

Bath & North East Somerset Council

MEETING: **Development Management Committee**

MEETING DATE: **13th December 2017**

AGENDA
ITEM
NUMBER

--

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.

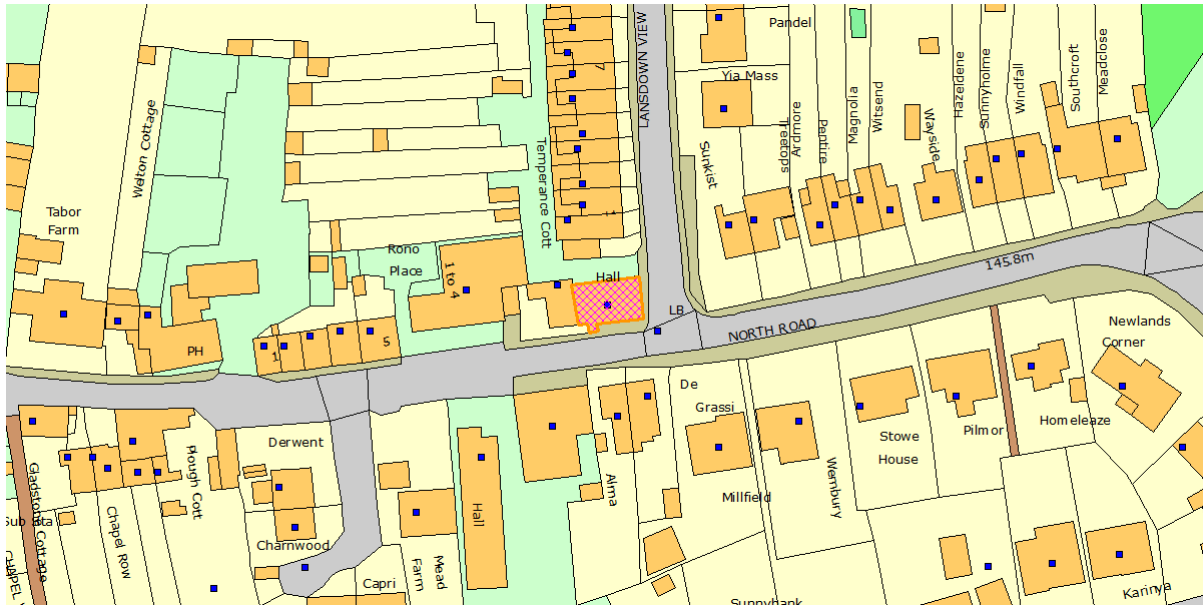
- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting 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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02	17/04236/FUL 30 October 2017	Mr K N Scammell 30 Woodcroft, Bishop Sutton, Bristol, Bath And North East Somerset, BS39 5XN Erection of first floor side extension to form bedroom with en-suite	Chew Valley South	Hayden Foster	REFUSE
03	17/04541/FUL 1 December 2017	Mr And Mrs Costanza 104 High Street, Bathford, Bath, Bath And North East Somerset, BA1 7TH Erection of single and double storey rear extension.	Bathavon North	Caroline Power	REFUSE
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REPORT OF THE GROUP MANAGER, DEVELOPMENT MANAGEMENT ON APPLICATIONS FOR DEVELOPMENT

Item No: 01
Application No: 17/03341/FUL
Site Location: St John's Ambulance Hall North Road Timsbury Bath Bath And North East Somerset



Ward: Timsbury **Parish:** Timsbury **LB Grade:** N/A
Ward Members: Councillor Douglas Deacon
Application Type: Full Application
Proposal: Conversion of former hall to 2 no. dwellings
Constraints: Affordable Housing, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary, SSSI - Impact Risk Zones,
Applicant: Mr Christopher Williams
Expiry Date: 20th December 2017
Case Officer: Samantha Mason

REPORT

REASON FOR APPLICATION BEING REFERRED TO COMMITTEE

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

"I have studied the application noting objections from both the Ward Councillor and Parish Council as well as third party and statutory consultee comments. The application has been modified as it has progressed to address the impact rear of the first floor would have on neighbours, the report explains how the application is in line with relevant planning policy

however the issue of parking remains controversial and for this reason I recommend the application be determined by the Development Management Committee so the concerns raised can be debated fully."

THE SITE

The application relates to St John's Ambulance Hall (also known as Temperance Hall) situated on the corner of North Road and Lansdown View in Timsbury. The site is located within the Housing Development Boundary.

THE PROPOSAL

The application seeks to convert the former hall into two dwellings.

PLANNING HISTORY

No relevant planning history identified.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

TIMSBURY PARISH COUNCIL - Objection for the following reasons:

- Overdevelopment.
- Lack of parking.
- Bicycle storage is not appropriate in a rural village.

COUNCILLOR DOUGLAS DEACON - Objection for the following reasons:

- Lack of parking.
- Bad visibility when leaving the site.
- Overdevelopment.

HIGHWAYS - No objection, subject to a condition to secure bicycle storage.

