwelling will now be set away from the neighbour's property at Penn Lead Road by approximately 30m, it will be set away from the boundary fence by 3.5m, and the two storey element is set away from the neighbour's

boundary by 7.5m, at its highest point the ridge is now 12m from the boundary. Due to its position in the site it is not considered that the proposed dwelling will lead to significant overshadowing of number 6 Penn Lea Road or an overbearing impact.

Number 10 Partis Way is set to the north of the property. The southern elevation of number 10 is approximately 19.5m from the proposed development. The boundary treatment shown on the plans between number 10 and the proposed dwelling is shown to be a hedge, it is not considered that there will be overlooking at ground floor level. The two windows set in the second story front elevation facing towards number 10 serve two bathrooms on this floor. Due to the distance and the fact that these rooms aren't habitable rooms it is not considered that there will be overlooking issues towards number 10. Furthermore no objections have been received from these neighbours. All the windows proposed to be obscurely glazed will be secured by condition.

Neighbours at number 102 Penn Lea Road have raised concerns over the proposed rear dormer and the overlooking of their property which is south of the site. The proposed dwelling is approximately 30m from the boundary of 102 Penn Lea Road and 75m from the property, this is considered sufficient distance. It is noted that two sets of Juliette balconies previously on the rear elevation have been replaced by windows.

Some neighbours have commented that it will result in the loss of their views; this is not a material planning consideration. The proposal is not considered to result in an overbearing impact of any neighbours.

Overall given the design, scale, massing and siting of the proposed development the proposal would not cause significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, noise, smell, traffic or other disturbance. The proposal accords with policy D6 of the Placemaking Plan for Bath and North East Somerset (2017) and paragraph 17 and part 7 of the NPPF.

Highways Safety and Parking:

Policy ST7 states that development will only be permitted provided, amongst other things, the development avoids an increase in on street parking in the vicinity of the site which would detract from highway safety and/ or residential amenity.

Highways Development Control was consulted as part of the application process. They raised no objections to the original scheme. Following submission of revised plans the Highways team were reconsulted. Again they raised no objections in terms of highways safety or parking standards.

The proposal provides for 3 parking spaces for the new dwelling, including a garage, as well as a garage for the existing dwelling (3 spaces will be retained for the existing dwelling at number 9). This is an appropriate level of parking for a 4 bedroom house in line with policy.

The means of access from the turning head will be maintained as a shared access to the two dwellings, and whilst it is only of single width, it is considered acceptable to serve the development. Adequate space is also maintained to enable on site manoeuvring.

Overall the means of access and parking arrangements are acceptable and maintain highway safety standards. The proposal accords with policy ST7 of the Placemaking Plan for Bath and North East Somerset (2017) and part 4 of the NPPF.

Drainage and Flooding:

As part of this application the Drainage and Flooding Team were consulted.

From the initial drainage drawings it is not clear how the new tarmac/ parking areas will manage surface water. This area will need to be incorporated into the drainage design.

The proposed location for the new dwelling is also in an area indicated at a low risk of surface water flooding. This may indicate a local low spot and/or an area that may be wet/ saturated for much of the year. We strongly advise that the applicant factor this into their proposals and recommend ground investigations.

It is also noted that there is an area of high surface water flood risk at the cul-de-sac end of the street. It must be demonstrated that the development will not increase any risk to this area. Conversely, care must be taken to ensure that the development and the introduction of new driveways/ dropped curbs does not move this surface water flood risk towards the new development. Provision must be in place to cater for surface water in this area.

A pre-commencement condition will therefore be included to ensure an appropriate method of surface water drainage is achieved before the development begins.

Arboriculture and Ecology:

The application submissions include an arboricultural report containing an Arboricultural Impact Assessment, outline Arboricultural Method Statement (AMS) and Tree Protection Plan. The Councils Arboricultural Officer was consulted as part of this application and considers the contents of the reports to be acceptable.

The trees on site are not considered worthy of a Tree Preservation Order, however it is noted that the applicant will be retaining 6 of the trees on site for screening purposes.

A neighbour has raised concerns that the proposal will have a negative impact on local wildlife and result in the loss of a green space. The proposal site is a garden and not a designated local green space, nor a park or amenity space. The Planning Statement refers to new planting to reinforce the boundaries which would help contribute towards the general green infrastructure linkages. It is not considered that there are any ecological issues on the site.

The Arboricultural Officer has recommended landscaping and arboricultural conditions.

Archaeology:

The proposed new house lies within a known area of Roman occupation, buildings and burials, discovered when the housing in this area was being constructed. Until an archaeological assessment has been conducted and approved by the local planning

authority development should not commence. It is considered that this can be achieved by condition.

World Heritage Site:

The proposed development is within the World Heritage Site, therefore consideration must be given to the effect the proposal might have on the setting of the World Heritage Site. In this instance, due to the size, location and appearance of the proposed development it is not considered that it will result in harm to the outstanding universal values of the wider World Heritage Site. The proposal accords with policy B4 of the adopted Core Strategy (2014) and Policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and Part 12 of the NPPF.

Other Matters:

Partis College have made a representation to the application. they have drawn attention to a covenant registered with HM Land Registry on the land of this property which was originally owned by Partis College.

A copy of the covenant has not been provided however the representation letter summarise the points of the covenant. A covenant on the land does not preclude the granting of planning permission. In this case the proposal is considered to comply with planning policy. A covenant is a legal document and therefore this becomes a civil matter between the applicant and relevant parties that will need to be addressed outside of the planning process.

A previous permission exists on the site for a two storey side extension and detached garage to number 9. This application was granted in April 2014, works have not begun on the site and as such the application has expired.

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, as the proposal is only for one dwelling.

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 the site will have a large rear garden and this will provide the opportunities for the aforementioned.

Policy LCR7B states that new residential developments should be provided with superfast broadband infrastructure. The proposal site is within the city of Bath where there is good service and access to broadband.

Conclusion:

It is therefore considered that the proposal complies with the relevant planning policies as outlined above and the proposal is 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 Surface water drainage (Compliance)

No development shall commence, except ground investigations and remediation, until infiltration testing and soakaway design in accordance with Building regulations Part H, section 3 (3.30) have been undertaken to verify that soakaways will be suitable for the development. If the infiltration test results demonstrate that soakaways are not appropriate, an alternative method of surface water drainage, shall be submitted to and approved in writing by the Local Planning Authority and installed prior to the occupation of the development.

Reason:

To ensure that an appropriate method of surface water drainage is installed and in the interests of flood risk management in accordance with Policy CP5 of the Bath and North East Somerset Core Strategy. This is a condition precedent because it is necessary to understand whether soakaways are appropriate prior to any initial construction works which may prejudice the surface water drainage strategy.

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; 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.

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 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

6 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.

7 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.

8 Materials - Sample of Render (Bespoke Trigger)

No external walls of the development shall be rendered until a sample of the colour and texture of the render to be used 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 materials.

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.

9 Garages (Compliance)

The garage 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.

10 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.

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

The proposed windows located in the first floor on the east and west elevation serving the master bedroom, bed 2, and the two ensembles shall be obscurely glazed and non-opening unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed. 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.

12 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.

13 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.

