

Bath & North East Somerset Council

MEETING: **Development Management Committee**

MEETING DATE: **6th June 2018**

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.

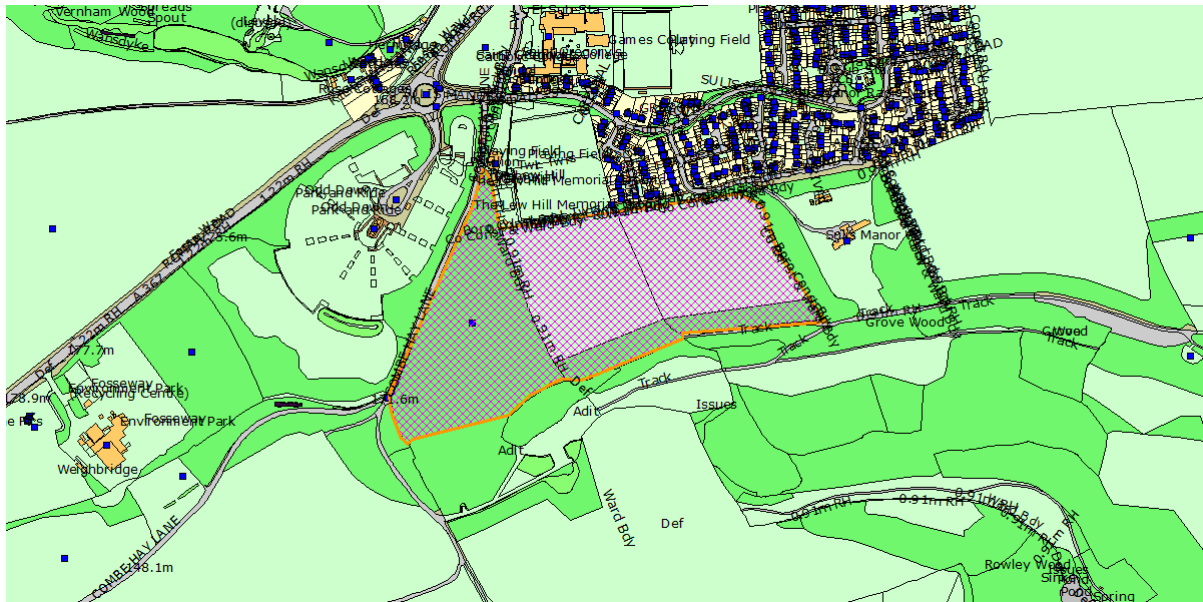
INDEX

ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	17/02588/EFUL 22 September 2017	Hignett Family Trust & Bloor Homes Parcel 4234, Combe Hay Lane, Combe Hay, Bath, Full planning permission for the erection of 171 residential units, open space, green infrastructure, landscaping and associated works including provision of vehicular access from Combe Hay Lane	Bathavon West	Gwilym Jones	PERMIT
02	17/06214/FUL 11 May 2018	Dominvs Project Company 8 Ltd City Of Bath College, Milk Street, City Centre, Bath, Bath And North East Somerset Demolition of existing building and erection of new hotel	Kingsmead	Chris Gomm	Delegate to PERMIT
03	15/01802/FUL 15 June 2018	Mr Martin Pera Church Farm Derelict Property, Church Hill, High Littleton, Bristol, Construction of new pedestrian and vehicular access to Church Farm, High Littleton from A39 High Street following removal of section of boundary wall.	High Littleton	Laura Batham	PERMIT
04	18/00650/FUL 17 May 2018	Mr Albert Durici Highfields, White Cross, Hallatrow, Bristol, Bath And North East Somerset Erection of a dwellinghouse following demolition of conservatory.	High Littleton	Hayden Foster	REFUSE
05	18/01057/VAR 8 June 2018	Mr A Dark Grey House, Staunton Lane, Whitchurch, Bristol, Bath And North East Somerset Variation of condition 11 (Plans List) of application 17/03785/FUL (Erection of a new 3 bedroom dwelling with double garage.)	Publow And Whitchurch	Alice Barnes	PERMIT

06	18/01184/FUL 8 June 2018	Mr Hugh Knowles Garri House, Tynning Road, Combe Down, Bath, Bath And North East Somerset Erection of two-storey rear extension following demolition of single-storey rear extensions and minor internal works.	Combe Down	Alice Barnes	PERMIT
07	18/01224/FUL 8 June 2018	Mr Ciprian Rosca 4 Lytton Grove, Keynsham, Bristol, Bath And North East Somerset, BS31 1NE Change of use from dwelling house (Use Class C3) to 9 bed HMO (House in Multiple Occupation) (Use class sui generis) and the erection of a single storey rear extension.	Keynsham East	Rae Mepham	PERMIT
08	18/01435/FUL 8 June 2018	Mr Andrew Lapham 27 Westfield Park, Newbridge, Bath, Bath And North East Somerset, BA1 3HS Change of use from residential (Class C3) to a HMO (Class C4)	Newbridge	Christine Moorfield	PERMIT
09	18/01367/FUL 7 June 2018	Mr Chris Grew 17 Queenwood Avenue, Fairfield Park, Bath, Bath And North East Somerset, BA1 6EU Erection of rear pitched roof dormer (Revised proposal).	Walcot	Chloe Buckingham	REFUSE
10	18/01253/LBA 15 May 2018	Ms Mary Barber Fray 6 Johnstone Street, Bathwick, Bath, Bath And North East Somerset, BA2 4DH Internal alterations for the installation of a corner shower unit, 12no recessed ceiling lights and for the retention of ground floor shutters (Regularisation)	Abbey	Caroline Waldron	REFUSE