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

ENVIRONMENTAL PROTECTION - No objection, subject to condition.

BUILDING CONTROL - No observations.

OTHER REPRESENTATIONS / THIRD PARTY COMMENTS -

2 letters of objection received which can be summarised as follows:

- Lack of parking.
- Access to the building should be solely from North Road because Temperance Road is a private access for Lansdown View only.
- Windows on upper rear elevation encourage overlooking into the adjacent No. 1 Lansdown View.

1 letter of support received stating that it will be better for the village to have houses rather than an empty building.

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 CP6: Environmental quality
Policy CP10: Housing mix

RELEVANT PLACEMAKING PLAN POLICIES

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

Policy SCR5: Water efficiency
Policy D1: General urban design principles
Policy D2: Local character and distinctiveness
Policy D4: Streets and spaces
Policy D5: Building design
Policy D6: Amenity
Policy HE1: Historic environment
Policy PCS7A: Foul sewage infrastructure
Policy H3: Residential uses in existing buildings
Policy H7: Housing accessibility
Policy LCR3A: Primary school capacity
Policy LCR7B: Broadband - superfast infrastructure
Policy LCR9: Increasing the provision of local food growing
Policy ST1: Sustainable transport

Policy ST7: Transport requirements for managing development

National Planning Policy Framework (March 2012) and the National Planning Practice Guidance (March 2014) can be awarded significant weight. The following sections of the NPPF are of particular relevance:

Section 6: Delivering a wide choice of high quality homes

Section 7: Requiring good design

Section 12: Conserving and enhancing the historic environment

OFFICER ASSESSMENT

PRINCIPLE OF DEVELOPMENT

The site is located within the Timsbury Housing Development Boundary where the principle of residential development is acceptable, subject to other material considerations. Policy H3 of the Placemaking Plan states that the subdivision of existing buildings will be permitted unless the residential use creates a severe transport impact (in a way that the existing use would not); the development does not prejudice the continued commercial use of ground/lower floors; and it would not harm a listed building.

The existing building, whilst clearly of some age and character, is not listed and has no existing commercial use. The Parish Council has confirmed that the hall has not been used as a place of assembly (D2 use class) since the 1970s and that two other halls have been built in the village with appropriate parking since this date. The hall has been used as storage (B8 storage use class) for at least the last 10 years.

The impact on highways and parking is discussed below.

HIGHWAYS AND CAR PARKING

Based on the internal floor space (approx.160 sq.m) the existing site (either D2 or B8 use) will generate demand for 6 to 8 no. car parking spaces. Applying the parking standards outlined in policy ST7 of the newly implemented Placemaking Plan, the proposed dwellings will require a minimum of 4 no. parking spaces (i.e. 2 per dwelling). Thus the proposed development will have a lower demand for parking. As there are no parking facilities on site, residents will be required to park on nearby streets such as North Road and Lansdown View where on-street parking is unrestricted. While on-street parking is generally not desirable, the Highways Officer does not anticipate any impacts of significance relative to the sites existing use in terms of on-street parking. Furthermore, there appears to be space available to park on North Road and Lansdown View.

The sites sustainable location within the housing development boundary is also acknowledged. Its proximity to local services, facilities and public transport links will help encourage more sustainable means of travel as opposed to being dependent on a private car. Provision for 4 secure bicycle spaces has been recommended and in response to this the applicant has submitted revised drawings showing space for adequate cycle storage within the internal lobby space of each dwelling.

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

CHARACTER AND APPEARANCE

The building is an attractive building with historic interest. Its architectural features and name (Temperance Hall) suggest that it may once have been in a religious use.

Works to windows, including the type / amount of windows and glazing and materials used to make good, have been negotiated through the planning application process and are now considered acceptable.

Overall, it is not considered that the proposed works would harm the character or appearance of the existing building.

RESIDENTIAL AMENITY

The initial plans proposed to insert large window openings expanding across the ground and first floor on the rear elevation. Concerns were raised about the proposed aesthetics of these and also the potential for overlooking into the adjacent No. 1 Lansdown View. In response to feedback, revised plans have been received which remove the upper floor windows in favour of two conservation style roof lights. It is considered that this alteration safeguards the residential amenity of the neighbouring property by reducing the opportunity for and perception of overlooking.

The proposed development will be affected by noise from the adjacent road. An Environmental Noise Assessment (Matrix Accoustic Design Consultants, 31 October 2017) has been submitted with the application which confirms that acceptable internal acoustic conditions for residential use can be achieved with the provision of suitable façade sound insulation. Submission of details confirming that the required noise levels are achieved prior to occupation will be secured by planning condition.

OTHER MATTERS

Measures to meet the new policies in the recently adopted Placemaking Plan have been incorporated into the revised scheme. Examples of which include the addition of grey water tanks for both dwellings under the stairs and an area designated for growing produce on the roof of the porch (North Road side and accessed via a new window opening) for one of the dwellings. Other policy requirements, such as water efficiency and connectivity to broadband can be secured by planning condition.