14 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:

27 Jul 2017 1289 002 B Site Survey Plan
27 Jul 2017 1289 019 B Demolition Plan
27 Jul 2017 1289 001 B Site Location Plan
05 Oct 2017 1289 020 D Proposed Block Plan
05 Oct 2017 1289 021 C Proposed Ground Floor Plan
05 Oct 2017 1289 022 C Proposed First Floor Plan
05 Oct 2017 1289 023 C Proposed Second Floor Plan
05 Oct 2017 1289 024 C Proposed South Elevation
05 Oct 2017 1289 025 D Proposed East Elevation
05 Oct 2017 1289 026 C Proposed North Elevation
05 Oct 2017 1289 027 D Proposed West Elevation
05 Oct 2017 1289 028 C Proposed Roof Plan

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

3 Condition Categories

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

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

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

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

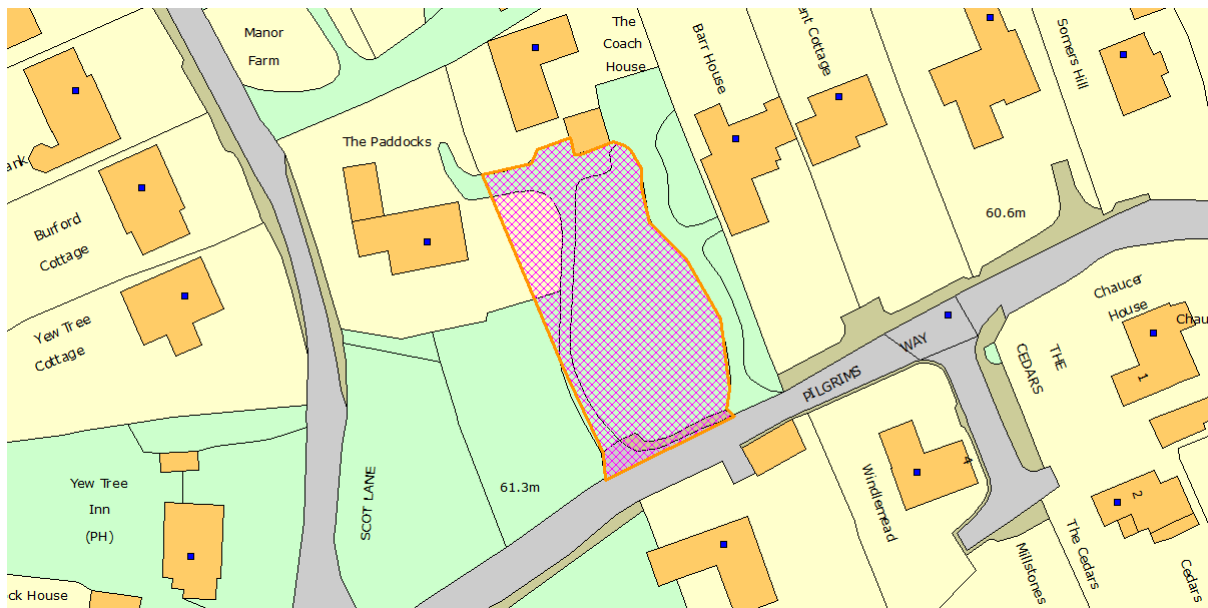
Bespoke Trigger - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

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

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

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

Item No:	03
Application No:	17/04031/FUL
Site Location:	The Paddocks Pilgrims Way Chew Stoke Bristol Bath And North East Somerset



Ward: Chew Valley North	Parish: Chew Stoke	LB Grade: N/A
Ward Members:	Councillor Liz Richardson	
Application Type:	Full Application	
Proposal:	Erection of a new dwelling (Resubmission).	

Constraints:	Bristol Airport Safeguarding, Agric Land Class 1,2,3a, Conservation Area, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Housing Development Boundary, Policy NE1 Green Infrastructure Network, Policy NE5 Ecological Networks, Policy NE5 Strategic Nature Areas, Neighbourhood Plan, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodrome, Tree Preservation Order,
Applicant:	Mr B & Mrs A Fawcett
Expiry Date:	22nd November 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 looked at the application including all its history and the related documents. I note the Ward Cllr Development Management Committee (DMC) request, support from the Parish Council, statutory consultee observations and third party comments which are fairly evenly split between support and objections. The report has assessed the issues raised in line with relevant planning policies however it is clearly controversial regarding the interpretation of infill and for this reason I recommend the application be determined by the DMC so debate can take place in the public arena."

THE SITE

The application relates to an area of land that forms part the existing garden belonging to 'The Paddocks'. The site lies within the Chew Stoke Housing Development Boundary, Conservation Area and the Bath and Bristol Green Belt.

THE PROPOSAL

The application seeks permission for the erection of a 3 bedroom detached dwelling, separate cycle store and shed with associated landscaping and site works.

PLANNING HISTORY

03/02833/FUL - REFUSED - 5 January 2004 - Detached house

04/00049/RF - APPEAL DISMISSED - 11 October 2004 - Detached house

97/02197/FUL - PERMITTED - 16 May 1997 - Extension to provide garage and car port as amended by revised plans received 29th April 1997

09/03980/FUL - REFUSED - 22 December 2009 - Erection of detached garage and studio

10/01160/FUL - REFUSED - 7 May 2010 - Erection of detached garage and studio (resubmission)

17/02025/FUL - REFUSED - 28 June 2017 - Erection of a new dwelling

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

CHEW STOKE PARISH COUNCIL - Support for the following reasons:

- Differing opinion about whether development on this plot constitutes 'infill' or 'tandem development' is noted but the proposed development is well spaced between the two existing houses along Pilgrims Way.
- The size and height of the house, the design, the orientation and proposed materials are appropriate for the location.
- It is not considered that the development would unduly overlook neighbouring properties.
- The development of smaller houses in the villages particularly when they are designed to accommodate the needs of the older generation is supported. It is noted that the design would allow wheelchair use on the ground floor and the house could be adapted for ground floor living if required.

COUNCILLOR LIZ RICHARDSON - Request that the application be taken to Committee. Reasons are as follows:

- The application is supported by the parish council.
- The application plot is an adequate size to take this appropriately designed dwelling.
- Differing views about whether the application constitutes 'infill' or 'tandem development' should be considered and discussed openly.

URBAN DESIGN OFFICER - Not acceptable in current form.

CONSERVATION OFFICER - Objection. The conservation area has a semi-rural character where green spaces including gardens make a positive contribution. The revised proposal is not materially different to the previous application and the reasons for refusal should stay the same.

HIGHWAYS OFFICER - No objection.

DRAINAGE AND FLOODING TEAM - No objection.

ECOLOGIST - No objection.

ARCHAEOLOGIST - No objection.

TREE OFFICER - No objection, subject to conditions.

LANDSCAPE OFFICER - No objection subject to conditions.

OTHER REPRESENTATIONS / THIRD PARTY COMMENTS - 12 representations received comprising 5 objection and 7 supporting comments.

The 5 objection comments can be summarised as follows:

- Inaccurate description of The Coach House is given in the supporting documentation. The building is not rear accessed from Pilgrims Way, the building faces east (not west) and there are two windows (not one) overlooking the proposed site.
- Site is not infill and is therefore contrary to Green Belt policy.
- The proposed balcony is inappropriate in this location.
- Access and highway safety concerns.
- Unacceptable loss of green space.
- The siting of the proposed dwelling would be in front of the established building line.
- The ridge height of the proposed building, although reduced is still too high in relation to the neighbouring Coach House and Barr House.
- Impact on residential amenity (overlooking, overshadowing, loss of privacy).
- Inappropriate development in the Conservation Area.