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

Item No: 01
Application No: 17/02588/EFUL
Site Location: Parcel 4234 Combe Hay Lane Combe Hay Bath



Ward: Bathavon West **Parish:** South Stoke **LB Grade:** N/A

Ward Members: Councillor David Veale

Application Type: Full Application with an EIA attached

Proposal: Full planning permission for the erection of 171 residential units, open space, green infrastructure, landscaping and associated works including provision of vehicular access from Combe Hay Lane

Constraints: Affordable Housing, Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Article 4, Contaminated Land, Forest of Avon, Greenbelt, Hotspring Protection, LLFA - Flood Risk Management, MOD Safeguarded Areas, Neighbourhood Plan, Sites used as playing fields, Public Right of Way, Sites of Nature Conservation Interest, Strategic Site Allocations, SSSI - Impact Risk Zones, Tree Preservation Order, World Heritage Site,

Applicant: Hignett Family Trust & Bloor Homes

Expiry Date: 22nd September 2017

Case Officer: Gwilym Jones

To view the case click on the link [here](#).

REPORT

This application is for the development of land that forms part of the Strategic Site Allocation for land adjoining Odd Down, Bath (Core Strategy Policy B3a). The application site is located on the southern edge of Bath bounded to the north by Odd Down Football Club and part of the existing housing development of Sulis Meadows, to the east by Sulis

Manor, to the south by open countryside and to the west by Combe Hay Lane. The site boundary includes an area of land outside the Strategic Site Allocation, and a section of Combe Hay Lane to its junction with Sulis Manor Road to the north. The site straddles the Ward and Parish boundaries of Bathavon South/South Stoke and Bathavon West/Combe Hay.

The application site is approximately 11 hectares in size and slopes gently from north to south, before the land drops away steeply towards Combe Hay. The site is currently in agricultural use, with the westernmost field (referred to Derrymans) lying outside the strategic site allocation. There are established hedgerows running north-south across the site, a relatively recently planted area of woodland runs west-east along the southern boundary of the fields and a more sparse row of trees and hedges running along the northern boundary of the application site. Outside the application boundary the heavily wooded Sulis Manor site (covered by a Tree Preservation Order) lies immediately to the east and to the south is an extensive area of mature woodland.

The entire application site is located within the Cotswold AONB and the western part (Derrymans) is in the Green Belt. The site adjoins the southern boundary of the City of Bath World Heritage Site (WHS) which encompasses the northern section of Combe Hay Lane, Odd Down Football Club, Sulis Meadows and Sulis Manor. To the north of Sulis Meadows (outside the current planning application boundary) is the Wansdyke Scheduled Monument. Sulis Manor is a large 1930's Arts and Crafts style building in extensive grounds, currently used as a language school, is an undesignated heritage asset. The village of South Stoke, located approximately 800m to the east of the application site boundary, is designated as a Conservation Area and includes a number of listed buildings.

Derrymans and the southern tree belt within the application site, as well as the trees further to the south, are designated as Sites of Nature Conservation Interest. Combe Down Mines SSSI is located approximately 2km to the east of the application site. The site is within Flood Zone 1.

There is currently no vehicular access to the application site, other than for agricultural vehicles from Combe Hay Lane. A public right of way crosses the southern part of the application site and there are various permissive footpaths through and around the site with pedestrian access at various points.

In the wider area are St Martin's Gardens Primary School, Bath Studio School, Three Ways School and St Gregory's Secondary School. There is a GP Surgery on Sulis Manor Road close to the junction with Combe Hay Lane and supermarket on Frome Road.

Application Overview

The planning application is submitted in detail for the erection of 171 dwellings, open space, allotments, green infrastructure, landscaping and associated works including provision of vehicular access from Combe Hay Lane. The 171 new homes comprise 104 houses, 53 flats and 14 flats over garages. The proposals include 68 affordable homes (40%) comprising 36 flats and 32 houses.

Vehicular access to the site is proposed from Combe Hay Lane, connecting with Sulis Manor Road to the north and to the A367 roundabout which also serves the Odd Down Park and Ride. The proposed junction with Combe Hay Lane will be a three-way priority

junction, prioritising traffic to and from the application site. The proposed highway works extend to the junction with Sulis Manor Road which will remain a priority junction, with Sulis Manor Road being the main arm.