Matters to surrounding contaminated land can be secured by condition.

CONCLUSION

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

RECOMMENDATION

PERMIT

CONDITIONS

1 Standard Time Limit (Compliance)

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

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

2 Bicycle Storage (Pre-occupation)

No occupation of the development shall commence until bicycle storage for at least 4 no. bicycles has been provided in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. The bicycle storage shall be retained permanently thereafter.

Reason: To secure adequate off-street parking provision for bicycles and to promote sustainable transport use in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

3 Contaminated Land - Unexpected Contamination (Compliance)

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

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

4 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.

5 Broadband (Pre-occupation)

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

subsequently be required. Furthermore should said viability evidence be approved in writing by the local planning authority, alternative solutions shall instead be provided in accordance with details which shall be submitted to and approved in writing by the local planning authority prior to first occupation.

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

6 Materials (Compliance)

All work to form new openings or make good of existing openings shall be finished in natural stone to match the existing building in respect of type, size, colour, pointing, coursing, jointing, profile and texture.

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.

7 Noise Mitigation (Pre-occupation)

On completion of the development but prior to any occupation of the approved development, the applicant shall submit to and have approved in writing by the Local Planning Authority, an assessment from a competent person to demonstrate that the development has been constructed to provide sound attenuation against external noise. The following levels shall be achieved: Maximum internal noise levels of 35dBLAeq,16hr and 30dBLAeq,8hr for living rooms and bedrooms during the daytime and night time respectively. For bedrooms at night individual noise events (measured with F time-weighting) shall not (normally) exceed 45dBLAmax.

Reason: To prevent excessive noise and protect the residential amenity of occupiers in accordance with policy PCS2 of the Bath and North East Somerset Placemaking Plan.

8 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 the following plans:

SITE LOCATION PLAN - received 12/07/2017
EXISTING GROUND FLOOR PLAN - received 12/07/2017
EXISTING FIRST FLOOR PLAN - received 28/09/2017
EXISTING ELEVATIONS - received 28/09/2017
PROPOSED GROUND FLOOR PLAN - received 28/09/2017
PROPOSED FIRST FLOOR PLAN - received 28/09/2017
PROPOSED ELEVATIONS - received 28/09/2017

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.

ADVICE NOTE: Desk Study and Walkover Survey

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

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

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

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: 02
Application No: 17/04236/FUL
Site Location: 30 Woodcroft Bishop Sutton Bristol Bath And North East Somerset
BS39 5XN



Ward: Chew Valley South	Parish: Stowey Sutton	LB Grade: N/A
Ward Members: Councillor Vic Pritchard		
Application Type: Full Application		
Proposal: Erection of first floor side extension to form bedroom with en-suite		
Constraints:	Bristol Airport Safeguarding, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Policy CP9 Affordable Housing Zones, LLFA - Flood Risk Management, Policy NE1 Green Infrastructure Network, Policy NE2A Landscapes and the green set, Policy NE5 Ecological Networks, Neighbourhood Plan, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,	
Applicant: Mr K N Scammell		
Expiry Date: 30th October 2017		
Case Officer: Hayden Foster		

REPORT

Reason for the application being referred to Committee

The application had been referred to the Committee chair following comments made by the Sutton Parish Council who had written in support of the application. The Committee chair has made the following comments:

I have studied the application & note the reasons given to support the proposed development by the PC are clearly related to their neighbourhood plan.

The Officer has assessed the application in line with relevant planning and has concluded that the proposal will have an overbearing impact on the host dwelling.

However I feel the points raised by the PC, who know their area well, are relevant & should be debated therefore I recommend the application be determined by the DMC.

Site Description and Proposal:

The application relates to a semi-detached house located off Woodcroft, which is within the residential area of Bishop Sutton.

The application seeks consent for the erection of a first floor side extension to form a bedroom with an en-suite.

Relevant Planning History:

WC17202- Permitted 1995- Single Storey Side Extension and Detached Double Garage

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses:

A consultation response was received from Stowey Sutton Parish Council in which the following was said:

The application should be considered against the Adopted Stowey Sutton Neighbourhood Plan;

The application site is inside the established housing development boundary.

Policy SSHP03 Development Character, which states that:

The Neighbourhood Plan will support future housing development which will reflect the character, varied materials and varied build design as identified through the Character Assessment and should be limited to infill within the amended HDB.

The height and scale of the proposed extension make it subservient to the existing property and the planned use of materials which match the existing building will meet the requirements of this policy.

Housing and Development Policy SSHP06 Lighting

Where lighting is proposed, it should be designed to avoid intruding into areas where darkness is a characteristic of the village. Any lighting scheme must not impact negatively near woodland edges or near hedgerows used by bats for foraging.

Although located in an existing area of housing development, away from hedgerows and woodlands the application specifically makes reference to control measures to minimise the effect of artificial lighting on the proposed extension. The application meets the requirements of SSHP06.