The 7 supporting comments can be summarised as follows:

- Proposed dwelling will add character and provide much needed smaller property for the applicants.
- Disagree with assessment that the site falls outside the definition of infill development.
- Proposal is sympathetic to the Conservation Area by virtue of proposed materials and landscaping and will be less visible than previously approved applications elsewhere in the village.
- No concerns about traffic or highway safety.
- Proposed dwelling will not impact immediate neighbours or detract from the openness of the Green Belt.

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 SD1: Presumption in favour of sustainable development
 Policy CP2: Sustainable construction
 Policy CP5: Flood risk management
 Policy CP6: Environmental quality

Policy CP7: Green Infrastructure
Policy CP8: Green Belt
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 SU1: Sustainable drainage
Policy D1: General urban design principles
Policy D2: Local character and distinctiveness
Policy D4: Streets and spaces
Policy D5: Building design
Policy D6: Amenity
Policy D7: Infill and backland development
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 GB1: Visual amenities of the Green Belt
Policy GB2: Development in Green Belt villages
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

NEIGHBOURHOOD PLAN:

The Chew Valley Neighbourhood Plan was 'made' in 2017. The plan contains policies on housing development and environment; business and facilities; and aspiration policies. The following policies are relevant:

Policy HDE1: Rural landscape character
Policy HDE2: Settlement build character
Policy HDE5a: Housing - mix
Policy HDE8a: Parking - domestic dwellings
Policy HDE8b: Parking - domestic dwellings
Policy HDE9a: Sustainable drainage to minimise flooding
Policy HDE9b: Sustainable drainage

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: Delivering a wide choice of high quality homes
Section 7: Requiring good design
Section 9: Protecting Green Belt land
Section 12: Conserving and enhancing the historic environment

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 Bath and Bristol Green Belt, where there are strict controls on development. Section 9 of the National Planning Policy Framework (NPPF) establishes that the construction of new buildings in the Green Belt is inappropriate development apart from in exceptional circumstances. One of these exceptions is the limited infilling in villages. The definition of infilling in the Core Strategy is as follows:

"The filling of small gaps within existing development e.g. the building of one or two houses on a small vacant plot in an otherwise extensively built up frontage. The plot will generally be surrounded on at least three sides by developed sites or roads."

The application site forms part of the existing garden of 'The Paddocks' and lies in front of 'The Coach House'. Whilst it is acknowledged that the Coach House is set slightly back from the informal building line of properties along the northern side of Pilgrim's Way and that its front elevation faces east, visually the building clearly relates to the road to which access is gained. It is therefore considered that the position of the application site in front of The Coach House does not represent a true gap within the existing development pattern and cannot be considered as infill. Furthermore, it would create a back-land development (i.e. The Coach House) which reinforces the view that the proposal is not an infill.

Paragraphs 87 and 88 of the NPPF emphasise that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances'. No very special circumstances have been put forward by the applicant and in this case the benefits of providing new housing does not outweigh the harm to justify the development. The proposal by reason of its inappropriateness would fail to comply with policy CP8 of the Core Strategy, policy GB2 of the Placemaking Plan and the aims of the NPPF. The principle of residential development in this location is therefore not supported.

CHARACTER, APPEARANCE AND OPENESS

The application site represents an open and undeveloped site which makes a significant contribution to the character and appearance of the Conservation Area and Green Belt. Whilst it is acknowledged that the proposed design and use of local materials is an

attempt to reflect the local character due to its size and position within the plot there is nevertheless harm to this character.

The revised proposal has sought to address the size and siting issues raised in the previously refused planning application (17/02025/FUL) by primarily reducing the height of the building. The footprint appears comparable, but the first floor has been partly incorporated into the roof space with the inclusion of joined dormers on both the east and west side. From an urban design perspective the reduction in roof height is a retrograde step which has harmed the appearance of the proposed building. However, on balance it is not considered that the level of visual harm caused by the reduction in height is at a level to justify a refusal in this instance. The revised design with dormers remains in the scheme and has not been the focus of amendment.

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. The Conservation Officer has been consulted on the current application and considers that the revised proposal is not materially different to the previous application. The proposed dwelling is still considered to harm the appearance and visual quality of the Conservation Area. It is advised that the previous reasons for refusal also apply to this application.

The harm to the Conservation Area 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 benefit of providing new housing is noted. However, (and taking into account that the Council can demonstrate a five year land supply) the public benefit of the proposal is not considered to outweigh the harm identified.

Based on the above, the application is considered to be contrary to Placemaking Plan policies D1, D2 and GB1 and Chew Valley Neighbourhood Plan policy HDE1.

RESIDENTIAL AMENITY

Concern has been raised about potential overlooking and loss of privacy from windows and roof lights on the east elevation of the proposed building. However, a number of these windows will be bathroom windows which could be obscure glazed and one of the windows will be a landing window between the ground and first floor which will not encourage static viewing. Given the distance between the windows on the proposed dwelling and neighbouring Barr House (approximately 16 metres) and that there is only one window on Barr House at first floor level which could be vulnerable to overlooking it is not considered that this warrants a reason refusal. Furthermore, the existing Copper Beech tree in the Coach House driveway provides additional screening between the existing and proposed dwellings.

Concern has been expressed about the proposed height of the dwelling in relation to The Coach House and potential for overshadowing. However, it is acknowledged that the height of the building has been reduced by approximately 1 metre from the previous application and that the proposed dwelling would be within 14- 21 metres of the gable end of The Coach House. The proposed building is therefore unlikely to have any undue adverse effect on the residential amenity of neighbouring properties.

TREES

Trees on and adjacent to the site are protected by their location within the Chew Stoke Conservation Area. The application is accompanied with full arboricultural documentation incorporating the Preliminary Tree Survey, Tree Constraints Plan, Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan compiled by a suitably qualified and experienced Arboricultural Consultant.

A Copper Beech tree (T14) situated in the driveway of The Coach House and identified within the submitted documents is protected by a Tree Preservation Order. The submissions show the root protection area (RPA) of this tree as a notional circle around the trunk however this is more likely to be elliptical in shape, extending along the drive axis. Consequently, there is no objection to the proposals on arboricultural grounds subject to compliance with the Arboricultural Method Statement and Tree Protection Plan. Furthermore, the proposed reintroduction of a pond to support surface water management may benefit the tree if gradual percolation into the surrounding soil is possible.

There is no objection to the loss of the Walnut (T3) and Apple (T9) trees subject to replacement planting as indicated within the arboricultural report.

Any requirements for hard and soft landscaping could be secured via planning condition.

DRAINAGE AND FLOODING

The application is accompanied by a sustainable drainage report demonstrating that the development is not at risk of flooding and will not result in an increase in offsite flood risk. The proposed use of soakaways is acceptable, subject to all drainage works complying with Building Regulations Approved Document Part H including infiltration testing.

HIGHWAYS AND PARKING

Access would be taken from the access that currently serves the existing property. Whilst visibility is limited at this location, there are numerous other similar access arrangements, and use of the existing access to serve an additional dwelling does not raise any significant road safety concerns.