The works include a shared pedestrian / cycle link north from the application site on the eastern side of Combe Hay Lane to the junction with Sulis Manor Road and a new pedestrian link into the Odd Down Park and Ride site. Existing public rights of way and the majority of permissive paths within the site are to be retained. An existing pedestrian link north into the Sulis Meadows housing development is retained and provision made for a further pedestrian link as well as one into the Odd Down Football Club site. The application allows for extension of the main site access road into Sulis Manor as part of a future phase of the development of the strategic site allocation.

As noted above the application red line boundary includes land retained in the Green Belt and outside the strategic site allocation. No built development is proposed within this field other than the site access road and a bat barn. New tree planting is proposed along the new access road and along the eastern and southern edges of Derrymans.

The application is submitted jointly by the landowner (Hignett Family Trust) and Bloor Homes.

APPLICATION DOCUMENTS

In addition to application drawings the application is supported by the following documents: Planning Statement, Design and Access Statement, Statement of Community Engagement, Environmental Statement (covering Ecology, Landscape and Visual Heritage impacts), Transport Assessment and Travel Plan, Flood Risk Assessment, Utilities Assessment, Sustainability Statement, Arboricultural Impact Assessment and Tree Protection Plan, Site Waste Management Plan, Ground Investigation report, Landscape and Ecological Management Plan, Recreation Strategy and West Wansdyke Archaeological Management Plan. Amendments to a number of these documents were submitted in January 2018 and further evidence and clarification has been provided on highway matters.

In addition, a Comprehensive Masterplan has been submitted with the application showing how the remainder of the Strategic Site Allocation might be developed. Parts of the Landscape and Ecological Management Plan and Recreation Strategy as well as the West Wansdyke Archaeological Management Plan relate to land outside the current planning application boundary.

PLANNING HISTORY

There is no relevant planning application history relating to the application site. The proposals have been the subject of a Screening Opinion and (Ref: 16/04262) and Scoping Opinion (Ref: 16/05235).

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Natural England - do not object to development on this allocated site, but consider that the scheme, as currently submitted, falls short of the design expectations set out in your Authority's Core Strategy and Placemaking Plan. The site is within the AONB and therefore benefits from the highest level of protection in terms of landscape and scenic beauty. Development within the AONB has the potential to adversely impact on other

parts of the AONB. The application site presents opportunities to moderate these potential impacts but these have not been included in the design. Your Landscape officer has set out detailed concerns in relation to effects on the AONB and it is evident that the key area where changes to the scheme design would have the most effect relates to the tree belt on the southern edge of the site. Augmenting the existing tree belt and ensuring it is maintained and enhanced over time is central to limiting landscape and visual effects of the scheme (as well as providing other benefits) and while this is recognised in the Placemaking Plan, in our view, it is not adequately reflected in the current design.

We consider that without appropriate mitigation the application has the potential to cause a significant adverse effect on the integrity of the Bath and Bradford on Avon Bats SAC through compromising a regionally important horseshoe bat flyway and fragmenting important foraging resources close to the SAC. However the applicant team have responded well to comments made by the statutory consultees and we welcome the changes that have been made to the application. Although we are satisfied that the Phase 1 application provides adequate mitigation and adequate green space, Phase 1 should not be taken as a precedent for future phases. The Comprehensive Masterplan is not in line with the site allocation policy and we have significant concerns in relation to the masterplan that will need to be addressed by any future planning applications.

Environment Agency - no objection subject to conditions

Historic England - agree with the conclusions of the Heritage Assessment with regards to the WHS and no objection to the Phase 1 development. Concerns with comprehensive masterplan including proposal to locate allotments in field south of the Wansdyke and cycle path across and to the south of the Wansdyke. The Wansdyke Management Plan needs to be agreed.

Cotswold AONB Board - object to major development within the AONB. Notwithstanding the allocation of the site for housing in the Core Strategy, the proposal is premature since there are several other sites allocated for housing development outside the AONB and there is no obvious actual (rather than anticipated) current need for this major development within the AONB. The impact proposals on the AONB and the setting of the WHS have not been adequately assessed in terms of loss of rural countryside; how the new urban design would relate to other urban parts of the AONB; what the effect of the proposals would be on views of, across and from the AONB, especially in winter and at dusk. There is insufficient evidence in the [Illustrative] Comprehensive Masterplan Statement to demonstrate the cumulative impacts on the AONB of this proposal in combination with later stages of development here and the nearby park and ride expansion.