Stowey Sutton Parish Council voted on 4th October 2017 - Stowey Sutton Parish Council do not object to application 17/04236/FUL as it meets the aims of the relevant Neighbourhood Plan policies, SSHP03 and SSHP06.

Representations Received:

None received.

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:

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

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.1: General Urban Design Principles
- D.2: Local Character and Distinctiveness
- D.3: Urban Fabric
- D.5: Building Design
- D.6: Amenity
- ST7: Transport requirements for managing development

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).

The following policies of the Adopted Stowey Sutton Neighbourhood Plan are relevant to the determination of this application:

Policy SSHP03 Development Character
Housing and Development Policy SSHP06 Lighting

OFFICER ASSESSMENT

Planning permission is sought for the erection of a first floor side extension to form a bedroom with an en-suite. The proposal is to be associated with an end of terrace house located within the residential area of Bishop Sutton. The dwelling sits within the Bishop Sutton housing development boundary, and adjacent to a public footpath. The dwelling is also located just outside of the Green Belt, and outside of the Mendip Hills Area of Outstanding Natural Beauty (AONB).

Policy D.1 of the Placemaking Plan states that development will only be permitted if, amongst other things, the development enriches the character and qualities of places and contributes positively to local distinctiveness. Policy D.2 states that development proposals will be supported, if amongst other things they contribute positively to and do not harm local character and distinctiveness. Policy D.3 states that development proposals must contribute positively to the urban fabric and should, amongst other things, be designed in a way that does not adversely prejudice existing/ future development or compromise adjoining sites. Policy D.5 states that 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 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. 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.

Policies of the Adopted Stowey Sutton Neighbourhood Plan are relevant to the determination of this application. This can be seen with Policy SSHP03 Development Character which states development should reflect the character, varied materials and varied build design as identified through the Character Assessment and should be limited to infill within the amended HDB. Housing and Development Policy SSHP06 Lighting is also relevant. This policy states that where lighting is proposed, it should be designed to avoid intruding into areas where darkness is a characteristic of the village. Any lighting scheme must not impact negatively near woodland edges or near hedgerows used by bats for foraging.

Character and Design

It is noted that 30 Woodcroft has an existing single storey side extension (Application Reference: WC17202 Permitted 1995). This side extension had gone through numerous revisions where initially it was set to extend 7.5 metres in width from the front elevation,

narrowing to 6.2 metres in width from the rear elevation and (approximately) 6.8 metres in depth. Revisions had then been submitted which resulted in a side extension extending 6 metres in width and (approximately) 9.8 metres in depth. A final revision was then been submitted which resulted in the current side extension which measures 6 metres in width at the front, narrowing to 5 metres in width at the rear and (approximately) 9.8 metres in depth.

Concerns had been raised in regards to the size of the existing extension within this application. This is because the extension extended beyond the front building line of the existing house. However, it had been concluded that the reduction in width of the extension visible from Woodcroft had minimised its visual impact.

In regards to the current proposal to extend above the existing extension it is notable that this extension will be visible from the street. It is also noted that the proposal will extend further past the existing house to the front and rear. As such the proposed first floor side extension does not compliment or enhance the host building. The proposed first floor side extension is not of an appropriate grain that reflects the local character.

Of particular concern is the fact that the proposed extension will result in a side extension being significantly larger than the existing house. This will detract from the appearance of the existing pair of semi-detached houses and, coupled with the existing double garage in the front garden, result in the overdevelopment of the site contrary to policy D1, D2, D3 and D5 of the Bath and North East Somerset Placemaking Plan.

An option had been put forward to the agent and applicant for a revised first floor side extension reduced in depth to allow the building form to match the existing house however, the applicant and agent felt that the current proposal presented a design more complimentary to the existing building.

Residential Amenity

With regard to the impact upon the adjacent properties (29, 31 and 32 Woodcroft), the siting and scale of the proposed first floor side extension is orientated so that it would not have a detrimental impact upon the residential amenity of the neighbouring occupiers in terms of loss of privacy, light or overbearing impact.

Due to the orientation of the property and the location of the side extension, the proposal will not reduce daylight or sunlight levels to neighbouring properties. The first floor side extension will not cause overlooking to neighbouring properties.

Highways and Transport

It is considered that the proposal will not result in the loss of off-street parking. It is also noted that there will be no impacts of significance on the public highway. As a result there is no issue in regards to highways and transport.

Conclusion

For the reasons set out in the above report the application is recommended for refusal. The proposed first floor side extension is considered to be overdevelopment which would be out of keeping with the character and grain of development in the immediate area.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed first floor side extension is considered to be overdevelopment which would be out of keeping with the character and grain of development in the immediate area contrary to policy D1, D2, D3 and D5 of the Bath and North East Somerset Placemaking Plan.