The speed limit on Pilgrims Way is 30mph, and the local road geometry assists to constrain vehicle speeds.

The proposed parking arrangements included within the scheme are considered to be acceptable given the scale of development proposed.

Based on the above, the Highways Officer has no objection to the proposals and it is considered that there is no objection on highways safety or parking grounds.

ECOLOGY

The proposal appears unlikely to result in unacceptable ecological impacts. The site is likely to be used by a range of wildlife which would be able to continue using the site in the long term. The scheme is therefore considered to be ecologically acceptable.

OTHER MATTERS

There are a number of policies in the recently adopted Placemaking Plan which stipulate requirements for new residential development which must now be applied (e.g. SCR5, LCR7B and LCR9). Policy requirements for water efficiency and connectivity to broadband can be secured by planning condition. The proposed dwelling also has access to adequate outside garden space for local food production.

Reporting of unexpected contaminated land and requirement for a desk study and walkover survey could be secured by planning condition and advisory note.

CONCLUSION

The application is recommended for refusal, on the grounds that it is contrary to Green Belt policy and that it will have a detrimental impact on the appearance and setting of the Conservation Area.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed dwelling does not represent infilling and is considered to be inappropriate development in the Green Belt. The proposal is therefore contrary to policy CP8 of the Bath and North East Somerset Core Strategy (adopted July 2014), policy GB2 of the Placemaking Plan (adopted July 2017) and guidance in the National Planning Policy Framework.

2 The proposed dwelling, by reason of its size and siting would dominate this space to the detriment of the character and appearance of the Conservation Area and would harm the openness and semi-rural appearance of this part of Pilgrims Way. The proposal is therefore contrary to policies D1, D2 and GB1 of the Bath and North East Somerset Placemaking Plan (adopted July 2017), policy HDE1 of the Chew Valley Neighbourhood Plan (November 2016) and guidance in the National Planning Policy Framework.

PLANS LIST:

1 This decision relates to the following plans received on 21 August 2017:

Site location plan: 1818-21

Proposed floor plans: 1818-27

Proposed west and south elevations: 1818-28

Proposed east and north elevations: 1818-29

Sectional dimensions: 1818-30

Proposed elevation details (part east / part south): 1818-31

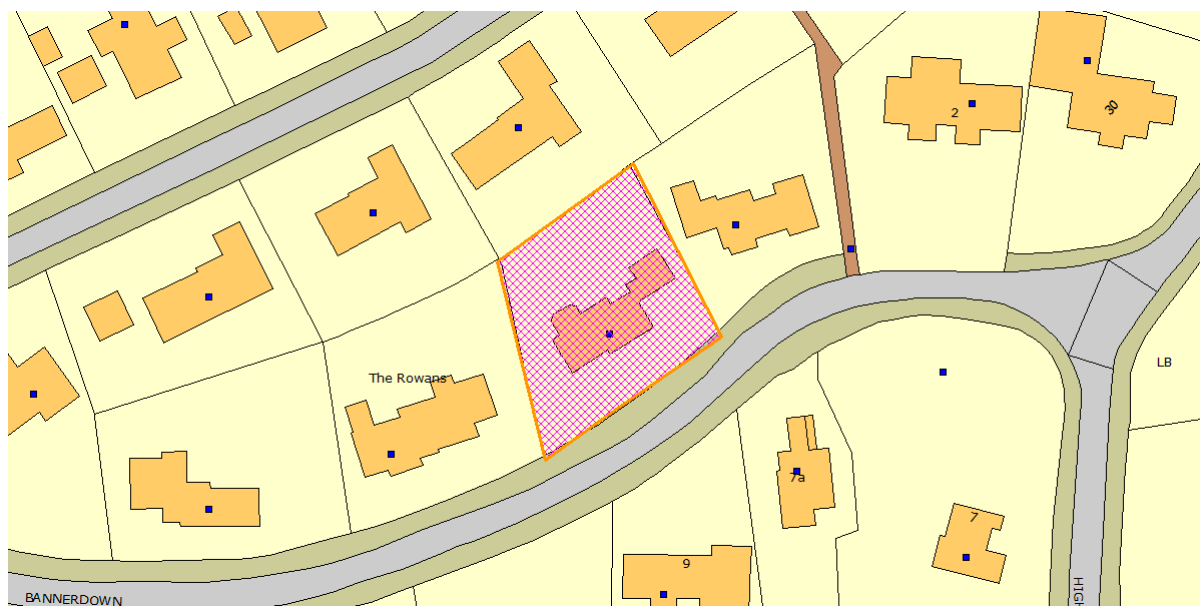
Proposed roof plan and cycle shed: 1818-32

Tree protection plan: 170403-TP-TPP-AM

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.

3 You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule comes into effect. Whilst the above application has been refused by the Local Planning Authority please note that CIL applies to all planning permissions granted on or after this date. Thus any successful appeal against this decision may become subject to CIL. Full details are available on the Council's website www.bathnes.gov.uk/cil

Item No: 04
Application No: 17/02313/FUL
Site Location: 6 High Bannerdown Batheaston Bath Bath And North East Somerset BA1 7JY



Ward: Bathavon North **Parish:** Batheaston **LB Grade:** N/A
Ward Members: Councillor M Veal Councillor Alison Millar Councillor Geoff Ward
Application Type: Full Application
Proposal: Erection of two storey side extension, new front boundary wall and change of layout of existing gardens.

Constraints:	Affordable Housing, Airport Safeguarding Zones, Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Forest of Avon, Housing Development Boundary, MOD Safeguarded Areas, Neighbourhood Plan, SSSI - Impact Risk Zones,
Applicant:	Mr & Mrs Sue & Andrew Milloy
Expiry Date:	17th November 2017
Case Officer:	Alice Barnes

REPORT

Reason for calling application to committee

The application is being referred to the committee as the parish council have objected to the application.

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

Description of site and application

High Bannerdown is located to the north of Batheaston village. The existing street is characterised by large detached dwellings of varying designs. Number 6 is a detached property located outside of the Conservation Area. Due to the topography of the site number 6 sits above the existing road level.

This is an application for the provision of a two storey side extension, new front boundary wall and change of layout of existing gardens. Since the application was originally submitted the applicant has submitted revised plans reducing the size of the extension.

The proposed extension has been designed with a pitched roof with a gable end. The proposed extension will be clad in timber and the existing front elevation of the building has been rendered under a previous permission.

The proposed development also includes the formation of a parking area within the front garden for which work has commenced on site. The original boundary hedge has been replaced with a new wall under 1m in height.

Relevant History

DC - 04/02092/FUL - PERMIT - 19 August 2004 - Rear conservatory

DC - 99/03074/FUL - PER - 7 December 1999 - Erect PCVCu conservatory to rear of property

DC - 13/03839/FUL - PERMIT - 31 October 2013 - Erection of single storey rear extension and extension of existing front balcony.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Batheaston Parish Council: Object for the following reasons;

Application 13/02313/FUL was approved in 2013 and building work has still continued.

The materials are not as approved in 2013

The applicant has introduced many additional features which are not part of the approved application

The front wall has already been constructed, contrary to the covenant in the deeds.

The exterior lights are lit too late in the evening and are causing significant light pollution.

The excessive lighting must be disturbing the bat population

All the changes are not in keeping with the character of the area.