B&NES Highways - no objection subject to appropriate conditions, S106 and S278 Agreements. The trip rates used in the modelling work have the effect of overestimating the impact of the proposed development on the local road network, particularly in the morning peak-hour. When revised trip rates are factored in it is estimated that the increase in queue length arising following implementation of Phase 1 during the morning peak hour will be further reduced from those shown in the table above and of the order of 6 vehicles rather than the 10 predicted by the applicants' analysis. This could not be considered 'severe', the test set by NPPF. All other links within the local network will experience lesser impact, with none likely to show increases in queue directly attributable

to Phase 1 of greater than 4 vehicles. As such the impact could not be considered severe. The recent works on the northbound approach to the Park & Ride roundabout will not remove the queuing that already occurs on the A367, arising from in-commuting to Bath from the direction of Peasedown St John, but were designed by the Council to mitigate existing issues and those arising from background traffic growth and committed development. The works were not designed or programmed to facilitate the development of the Sulis Down site, the current application or the wider strategic allocation. The Applicant has acknowledged that the works to the A367 will, as a by product, 'benefit' the current application by reducing the impact of the current application in terms of the north bound queue lengths on the A367 into the Park & Ride roundabout. In recognition of this the applicant has offered to make a contribution of £80,000 to enable the Council to implement or investigate further options to ease traffic conditions in the vicinity. This is considered to be fair, reasonable, proportionate and in accord with the relevant regulations.

There have been detailed discussions with the applicant and the final internal layout of the site has been agreed. The proposed layout is permeable and will deliver connections to the existing adjacent community in accordance with the place-making principles. The site has been tracked for refuse and delivery vehicles and will be adopted as public highway. The layout has been agreed in principle with the highway adoptions officer. Proposed car parking provision is in accordance with the standards defined in the Placemaking Plan and includes discounts which recognise the sustainable location of the site in close proximity to the Park and Ride site and the local services and facilities of Odd Down.

The applicant has submitted a masterplan for 450 dwellings and whilst consent is not being sought for the masterplan predicted additional queue length is in excess of 38 vehicles with the queue extending beyond the modelled area. It is clear that development of that scale would have a severe impact on the northbound approach to Odd Down Park & Ride roundabout.

Parish Councils and individual objectors have expressed concern that granting consent to the Phase 1 application will lead to an increase in the proportion of traffic travelling north on A367 'rat-running' through local lanes to avoid queuing along the route. The design of the site access, making Combe Hay Lane the minor arm of the junction and the proposed TOUCAN crossing providing pedestrian/cycle access to the Park and Ride site will have the effect of making this route less attractive as vehicles on Combe Hay Lane will have to give way to traffic from the Sulis Down site. As motorists become familiar with these arrangements as well as the recent alterations to the northbound A367 flow from the south there is unlikely to be a greater incentive to seek an alternative route than at present i.e. staying on the A367.

B&NES Ecology - the entire southern boundary of the application site is considered of regional importance for Greater and Lesser Horseshoe Bats associated with Bath & Bradford on Avon Bat SAC. The measure proposed in the revised scheme have addressed some of the key points raised in previous comments and are welcomed, and supplement the wider approach to ecological impact mitigation and enhancement proposed for the application site. The ES sets out the nature, scale and extent of ecological impacts, mitigation, and enhancement identified for the scheme. For the most part this is considered to be robust, though the extent of woodland edge planting along the southern boundary is limited.

A detailed Horseshoe Bat Lighting Strategy is submitted which clarifies how the impacts of lighting will be mitigated to avoid harm to the site horseshoe bat interests, including through the provision two additional bat barns. The strategy is supported by a series of technical lighting documents is supported, subject to refinement of the light spill principles.

The scheme adequately addresses impacts for bats for the level of development proposed for phase 1, and provides some ecological gains for wider ecological interests. It is concluded therefore that this project alone, and subject to the incorporated mitigation measures, would have no significant adverse effect on the SAC. However, due to the regional significance of the whole southern tree belt for Greater and Lesser Horseshoe bats associated with the Bath & Bradford on Avon SAC the cumulative impacts of the future phases of development must be considered. In this regard the early provision of the GHB Bat barn is welcomed however, the masterplan shows significant loss of important tree canopy at Sulis Manor and a very limited extent of additional planting shown along the northern edge of the southern tree boundary to the east of Sulis Manor. The masterplan also identifies the Sulis Down Business Village Access road to the south of a section the southern tree belt. Future phases of development must be able to deliver similar ecological provision as Phase 1 and must ensure the southern tree-belt remains robust and strengthened to any increase in light spill or recreational pressures. The masterplan and LEMP as submitted are not considered to be sufficient in their current form to secure these objectives, and don't fully reflect the development requirements set out in Policy B3a. The cumulative effects of Phase 1 and the future phases of developments are therefore of potential concern. These concerns would be overcome if the masterplan was amended to show greater woodland canopy protection at Sulis Manor and more extensive planting to strengthen the southern tree belt, and /or modification of the LEMP and Horseshoe Bat lighting Strategy.