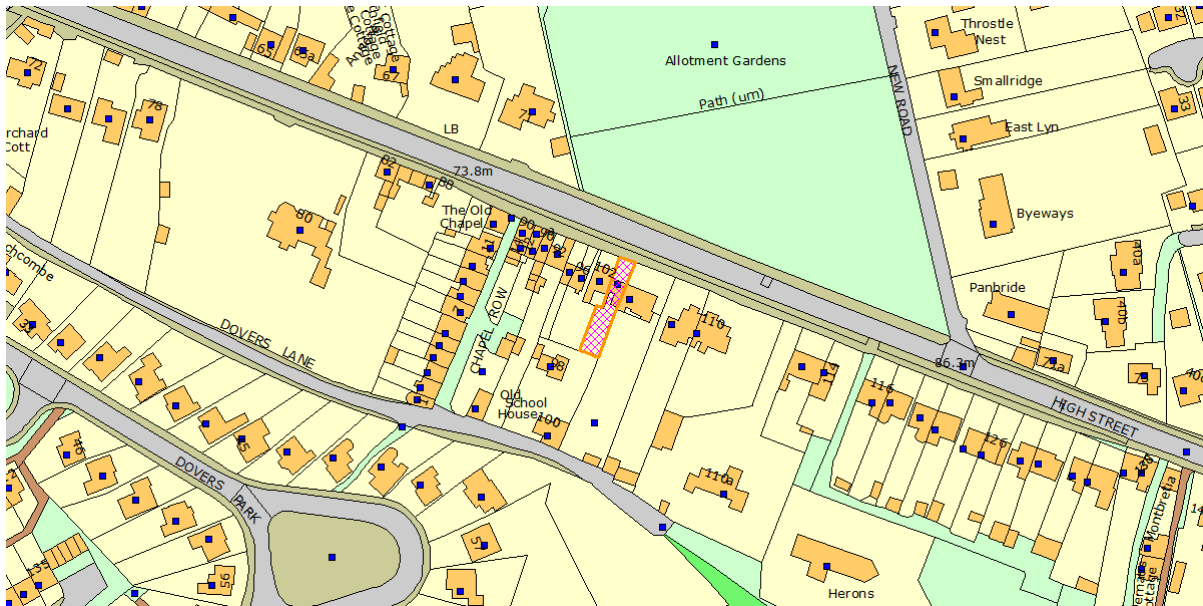
PLANS LIST:

This decision relates to the following plans received 4th September 2017:

Drawing Number: 1725/02- Existing and Proposed Ground Floor Plan
Drawing Number: 1725/03- Existing and Proposed First Floor Plan
Drawing Number: 1725/04- Existing and Proposed Roof Plan
Drawing Number: 1725/05- North and East Elevations
Drawing Number: 1725/06- West and South Elevations
Drawing Number: 1725/07- Proposed Ground Floor Plan
Drawing Number: 1725/08- Proposed First Floor Plan
Drawing Number: 1725/09- Proposed Front and Rear Perspectives

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

Item No: 03
Application No: 17/04541/FUL
Site Location: 104 High Street Bathford Bath Bath And North East Somerset BA1 7TH



Ward: Bathavon North **Parish:** Bathford **LB Grade:** II
Ward Members: Councillor M Veal Councillor Alison Millar Councillor Geoff Ward
Application Type: Full Application
Proposal: Erection of single and double storey rear extension.
Constraints: Agric Land Class 1,2,3a, Policy B4 WHS - Indicative Extent, Conservation Area, Policy CP9 Affordable Housing Zones, Housing Development Boundary, Listed Building, MOD Safeguarded Areas, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,
Applicant: Mr And Mrs Costanza
Expiry Date: 1st December 2017
Case Officer: Caroline Power

REPORT

Reason for reporting application to committee;

The parish council have not objected to the application contrary to the case officers recommendation to refuse.

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.

No. 104 is grade II listed and faces onto Bathford High Street. It is constructed from local stone ashlar to the front with a coarsed rubble stone rear elevation. The main roof has a

stone tiled covering. It is the central cottage of a group of three being sandwiched between Nos 102 and 106, both larger houses and also grade II listed. This group is within the Bathford Conservation Area.

These dual applications are to replace a single storey lean-to extension on the rear of this artisan's cottage with a two storey extension and to add an infill single storey extension to increase the footprint at ground floor. The scheme has been amended since it was originally submitted to omit a proposed porch on the front elevation and to reduce the size of the 1st floor bathroom.

Planning History.

DC - 03/01764/LBA - CON - 30 September 2003 - Demolition of existing flat roof extension and replace with single storey pitched roof extension and internal alterations to provide shower room.

DC - 17/04541/FUL - PCO - - Erection of single and double storey rear extension.

DC - 17/04542/LBA - PDE - - Internal and external alterations for the erection of single and double storey rear extension.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Bathford Parish Council- No objection. The proposed extension to the rear of the property will not be visible from the High Street and therefore will have no adverse effect on the street scene.

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:

CP2- Sustainable Construction

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 & Distinctiveness

D.6- Amenity

HE1- Historic Environment

ST7- Transport requirements for managing development and Parking Standards

National Policy:

The National Planning Policy Framework adopted March 2012 and National Planning Practice Guidance.