The parish have requested the enforcement team visit the site

Representations: Five representation have been received objecting to the application for the following reasons:

Work commenced on site in 2013.

This is overdevelopment of the site.

The development will overlook properties on the other side of the road.

There has already been noise and disruption from previous building work.

The removal of trees has removed a bat roost.

There is exterior lighting which has not been included in the application.

No plan has been submitted for the proposed new parking arrangements.

The proposed extension is oppressive and dominating.

There are no proposals for venting odours from the sauna.

How will the sedum roof be maintained?

The proposed parking area will result in the loss of a front garden.

The proposed extension is not in keeping with the character of the street.

It will result in overdevelopment

The deeds state that fences and walls are not permitted to be constructed around the properties.

When High Bannerdown was first built each house had to be within a third of an acre of a plot

The extension will dominate and overshadow the neighbours.

The extension will create a terrace like effect with the neighbouring property.

The extension has resulted in parking being provided to the front of the property.

There will be water run off from the steeply sloping driveway

POLICIES/LEGISLATION

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:

- * 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:

CP6 - Environmental Quality

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

ST.7 - Transport requirements for managing development

OFFICER ASSESSMENT

This is an application for the provision of a two storey side extension, new front boundary wall and change of layout of existing garden. The existing dwelling is a two storey detached property. Due to the topography of the site the dwelling sits above the existing road.

Since the application was originally submitted the applicant has submitted revised plans reducing the size of the extension. The proposed extension has been designed with a pitched roof with a gable end. The proposed extension will be clad in timber and the existing front elevation of the building has been rendered under a previous application.

The proposed development also includes the formation of a parking area within the front garden for which work has commenced on site.

The main issues to be considered here are:

Design

Amenity

Other Matters

Design

The existing dwelling is a two storey property which includes a pitched roof with gable ends. The existing dwelling has been clad in render on the front elevation and the surrounding properties have been constructed from stone. There is a glazed balcony on the front elevation of the property. The proposed side extension will replace an existing single storey flat roof garage.

The proposed extension will include a pitched roof and will be clad in timber. The original proposed extension extended beyond the rear wall of the existing dwelling at first floor level. This has been removed from the proposed and the proposed extension is now the same depth as the host building at first floor level. The provision of the pitched roof will complement the character of the existing building.

The proposed side extension is less than half the width of the existing dwelling and is set at a lower height to the existing dwelling. Therefore the built form of the extension appears subservient to the host dwelling.

The extension will be clad in timber. The existing building has been rendered and the surrounding properties are constructed from stone.

Timber cladding is not characteristic of the existing streetscene. However the provision of timber will cover the proposed side extension which is subservient to the existing dwelling. The main bulk of the dwelling will appear as render and the provision of timber cladding will not substantially alter the character of the existing building. The provision of timber cladding is not considered to be harmful to the existing streetscene.

Concern has been raised that the proposed development will result in a terraced appearance between numbers 4 and 6. The proposed extension has not been sited directly on the adjoining boundary and there will remain 2m of separation between the properties.

The proposed works include the provision of a parking area within the front garden and provision of a boundary wall. The proposed walls have been reduced in height from the original submission and the provision of the parking area is not considered to be harmful to the appearance of the existing dwelling. The proposed parking area will replace an existing driveway and parking area. It is not uncharacteristic of the streetscene to include parking within the front garden.

Amenity

The proposed extension will be sited between the side elevation of the existing dwelling and the neighbouring property of number 4. No glazing has been proposed on the side elevation and the proposed extension will not appear overbearing to the occupiers of number 4.

Concern has been raised that the proposed extension will overlook properties on the opposite side of the road. The existing dwelling already includes a large amount of glazing on the front elevation and therefore the provision of a side extension will not result in increased overlooking of nearby properties.

The proposed extension will not harm the amenity of neighbouring occupiers.

Other matters

Concern has been raised that the building work as already been carried out on site and this proposal will cause further disruption. Whilst building work can cause disruption such as unwanted noise the building of an extension will be temporary and contractors will have to abide by the councils code of conduct. Therefore this does not warrant refusal of the application.

Concern has been raised that the applicant has erected external lighting and this has caused harm to bats. A site visit has confirmed that the applicant has installed spotlighting beneath the existing balcony to light the entrance to the dwelling. Such lighting does not require planning permission and therefore does not warrant refusal of the application. It is also noted that similar lighting has been installed at number 37.

Concern has been raised that mature trees have been removed from the site. The site is not within the Conservation Area and therefore the trees can be removed without permission.

The proposed site plan includes the provision of trees within the front garden. Whilst the provision of planting is considered to be acceptable it is not considered to be necessary to make the development acceptable.

Conclusion

The proposed extension will result in a small addition to the host building and is considered to respect the character of the host building. The proposed development is not considered to result in harm to the amenity of neighbouring occupiers and permission is recommended.

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 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:

Site location plan 000
Plan: ground 698:S:001
Plan : first 698:S:002
Plan: roof 698:S:003

Elevation: south and north 698:S:004
Elevation: east and west 698:S:005
Section 698:S:006
Plans: site 698:001 rev A
Plan: ground proposed 698:002 rev A
Plan: first proposed 698:003 rev A
Plan: roof proposed 698:004 rev A
Elevation: south-east proposed 698:005-1 rev A
Elevation: north-west proposed 006 rev A
Side elevation 698:007 rev A
Section: proposed 698:008 rev A

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.

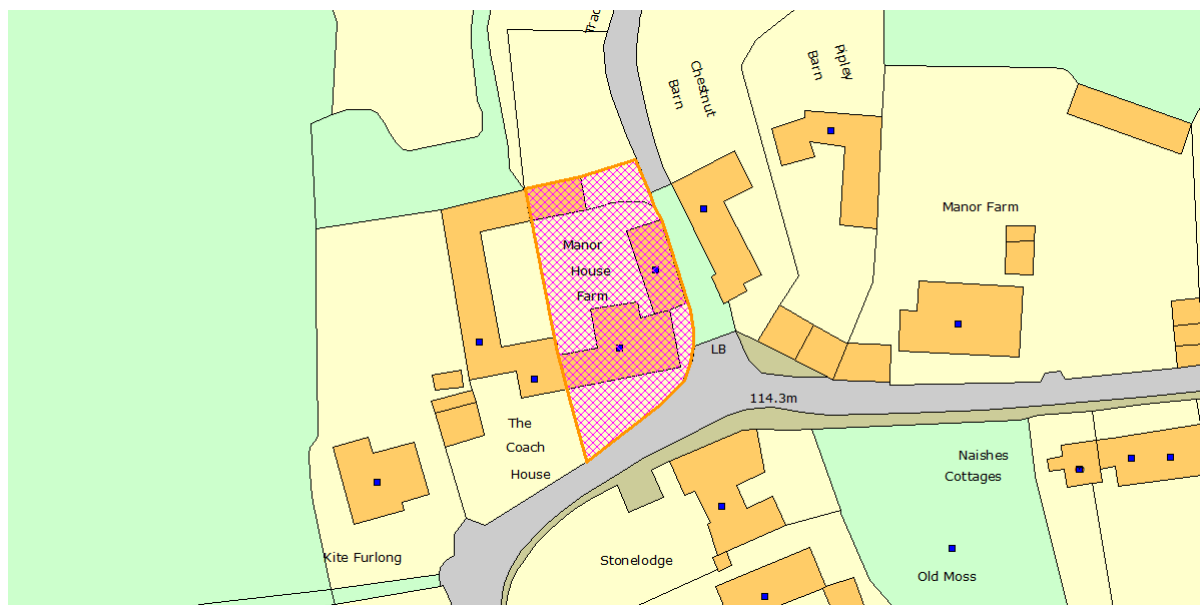
3 You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further 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: 05

Application No: 17/03629/FUL

Site Location: Manor House Farm North Stoke Lane North Stoke Bath Bath And North East Somerset



Ward: Bathavon North

Parish: Northstoke

LB Grade: II

Ward Members: Councillor M Veal Councillor Alison Millar Councillor Geoff Ward

Application Type: Full Application

Proposal: Widening of front entrance and garden access with installation of aluminium frame doors.