The Phase 1 application is generally robust with respect to wider site ecological interests. The mitigation and enhancement measures set out in the ES (Appendix 6.9 Table 19) should be secured in full. The measures set out in the Recreational strategy are supported. The permissive paths are key and should be secured in perpetuity.

BANES Arboriculture - concerns that insufficient space provided to reinforce southern boundary and woodland buffer insufficient; insufficient space for proposed tree planting on northern boundary; generic statements in the LEMP regarding woodland management; revised layout has not adequately considered perceived impact of existing trees on new properties; impact of drainage strategy on existing trees.

BANES Conservation - whilst the site has been allocated for housing development it is nonetheless incumbent to ensure that the transitional nature of the site and its encroachment into the rural buffer informs the approach so as to mitigate the impact of the development. The appearance of the development including the plan form and layout is suburban in character and nature. Therefore the effect and consequences of this are that the development constitutes a suburbanisation within a clearly rural context and an erosion of the rural landscape setting of the WHS. The development in its current form is not contextual in its approach and fails to address the rural character of the site and the surrounding countryside. It constitutes an overt suburbanisation of a highly sensitive natural, designated landscape that also forms the landscape setting of the World Heritage Site. This would be compromised and eroded as a consequence of this development in its

current form and the incremental and accumulative impact of similar future development within this landscape setting needs to be considered and form part of the assessment of this development proposal.

The proposals for Sulis Manor have the potential to severely and negatively impact on this site and cause harm to the setting of Sulis Manor and its ornamental gardens. This site plays an important role in making a positive contribution to the quality of the area and this should be regarded as an important factor in the choice of route of any future road connection.

BANES Economic Development - support subject to site specific Targeted Recruitment and Training in Construction obligation.

BANES Education - no objection subject to financial contribution for expansion of St. Martin's Garden Primary school.

BANES Housing - clustering and mix of the affordable housing dwellings acceptable but seek the allocation of tenures to remain flexible in the S106 to reflect the requirements of the Registered Provider. Welcome the inclusion of Apt F as a block designed for Supported Housing. Unclear how accommodation for an older client group will comply with current HAPPI design principles. Require confirmation of compliance with BANES design standards.

BANES Landscape - object. The Core Strategy included a requirement for preparation of a comprehensive masterplan however the proposed scheme appears not to fulfil these requirements in several respects in a way that is harmful to landscape and heritage and fails to satisfy urban design objectives. Amendments do not address concerns regarding the prominence of the proposed development in views from the open countryside; the limited provision of additional green space for planting along the southern boundary as required by policy B3a; the limited provision of effective planting and green space within the development; the lack of proposals to address gaps and poor health of trees within the southern tree belt; the poor quality of the photos / photomontages and gaps in the masterplan and Environmental Statement.

The proposed development will have a significant impact on views from the south which is part of the setting of the World Heritage Site. This would cause harm to the Outstanding Universal Value of the City of Bath World Heritage Site and in particular the attribute of the 'The Green Setting of the City in a Hollow in the Hills' and the detailed attributes including 'The compact and sustainable form of the city contained within a hollow of the hills'. Key to this attribute is the hidden nature of the city and the wooded / undeveloped character of the skyline seen from the city and from its surroundings. Measures have been taken to reduce the consistent roof line on the horizon by turning some of the houses by 90 degrees. However the combination of the dense nature of the development, the intermittent nature of the screening by existing trees, the limited width of the southern tree belt and the limited tree provision within the development area means that groups of buildings will be clearly visible both on the skyline and where the buildings are aligned along the north - south roads descending the sloping site. Views to the city or to suburban development are wholly anomalous and where they do occur such as Combe Down further east it largely maintains its distinctive village character contained within generous open green space and trees. Development of the scale and degree of impact indicated by

this application are far more out of character and consequently would have a significant impact on the World Heritage Site.

The existing tree-belt at approximately 25m wide is limited in the screening it can provide recognising that the revised scheme has a small increase in width of 2.5m. At maturity this southern tree belt would realistically only provide room for two lines of trees all of even age. This is not sufficient to provide adequate screening and is not of sufficient width to achieve a varied age structure without loss of screening value as trees are replaced. The Landscape and Ecological Management Plan only superficially addresses how the dead / dying ash within the tree belt will be addressed and doesn't show how additional tree planting will be carried out within the already crowded planting. No meaningful additional Green Infrastructure has been shown alongside the tree belt.

One of the greatest and most significant effects of the proposals is on views from the Cotswold AONB resulting from development appearing on the skyline. This affects not only some of the representative viewpoints that have been selected but also the natural beauty of the AONB and its special qualities such as tranquillity. These very significant effects appear not to have been identified and recognised in the assessment. The development would be out of character because of its density and suburban character would be clearly seen on the skyline.

BANES Parks and Green Spaces - The peripheral location of the play areas is acceptable subject to the inclusion of a north-south pedestrian footpath linking the on-site play space with the Council play space to the north and beyond. No objection to allotment provision subject to securing through s.106. Under provision of Park & Recreation Ground must be secured in later phases of the development.