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

There is 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

No. 104, High Street, Bathford is a rare example of a simple artisans cottage, relatively unaltered externally and in its plan form on the ground floor. Originally, the house had a one up, one down plan with a central fireplace on each floor and a small winding staircase for access between floors.

This property presently comprises of a ground floor living room with a kitchen in a lean-to extension that was constructed in 2003. Upstairs there are two bedrooms and a bathroom. There are some similar cottages with a single room plan form in Bathford that generally date from the

18th c. However, No 104 is one of the better examples due to the relatively little intervention to it, including the uninterrupted stone tiled roof slopes to both elevations.

The revised proposals comprise of a two storey extension to house a 1st floor bedroom and allow for a larger kitchen on the ground floor as this will be extended into the single storey extension that will incorporate the whole of the courtyard area immediately to the rear of the main cottage. The two storey element will be constructed in bath stone with a slate tiled gabled roof and timber windows. The single storey addition to form the larger kitchen area is primarily a glazed structure with a glass lantern roof. The application is accompanied by a listed building application which will also assess the impact of the works to the significance of the listed building. The drawings have been revised since the original submission removing the front porch and reducing the amount of fabric loss to the rear wall at 1st floor level.

Design and Impact on the Listed Building:

At ground floor level it is proposed to construct a larger kitchen which will be created on the footprint of the existing 2003 extension with an additional area formed within the courtyard as a single storey extension. This addition would extend from the rear elevation to match the depth of the proposed adjacent extension and be built up to the party wall of the neighbours property at No.102.

At 1st floor the two storey extension would form a third bedroom to the property, by knocking through two existing casement windows and some of the stone wall to create access through from the main building. This extension is mainly a solid stone construction with the single storey addition a light weight glass design, using appropriate materials.

The combination of these two elements on the back of the existing cottage is considered excessive and creates an extension of disproportionate size that will be at odds with the character of the main house. The combined extensions would span the entire width of the rear elevation almost obscuring the full length of this part of the property at ground floor level. The scale and height of the 2 storey addition is considered to dominate the rear elevation of the building and represents a harmful addition to the character of the building. The adjacent property at No 106 has been extended with a similar two storey pitched roof extension. However, this house is larger than No 104 and this is therefore considered to be a proportionate addition. It is not considered to set a precedent for the current proposal as each application is assessed based upon its own merits.

There is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant listed building consent for any works, to have special regard to the desirability of preserving the building or its setting or any features of special

architectural or historic interest which it possesses. It is considered that the proposals will cause significant harm to the special historic and architectural interest of this modest house by adding an extension that is out of proportion to the original building and from the loss of historic fabric at first floor level.

In the terms of the National Planning Policy Framework the harm caused is classed as less than substantial, even though it is considered significant. It must therefore be weighed against the public benefits of the proposal. The fundamental principle of allowing this harmful addition to the building has not been justified in terms of any public benefit. The NPPF also advises that heritage assets are irreplaceable and great weight should be given to the asset's conservation.

Amenity:

The extensions would not result in the loss of amenity for the closest dwellings; Nos 102 and 106. There would be no overlooking as a result of the addition. The first floor extension would include the addition of a single window for a bedroom; however, this would not cause overlooking due to the existing relationship between the application site and neighbouring properties.

Impact on the character and appearance of the conservation area;

There is a duty placed on the Council 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 or appearance of conservation areas.

The proposed development would result in cumulative extensions projecting onto and disrupting the original roof slope of the main building. The combined extensions to the building would result in an excessive and overly dominant addition to the original building to the detriment of its character and appearance. The proposal would result in a back-heavy form of development which would be out of keeping with the original form of the building. The mix of roof forms and eaves heights to the retained and proposed extensions

would result in a contrived and clumsy appearance which would detract from the historic core of the building, thereby eroding the character and appearance of this part of the Bathford Conservation Area.

Other Matters;

The structural impact of development on neighbouring properties and Party Wall Agreements are private property matters and are not material planning considerations. There are no Highways issues regarding this proposal.

Conclusion:

The key issues relate to the impact upon the character of the listed building and impact upon amenity. The extensions would not impact on residential amenity. In this case the combination of both extensions are considered to be disproportionate to the original building and are therefore out of keeping with the character of the listed building and the alterations would harm the architectural interest which the building possesses. As such, the proposals would conflict with the statutory requirements, as well as the national and local planning policies and cannot be supported. It is therefore recommended that application should be refused.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed combination of extensions by reason of their overall width, height and proportions would be out of proportion and at odds with the special character of the listed building. In addition, the loss of historic fabric to the rear elevation of the cottage would be detrimental to the significance of this listed heritage asset. This would be contrary to Policy HE1 of the Placemaking Plan and paragraph 134 of the NPPF.