Constraints: Affordable Housing, Airport Safeguarding Zones, Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Conservation Area, Greenbelt, Listed Building, MOD Safeguarded Areas, SSSI - Impact Risk Zones,

Applicant: Mr & Mrs B & J Hogg & Stratford

Expiry Date: 22nd September 2017

Case Officer: Adrian Neilson

REPORT

Reason for referring this application to committee

Application submitted by Councillor R S Goodman

Site description and proposals

The protected property is a Grade II listed building and lies within a designated conservation area and the historic settlement known as North Stoke located just to the

west of Bath. It is a substantial mid 17th century farmhouse in the Cotswold vernacular style with attic gables, freestone mullion windows and drip moulds over. It is constructed in brought-to-course limestone rubble and is of three storeys with the third storey located within the attic. The overhanging eaves provide evidence of a former thatch roof covering although there has been double Roman clay roof covering for at least the last fifty years and possibly previous to this the covering may have been Cotswold tiles. To the rear is a mid/late Victorian extension. The building is part of a former farm complex and there some surviving outbuildings also dating from the Victorian period.

Internal and external alterations for the re-arrangement of internal stud walls, exposing of original stone walling in lobby and widening of garden and front access with replacement aluminium framed doors.

Planning History

DC - 06/00602/REN - PERMIT - 3 April 2006 - Retention of three loose boxes and feed/hay store

DC - 10/00081/LBA - RF - 31 March 2010 - Internal and external alterations to include (TBC)

DC - 11/00038/LBA - CON - 22 February 2011 - Internal and external alterations to include removal of modern ceiling in kitchen, opening up wall between garden room and internal lobby, alterations to bathroom on first floor landing, placement of modern pvcu windows, alterations to windows to form doors, replacement porch, replacement rainwater goods, repointing and alterations to garage and existing vehicle access

DC - 11/03472/COND - DISCHG - 26 September 2011 - Discharge of conditions 3 and 4 of application 11/00038/LBA (Internal and external alterations to include removal of modern ceiling in kitchen, opening up wall between garden room and internal lobby, alterations to bathroom on first floor landing, replacement of modern pvcu windows, alterations to windows to form doors, replacement porch, replacement rainwater goods, repointing and alterations to garage and existing vehicle access)

DC - 17/03629/FUL - PCO - Widening of front entrance and garden access with installation of aluminium frame doors.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

None received.

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
CP6: Environmental Quality

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.5: Building Design
HE1: Historic Environment

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

Character and appearance of the protected building and North Stoke Conservation Area

The rear two-storey extension that dates from the C19 has been unsympathetically altered with a loss of character and architectural interest. The existing window is a modern plastic window and does not possess any heritage value. The enlargement of the opening to create a double door opening leading to the garden will result in a loss of some historic fabric.

However, the proposal is, on balance, acceptable and maintains the character and appearance of the protected building and North Stoke Conservation Area.

Residential amenity

Given the design, scale, massing and siting of the proposed development the proposal would not cause harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy or other disturbance.

There is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant planning permission for development

which affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. There is a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. Here it is considered that the proposals are acceptable and consistent with the aims, requirements and objectives of the primary legislation, planning policy and accompanying guidance.

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.

PLANS LIST:

CLC5/321/101 EXISTING & PROPOSED PLANS AND DETAIL and CLC5/321/102 Site Location Plan and HERITAGE STATEMENT date stamped 28 July 2017.

2 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 Framework. For the reasons given, and expanded upon in a related case officer's report, a positive view of the submitted proposals was taken and consent was granted.

3 Condition Categories

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

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

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

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

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

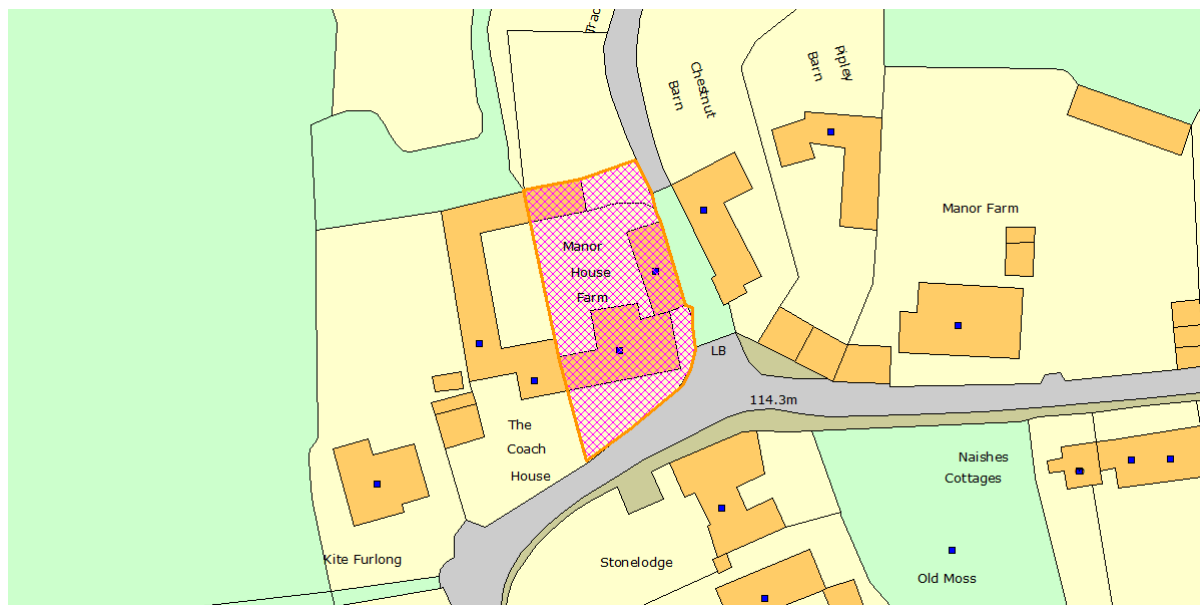
Please note all conditions should be read fully as these headings are intended as a guide only.