BANES Urban Design - amended application has demonstrated a meaningful improvement in layout to contribute to minimising visual impact. But this must be considered alongside landscape mitigation and material specification. The proposed amount of development is above that indicated in the allocation policy B3A and fails to adequately prevent harmful visual impact on the World Heritage Site and AONB setting contrary to Placemaking Principle 5.

The internal layout demonstrates further responses to negotiation including the relation of play space and allotments, which have improved their relationship with the residential community and protected Derrymans Field. However, these are not best practice and illustrate a retro-fitted approach rather than testing concepts that included them within the allocation site from the outset. Pedestrian connectivity is incomplete and unacceptable, although the proposal has enabled improved connections within the application site. For a strategic allocation this lack of integration is unsatisfactory.

It is difficult to read a logical hierarchy of materials and streets within the development. Bath's overarching distinct building material is Bath stone. On the basis that some elements of this development will feature in longer views, these should be Bath stone to maximise the reinforcement of local distinctiveness and the visibility of minimise standard "anywhere" materials. Materials require review as have not responded to request to increase the use of natural stone to contribute to migration of visual impact and street hierarchy. All materials require samples to be submitted to determine suitability.

The master plan lacks comprehensiveness and robust definitive codes to govern future stages to deliver consistency of quality and character. There is an unacceptable lack of evidence led principles for Sulis Manor.

B&NES Archaeology - concerns regarding impacts on Wansdyke due to increased footfall. Wansdyke Management Plan needs to be finalised and agreed.

B&NES Drainage - no objection subject to condition

B&NES Contaminated Land - no objection subject to conditions

Avon and Somerset Police - no objection to revised proposals.

Councillor Walker - object. The land should still be considered as Green Belt. The proposed development will increase the urban sprawl and almost join up the City of Bath with the conservation area of South Stoke village. The development is contrary to the principle to "conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations" as it would destroy part of the World Heritage setting of the City of Bath. The proposed development will further endanger the Wansdyke Ancient Monument which is already on the Heritage at Risk Register. Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats and building houses on this site would cause the destruction of habitat for endangered species. The impact to the A367 and surrounding villages to the south of this development, would have a major impact to traffic congestion, the environment from omissions from exhausts fumes. The quality of health and well being would be a detrimental impact to all those living in the towns and villages south of Combe Hay Lane.

South Stoke Parish Council - object. The new locations for Play Areas in Phase 1 and future phases appear to be inappropriate; the new location for Allotments appears to be inappropriate; there is no provision for any form of shop nor social hub; there is inadequate connectivity with the adjoining settlements; the plans create an isolated community reliant on cars which is not sustainable; there is inadequate tree planting, green infrastructure and setback of development from the Southern edge of the plateau; the Comprehensive Masterplan provides insufficient detail to be able to be assessed or agreed; the Core Strategy Policy B3a released land from the Green Belt for 300 (or so) dwellings and whilst this was not to be considered a cap, to propose 450 dwellings plus a new school would require very detailed supporting evidence which has not been provided in this application; there has been insufficient consideration of the cumulative impact that the total housing numbers proposed by this Masterplan, together with other current local developments, would have on the highway network serving the south of Bath. Notes that the Transport Assessments for Phase 1 show that queue lengths will increase to 2km "beyond the extent of the network" and that the "highly congested nature of the network [would be unable] to accommodate more congestion". The Phase 1 Transport Assessment proves that 200 extra cars (rising to nearly 700 for the full Masterplan) will be unable to enter the road network at their chosen time. South Stoke Parish Council accepts that there will be development on the Sulis Down Plateau but this should be in accordance with the Local Development Plan, as established by B&NES' adopted Core Strategy. This application fails that test.

Combe Hay Parish Council - object. The 171 dwellings proposed for Phase 1 is too many for this part of the site and the 450 in the masterplan is far in excess of that indicated in Placemaking Principle 1, which refers to around 300 houses. It is difficult if not impossible to assess the impact of the Phase 1 application without knowing what is proposed for the remaining parts of the site, particularly Sulis Manor, and it is impossible to say how the whole site, or that part which is the subject of this application, will be integrated with neighbouring areas when there is no information on overall numbers, the design and layout of the rest of the site or the consequent implications for traffic, recreation, light pollution, educational and medical needs or the environmental impact. Required additional green infrastructure along the southern and eastern boundaries is not shown. A Landscape and Ecological Mitigation Strategy and Management Plan is required for the whole site, including the grounds of Sulis Manor with its broadleaved trees and unimproved grassland.