PLANS LIST:

Drawing 20 Sep 2017 DWG/01 SITE PLAN AND LOCATION PLAN

Drawing 20 Sep 2017 DWG/02 FLOOR PLANS AS EXISTING

Drawing 20 Sep 2017 DWG/03 ELEVATIONS AS EXISTING

Drawing 21 Sep 2017 SIDE ELEVATIONS

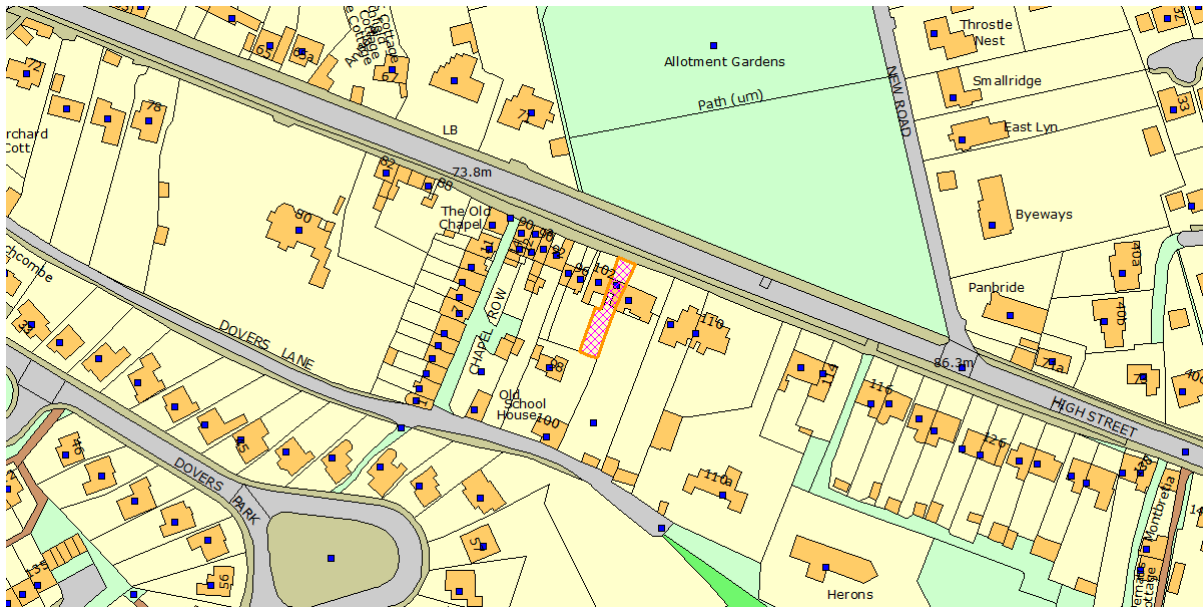
Revised Drawing 30 Nov 2017 AMENDMENTS

Revised Drawing 30 Nov 2017 AMENDMENTS

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: 04
Application No: 17/04542/LBA
Site Location: 104 High Street Bathford Bath Bath And North East Somerset BA1 7TH



Ward: Bathavon North **Parish:** Bathford **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 erection of single and double storey rear extension.

Constraints: Agric Land Class 1,2,3a, Policy B4 WHS - Indicative Extent, Conservation Area, Policy CP9 Affordable Housing Zones, Housing Development Boundary, Listed Building, MOD Safeguarded Areas, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,

Applicant: Mr And Mrs Costanza

Expiry Date: 1st December 2017

Case Officer: Caroline Power

REPORT

Reason for reporting application to committee;

The parish council have not objected to the application contrary to the case officers recommendation to refuse.

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

No. 104 is grade II listed and faces onto Bathford High Street. It is constructed from local stone ashlar to the front with a coarsed rubble stone rear elevation. The main roof has a stone tiled covering. It is the central cottage of a group of three being sandwiched between Nos 102 and 106, both larger houses and also grade II listed. This group is within the Bathford Conservation Area.

These dual applications are to replace a single storey lean-to extension on the rear of this artisan's cottage with a two storey extension and to add an infill single storey extension to increase the footprint at ground floor. The scheme has been amended since it was originally submitted to omit a proposed porch on the front elevation and to reduce the size of the 1st floor bathroom.

Planning History.

DC - 03/01764/LBA - CON - 30 September 2003 - Demolition of existing flat roof extension and replace with single storey pitched roof extension and internal alterations to provide shower room

DC - 17/04541/FUL - PCO - - Erection of single and double storey rear extension.

DC - 17/04542/LBA - PDE - - Internal and external alterations for the erection of single and double storey rear extension.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Bathford Parish Council- No objection. The proposed extension to the rear of the property will not be visible from the High Street and therefore will have no adverse effect on the street scene. The character of the listed building will not be adversely affected.

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 - Conservation Principles

OFFICER ASSESSMENT

No. 104, High Street, Bathford is a rare example of a simple artisans cottage, surviving relatively unaltered externally and in its plan form on the ground floor. Originally, the house had a one up, one down plan with a central fireplace on each floor and a small winding staircase for access between floors. This property presently comprises of a ground floor living room with a kitchen in a lean-to extension that was constructed in 2003. Upstairs there are two bedrooms and a bathroom. There are some similar cottages with a single room plan form in Bathford that generally date from the 18th c. However, No 104 is one of the better examples due to the relatively little intervention to it, including the uninterrupted stone tiled roof slopes to both elevations.