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

Item No: 05

Application No: 17/03630/LBA

Site Location: Manor House Farm North Stoke Lane North Stoke Bath Bath And North East Somerset



Ward: Bathavon North

Parish: Northstoke

LB Grade: II

Ward Members: Councillor M Veal Councillor Alison Millar Councillor Geoff Ward

Application Type: Listed Building Consent (Alts/exts)

Proposal:	Internal and external alterations for the re-arrangement of internal stud walls, exposing of original stone walling in lobby and widening of garden and front access with replacement aluminium framed doors.
Constraints:	Affordable Housing, Airport Safeguarding Zones, Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Conservation Area, Greenbelt, Listed Building, MOD Safeguarded Areas, SSSI - Impact Risk Zones,
Applicant:	Mr & Mrs B & J Hogg & Stratford
Expiry Date:	22nd September 2017
Case Officer:	Adrian Neilson

REPORT

Application submitted by Councillor R S Goodman

Site description and proposals

The protected property is a Grade II listed building and lies within a designated conservation area and the historic settlement known as North Stoke located just to the west of Bath. It is a substantial mid 17th century farmhouse in the Cotswold vernacular style with attic gables, freestone mullion windows and drip moulds over. It is constructed in brought-to-course limestone rubble and is of three storeys with the third storey located within the attic. The overhanging eaves provide evidence of a former thatch roof covering although there has been double Roman clay roof covering for at least the last fifty years and possibly previous to this the covering may have been Cotswold tiles. To the rear is a mid/late Victorian extension. The building is part of a former farm complex and there some surviving outbuildings also dating from the Victorian period.

Internal and external alterations for the re-arrangement of internal stud walls, exposing of original stone walling in lobby and widening of garden and front access with replacement aluminium framed doors.

Planning History

DC - 06/00602/REN - PERMIT - 3 April 2006 - Retention of three loose boxes and feed/hay store

DC - 10/00081/LBA - RF - 31 March 2010 - Internal and external alterations to include (TBC)

DC - 11/00038/LBA - CON - 22 February 2011 - Internal and external alterations to include removal of modern ceiling in kitchen, opening up wall between garden room and internal lobby, alterations to bathroom on first floor landing, replacement of modern pvcu windows, alterations to windows to form doors, replacement porch, replacement rainwater goods, repointing and alterations to garage and existing vehicle access

DC - 11/03472/COND - DISCHG - 26 September 2011 - Discharge of conditions 3 and 4 of application

11/00038/LBA (Internal and external alterations to include removal of modern ceiling in kitchen, opening up wall between garden room and internal lobby, alterations to bathroom on first floor landing, replacement of modern pvcu windows, alterations to windows to form doors, replacement porch, replacement rainwater goods, repointing and alterations to garage and existing vehicle access)

17/03630/LBA - PCO - Widening of front entrance and garden access with installation of aluminium frame doors.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

None received.

POLICIES/LEGISLATION

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

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

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

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

The 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:

- CP6 - Environmental quality

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:

HE1 Historic Environment

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

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

OFFICER ASSESSMENT

The C17 former farmhouse retains much of its significance and interest despite some unsympathetic alterations including plastic windows and hard cement pointing however approval was granted to remedy this including the replace of the windows with appropriately detailed metal casements and repointing with lime mortar. These alterations will result in a substantial improvement in the presentation of the building.

Located to the rear of the building is a Victorian, two-storey extension that has been substantially altered internally and externally including the replacement of the original windows with inappropriately detailed windows, which has resulted in harm to its appearance and architectural interest. Internally, likewise, the extension and associated later alterations located in the connecting corridor has been unsympathetically modernised with a loss of significance and architectural interest.

The proposals are for the enlargement of two internal openings associated with the later extension and an external opening. One of the internal and openings and the external opening are proposed to be fitted with metal and glazed double doors. On balance this is regarded as acceptable due to the level of alteration to the Victorian extension and its interior that has resulted in a loss of significance and heritage value.

It is also proposed to install a new timber door and undertake a minor alteration to a later partition, both of which are regarded as acceptable as they will not have any impact on the significance of the building.

There is a duty under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant listed building consent for any works, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. 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 proposals are consistent with the aims, requirements and objectives of the primary legislation, planning policy and accompanying guidance.

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 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 Metal Double Door and Timber Door Details (Bespoke Trigger)

No installation of the metal double doors or timber doors shall commence until full details comprising 1:1 or 1:2 horizontal and vertical sections 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.

4 Rear Elevation as Proposed (Bespoke Trigger)

No installation of the external metal double doors shall commence until an elevation (1:20) that clearly shows how the new arch will be formed associated with the proposed doors has 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.

5 Opening masonry and making good (Compliance)

All stonework associated with the proposals to be made good using an appropriate lime mortar to match the historic mortar originally used to construct the existing historic extension in terms of colour, aggregate matrix, texture and depth and the opening shall be formed using arch and quoin details to match the existing openings.

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.

6 Materials (Bespoke Trigger)

No construction associated with the proposed new openings shall commence until samples of all associated materials and finishes to be used have been provided 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.

PLANS LIST:

1 CLC5/321/101 EXISTING & PROPOSED PLANS AND DETAIL and CLC5/321/102 Site Location Plan and HERITAGE STATEMENT date stamped 28 July 2017.

2 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 Framework. For the reasons given, and expanded upon in a related case officer's report, a positive view of the submitted proposals was taken and consent was granted.

3 Condition Categories

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

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

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

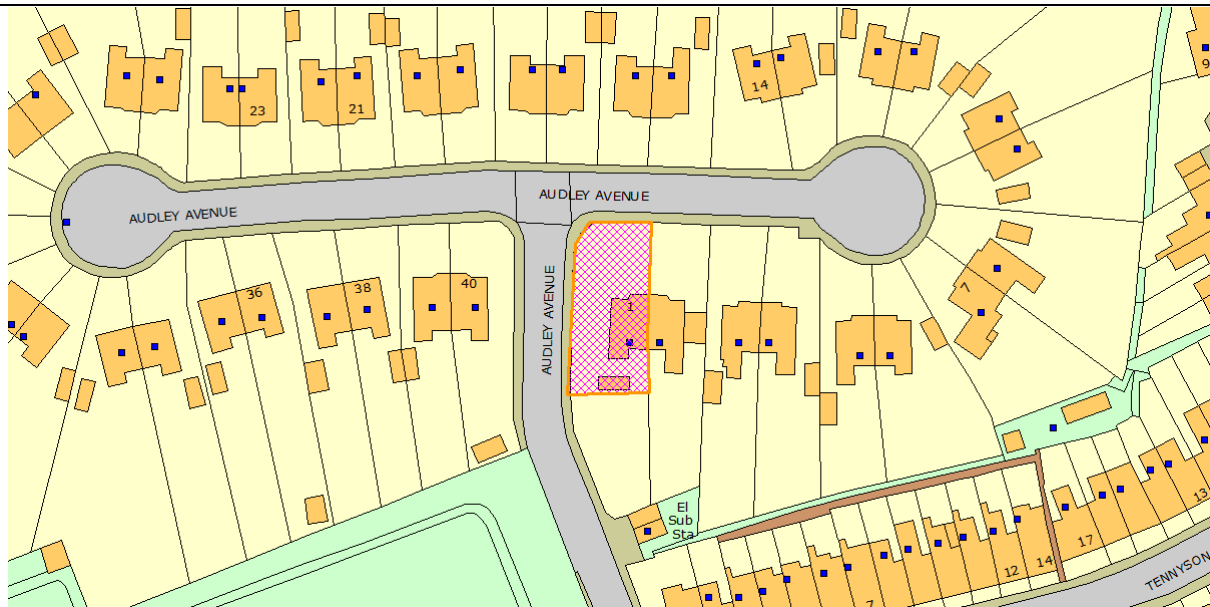
Pre-occupation - The condition requires the submission and approval of further information, drawings or details before occupation of all or part of the approved development.