Giving priority to the site access road at its junction with Combe Hay Lane will merely encourage car use in the development. The Transport Assessment Amendment does not address any of the concerns raised in previous response in particular the major problem of rat running via Dunkerton Lane to avoid the traffic queue at the A367 Odd Down roundabout towards Bath. The likely impact of the increased queue and the proposed development site junction will be to cause more traffic on the A367 to rat-run through Combe Hay village. These roads are predominantly single track with high hedgerows and many bends and are unsuited to current let alone increased volumes of traffic. Combe Hay Lane cannot support any increased traffic and will put the lives of drivers, walkers, cyclists and horse riders in even greater danger as well as cause further disruption to the farm traffic that relies on the lane for its livelihood. The design and layout of the development is inadequate, in particular too much parking has been provided for at the expense of landscaping, access to Sulis Meadows community is poor, the green belt to the south needs widening and the allotments, play area and recreational space should all be placed at the heart of the development. Flooding analysis is inadequate and there is no assessment of the effect of the development on the Cam Brook valley.

Wellow Parish Council - object. Traffic travelling from the proposed development site to the A36 will be via Wellow however no a survey undertaken of traffic along Combe Hay Lane. Combe Hay Lane is entirely unsuitable for more traffic. It is likely that the houses will be visible from a distance as the site lies on the skyline at Odd Down. The floodlights from the adjoining football pitch and nearby Park and Ride are very visible and at night can be seen from Wellow and Baggridge. Further lighting in this area would be deleterious to the wildlife. There is a serious lack of community facilities for the wider development.

Camerton Parish Council - object to proposed single access will hinder access to the Park and Ride, discouraging use of public transport and increasing traffic on A367 which is already very congested at peak times. The applicant's own transport assessment states the changes to the Park and Ride roundabout will not mitigate increased traffic arising from this development.

Dunkerton and Tunley Parish Council - object. The development will negatively affect those living in Dunkerton and Tunley as the proposed one way in and one way out access to this development will have a major negative effect on the Odd Down Park and Ride roundabout. This will increase congestion to those of our residents who travel into Bath

using the Park and Ride. In addition this increased congestion at the Park and Ride roundabout will lead to increased congestion along the A367 route into Bath. This route already suffers from congestion at peak hours leading to rat running through Wellow and Combe Hay. Once this development is in place there will be still this rat running (and more) to avoid congestion on the A367. However the rat running will simply move to the other side of the A367 as current commuters using the Wellow/Combe Hay rat run will now be impeded by traffic from the new development when they emerge near the Park and Ride roundabout. Therefore the existing rat running that already takes place along the B3115 through Tunley into Priston and Englishcombe will greatly increase. The Parish Council would urge planning not to allow this development to go ahead in its current form until better access into and egress from the site is proposed. In addition other mitigation measures are needed in the local area and an additional access road to this development via Midford Road.

Englishcombe Parish Council - concern at proposed one road access in and out of the development will result in increased congestion at the Park and Ride roundabout and increased traffic on the A367, leading to increased rat running from the A367 into Bath via Englishcombe by rush hour motorists.

Peasedown St John Parish Council - concern regarding site access and priority for development traffic on Park and Ride roundabout over traffic on A367 into Bath and likely to exacerbate the existing traffic congestion backing up along the A367 on the approach to Bath. This may cause particular problems at school dropping off and picking up times, due to the proximity of a secondary school to the junction.

Bath Preservation Trust - object on grounds that the requirement in Policy B3a regarding a comprehensive masterplan has not been fulfilled and therefore the scheme is contrary to the strategic placemaking principles allocated with the site. The quality and success of this scheme could be severely compromised by the lack of clarity and certainty regarding the quantum of development and indeed quality of development and its associated infrastructure in later phases. Do not believe that effective and successful placemaking can occur without a detailed forward plan for the overall site. In order to discharge the requirements of B3a an outline application for the entire site (including the Business Village) should be submitted. Treating Sulis Manor notionally, as it is not under the applicants' control, although it is clearly a crucial part of the overall site is unacceptable.

As Policy B3a envisages "around 300" dwellings on the whole site, the provision of 171 in Phase 1 comprises an unreasonable proportion, in relation to the viability of further phases and potential traffic generation of the whole. Supportive of some areas of Phase 1 proposals and acknowledge and commend the clear ambition to create a very high quality development. Supportive of the overall Garden Suburb design ethos and the 40% affordable housing provision within a relatively varied unit mix (though note the absence of larger affordable houses and would suggest that an 'in perpetuity' clause should be considered). Concerned about the lack of sustainability objectives. Welcome revisions including the additional tree planting and mitigation landscaping to the perimeter of the site, especially to the south and the augmentation of green infrastructure within the site including a reduction in parking spaces and an increase in the size of some gardens and verges. These changes are all welcome and improve the Phase 1 scheme to a certain extent, although the additional space allowed for 'buffer' planting is still inadequate for its purpose and it is not satisfactory that the important landscape setting should be

compromised by housing numbers. The key findings of the Transport Assessment Addendum conclude the traffic in the area will reach capacity by 2022 regardless of the development at Sulis Down. Not satisfied that this has been properly addressed or analysed in the main body of the TAA report and disagree with the conclusion that the impact of Phase 1 traffic would be 'not severe'. The Trust is of the opinion that the impact of significant additional traffic to a transport network that is deemed to be running at capacity should be considered as 'severe'.