The revised proposals comprise of a two storey extension to house a 1st floor bedroom and allow for a larger kitchen on the ground floor extending into the single storey extension that will incorporate the whole of the courtyard area immediately to the rear of the main cottage. The two storey element will be constructed in bath stone with a slate tiled gabled roof and timber windows. The single storey addition to form the larger kitchen area is primarily a glazed structure with a glass lantern roof. Internally, the main alteration will be to form a new opening in the rear wall at 1st floor level by removing two casement windows, thus providing access to a third bedroom.

The key issues relating to this site are the impact upon the historic fabric and character of the listed building;

The back of No. 104 is relatively unaltered, still retaining important historic features synonymous to its 18th c origins, including the back door and its flat stone hood and the window openings at first floor level above the lean-to together with the uninterrupted main gable roof line with stone tiles. These all contribute towards the character and significance of this listed building. The only alteration is the addition of the existing single storey lean-to which was added in 2003, replacing a flat roofed single storey bathroom extension. This

extension appears to have been carefully executed, built in stone with a clay tiled roof. The window casements have replicated the form of window casements on the first floor. This existing lean-to has been added in a way that respects the character of the back of this property by being single storey and retained on one side of the cottage, thus allowing much of the original structure to be exposed.

Design and Impact on the Listed Building:

At ground floor level it is proposed to construct a larger kitchen which will be created on the footprint of the existing 2003 extension with an additional area formed within the courtyard as a single storey extension. This addition would extend from the rear elevation to match the depth of the proposed adjacent extension and be built up to the party wall of the neighbours property at No.102. At 1st floor the two storey extension would form a third bedroom to the property, by knocking through two existing casement windows and some of the stone wall to create access through from the main building. This extension would also be linked to the main roof requiring alterations to the historic roof structure and the removal of stone tiles from the roof.

The combination of these two proposed elements on the back of the existing cottage is considered excessive and creates an extension of disproportionate size that will be at odds with the character of the main house. The combined extensions would span the entire width of the rear elevation almost obscuring the full length of this part of the property at ground floor level. The scale and height of the 2 storey addition is considered to dominate the rear elevation of the building and represents a harmful addition to the character of the building. The adjacent property at No 106 has been extended with a similar two storey pitched roof extension. However, this house is larger than No 104 and this is therefore considered to be a proportionate addition. It is not considered to set a precedent for the current proposal as each application is assessed based upon its own merits.

Taken together, the cumulative impact of both extensions on the rear elevation will cause harm to the character and significance of the building. Despite the recent amendments to the applications, the principle of the two storey and single storey extensions across the back of this property are still considered to be harmful to the significance of this listed 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. It is considered that the proposals will cause significant harm to the special historic and architectural interest of this modest house by adding an extension that is out of proportion to the original building and from the loss of historic fabric at first floor level.

In the terms of the National Planning Policy Framework the harm caused is classed as less than substantial, even though it is considered significant. It must therefore be weighed against the public benefits of the proposal. The fundamental principle of allowing this harmful addition to the building has not been justified in terms of any public benefit. The NPPF also advises that heritage assets are irreplaceable and great weight should be given to the asset's conservation.

There is a duty place on the Council 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 or appearance of conservation areas.

The proposed development would result in cumulative extensions projecting onto and disrupting the original roof slope of the main building. The combined extensions to the building would result in an excessive and overly dominant addition to the original building to the detriment of its character and appearance. The proposal would result in a back-heavy form of development which would be out of keeping with the original form of the building. The mix of roof forms and eaves heights to the retained and proposed extensions would result in a contrived and clumsy appearance which would detract from the historic core of the building, thereby eroding the character and appearance of this part of the Bathford Conservation Area.

As such, the proposals would conflict with the statutory requirements, as well as the national and local planning policies and cannot be supported. It is therefore recommended that application should be refused.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed combination of extensions by reason of their overall width, height and proportions would be out of proportion and at odds with the special character of the listed building. In addition, the loss of historic fabric to the rear elevation of the cottage would be detrimental to the significance of this listed heritage asset. This would be contrary to Policy HE1 of the Placemaking Plan and paragraph 134 of the NPPF.

PLANS LIST:

Drawing	20 Sep 2017	DWG/01	SITE PLAN AND LOCATION PLAN
Drawing	20 Sep 2017	DWG/02	FLOOR PLANS AS EXISTING
Drawing	20 Sep 2017	DWG/03	ELEVATIONS AS EXISTING
Drawing	21 Sep 2017		SIDE ELEVATIONS
Revised Drawing	30 Nov 2017		AMENDMENTS
Revised Drawing	30 Nov 2017		AMENDMENTS

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.