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

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

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

Item No:	06
Application No:	17/03930/FUL
Site Location:	1 Audley Avenue Lower Weston Bath Bath And North East Somerset BA1 3BL



Ward: Kingsmead

Parish: N/A

LB Grade: N/A

Ward Members: Councillor Chris Pearce Councillor Andrew Furse

Application Type: Full Application

Proposal: Removal of front boundary low wall and fence and formation of off street parking with permeable hardstanding

Constraints: Article 4 Bath Demolition Wall, Article 4 HMO, , Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP9 Affordable Housing Zones, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, SSSI - Impact Risk Zones,

Applicant: Mr & Mrs Tavender

Expiry Date: 16th November 2017

Case Officer: Chloe Buckingham

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

Cllr Andrew Furse has requested that the application be considered by committee and the chair of committee has agreed to this request for the following reason:

The arboriculture report addresses the safe retention of a tree which was an issue but changes have been made to reduce the spaces provided by 1 so it no longer contravenes planning policy.

Concerns raised by highways are clearly controversial however, when reading the highways report the concerns were not seen as a refusal and the additional parking spaces were seen as a positive for road safety subject to conditions.

It was therefore recommended that the application be determined by DMC so the issues can be debated in public so all views can be expressed.

DESCRIPTION OF SITE AND APPLICATION:

This application relates to a semi-detached house located within the Bath World Heritage Site and conservation area. The application seeks planning permission for the removal of a front boundary wall and fence and formation of off-street parking with permeable hardstanding.

Relevant Planning History:

DC - 01/01786/FUL - PERMIT - 7 January 2002 - Erection of a two storey side extension
DC - 11/04188/TCA - NOOBJ - 3 November 2011 - Silver Birch - remove secondary leader growing towards house, thin remaining crown by 20% and reshape

SUMMARY OF CONSULTATIONS/REPRESENTATIONS CONSULTATION RESPONSES:

Cllr Andrew Furse: Call-in to committee request for the following reasons: The proposal will be detrimental to the residential amenity and there seems no rationale why further parking would be required at this dwelling when there is significant parking on a hard standing at the rear. Making the front of this building a hard standing would impact the street scape and really detract from the original design of the street. Having more parking in addition to the rear hardstanding is suspicious. Access and egress issue for this property appears to be difficult - it is close to the corner of this road.

Highways: No objection subject to three conditions and an advisory.

Arboriculture: No objection subject to one condition.

Third party comments: 30 Objections received. It must be noted that many objections received simply explained that there was an opposition to the proposal but no planning reasons were given as to why. For those objections that gave planning reasons the main points highlighted were:

- * The proposed parking plan has highway safety implications.
- * The property already has an extensive car park to the rear for 12 cars.
- * Tree in front garden adds visual amenity- would not want the tree removed or damaged.
- * There will be an increase in traffic which will have highway safety issues.
- * Ulterior motive to rent out/sell the parking spaces.

POLICIES/LEGISLATION

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:

- * 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

The following B&NES Core Strategy policies should be considered:

- * CP6 - Environmental Quality
- * CP2 - Sustainable construction
- * B4 - World Heritage Site

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

- * D1 General urban design principles
- * D2 Local character and distinctiveness
- * D3 Urban Fabric
- * D4 Streets and Spaces
- * D5 Building Design
- * D6 Amenity
- * ST1 Promoting sustainable travel
- * HE1 Historic Environment
- * ST7 Transport Access and Development Management

LEGAL FRAMEWORK

- * Town and Country Planning Act, 1990

NATIONAL PLANNING POLICY FRAMEWORK, MARCH 2014

- * 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.

OFFICER ASSESSMENT

PRINCIPLE OF PROPOSED USE:

The application site is located within the Bath settlement boundary and therefore the principle of development is considered acceptable subject to compliance with all other policies.

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

The proposal is to remove the front boundary low wall and fence to form off-street parking to the front of the property with permeable hardstanding. The applicant also proposes a new dropped kerb to the front of the property which will need a separate licence from the council. It is noted that other properties on the street have parking to the front and so

overall it is considered that the proposal is acceptable in terms of character and appearance.

Information has been provided which explains that the final surface will match the existing and that a product called Core Drive 38-25 R will be used. The product has a depth of 25mm and the applicants' response is that this will be laid over a 135mm compacted hardcore base.

The applicant has provided a photograph of a section of the current loose material removed to a depth of approx. 240mm which should be sufficient. There is no objection provided that the existing material will be used as a base once loose material has been removed to accommodate the grid system. It has been explained that 50mm edging will be incorporated around the trunk of the Silver Birch but no details have been provided on how the edging will be installed without excavation. Timber edging supported by wooden pegs would avoid the use of concrete.

Furthermore, no information has been provided regarding the base for the tarmac by the access. Visibility splays are recommended by condition from Highways which would require alterations to the boundary treatment close to the tree. Therefore an arboricultural method statement will be conditioned as part of the permission.

IMPACT ON RESIDENTIAL AMENITY:

It is not considered that the proposal will have any significant negative residential amenity impacts on the neighbouring occupiers.

PLANNING OFFICER ASSESSMENT OF HIGHWAY ISSUES:

Whilst objection comments have been received to explain that the proposal will increase traffic and exacerbate the parking situation, it is considered that the provision of off-street parking is likely to benefit highway safety and operation at this location by alleviating the pressure on on-street parking which appears to be in high demand. It is also noted that the majority of properties on Audley Avenue benefit from private off-street parking.

Objection comments have also mentioned that the parking area to the rear provides 12 spaces for parking. However, as shown on the existing and proposed block plan this area to the rear is outside of the red-line boundary concerning this application and it is thought that the provision of further off-street parking is beneficial.

It is recommended that the area of driveway between the access and 5m in from the public highway be surfaced with a bound material such as tarmacadam in order to prevent loose material from spilling onto the highway.

The provision of a 2.4m x 2.4m visibility splay will be required so that pedestrians and drivers can see each other when a car is departing the site. This is likely to require the lowering of the boundary wall/fence to no greater than 600mm above the level of the back of the footway on both sides of the access.

OTHER ISSUES

Objection comments have explained that there may be an ulterior motive to the provision of off-street parking, in that the applicant may sell the spaces off or rent them out. However, speculating about what the applicant may wish to do with the spaces in the future is not something that can be considered as a part of the planning assessment. It is also worth noting here that a condition shall be included to this permission to explain that the parking spaces shall not be used other than for parking of vehicles in connection with the development.

CONCLUSION:

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. Full consideration has been given to these duties in reaching the decision to permit consent for the proposed works.

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 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.

3 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.

4 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.

5 Vehicle Visibility Splay (Prior to first use)

Prior to first use the proposed access shall incorporate splays on both its sides to the rear of the existing footway based on co-ordinates of 2.4m x 2.4m and which shall be kept free of obstruction above a height of 600mm.

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

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:

This decision relates to;

Existing and Proposed Site Plan and Block Plan (SMH/06/17/16-01) received 15th August 2017.

Existing and Proposed Plans and Elevations (SMH/06/17/16-02 A) received 31st 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.

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 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 vehicular crossing. The access shall not be brought into use until the details have been approved and constructed in accordance with the current Specification.