Campaign to Protect Rural England - object to the development of land in the Green Belt and in such an important position on the edge of Bath.

South of Bath Alliance - object. No comprehensive masterplan prepared or agreed; insufficient links to Sulis Meadows; insufficient tree screening to limit visibility of the development; development will have serious impact on the local road network; location of play areas unsuitable.

Other Consultee Responses

In addition to representations from statutory consultees, Council departments and Parish Councils a total of 52 separate representations have been received from members of the public, 21 to the original submission and 31 to the amended proposals. These representations relate to both the masterplan and to the Phase 1 proposals and raise the following grounds of objection:

Masterplan

- Piecemeal approach to development of the site
- Lack of agreement between landowners resulting in lack of joined-up approach
- Insufficient detail and evidence to assess impacts
- Status of the masterplan unclear
- Scale of development (around 450 dwellings compared with the Core Strategy allocation of 300)
- Highway impact on local junctions, existing congestion and queuing in the area and the cumulative impact with other major developments in the area including Foxhill and Mulberry Park
- Single point of access and highway congestion will increase pressure for and eastern access
- Proposed location of the allotment
- Impact on the Wansdyke and its setting
- Impact on South Stoke / Conservation Area
- Lack of community hub/local shop resulting in the need to travel off-site (by car)
- Inadequate southern tree belt
- Lack of housing for the elderly
- Extent of development at Sulis Down Business Park unclear
- development outside strategic allocation/within the Green Belt

Phase 1 Application

- Fails to meet all Placemaking Principles
- Highway impact including cumulative with other developments such as Foxhill and Mulberry Park; existing congestion and queuing including along A367 to Park and Ride roundabout, along Midford Road / Bradford Road / Frome Road and at Red Lion Roundabout will be exacerbated; junctions will be at capacity in 2022 without

development; likely increase in rat-running along Combe Hay Lane and through local villages including Wellow and Englishcombe to avoid congestion and existing problem junctions; assumptions in Transport Assessment such as use walking and cycling and use of Park and Ride questionable

- Junction priority for development on Comber Hay Lane
- Visibility on the skyline (including nighttime) impacts on World heritage Site and its setting as well as AONB
- Affordable housing and mix (predominance of flats without gardens)
- Wheelchair housing provision low
- Location of play areas (north of main access road) unsafe
- Location of allotments remote from Phase 1
- Lack of community hub/shop resulting in reliance on car
- Inadequate green space / green infrastructure, tree planting and reinforcing southern tree belt
- Poor connectivity with existing development
- Access across Green Belt
- Housing density including implications for rest of allocation
- Management and maintenance of common areas
- Ground contamination / stability
- Safe access to schools

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

Made 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 relevant to the determination of this application:

Policy DW1: District Wide Spatial Strategy

Policy B1: Bath Spatial Strategy

Policy B3a: Land adjoining Odd Down, Bath Strategic Site Allocation

Policy B4: The World heritage Site and its Setting

Policy SD1: Presumption in favour of Sustainable Development

Policy CP1: Retrofitting Existing Buildings

Policy CP2: Sustainable Construction

Policy CP5: Flood Risk Management

Policy CP6: Environmental Quality

Policy CP7: Green Infrastructure

Policy CP8: Green Belt

Policy CP9: Affordable Housing:

Policy CP10: Housing Mix

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 DW1: District-wide Spatial Strategy
Policy SD1: Presumption in favour of Sustainable Development
Policy CP2: Sustainable Construction
Policy SCR1: On-site renewable energy requirement
Policy SCR5: Water efficiency
Policy CP5: Flood Risk Management
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 D8: Lighting
Policy D10: Public Realm
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 NE4: Ecosystem services
Policy NE5: Ecological network
Policy NE6: Trees and woodland conservation
Policy CP7: Green infrastructure
Policy NE1: Development and Green Infrastructure
Policy GB1: Visual amenities of the Green Belt
Policy: PCS5: Contamination
Policy CP9: Affordable housing
Policy H1: Housing
Policy CP10: Housing mix
Policy H7: Housing accessibility
Policy LCR3A: Primary school capacity
Policy LCR9: Increasing the Provision of Local Food Growing
Policy ST1: Promoting sustainable transport
Policy ST3: Transport infrastructure
Policy ST7: Transport requirements for managing development
Policy CP13: Infrastructure Provision

National guidance in the National Planning Policy Framework (NPPF) and National Planning Policy Guidance are also material considerations.

OFFICER ASSESSMENT

PROCEDURAL MATTERS

Given the likely significant effects on the environment of the proposed development an Environmental Statement ("ES") has been submitted with the application. The ES sets out the findings of the assessment of environmental effects in respect of Ecology, Heritage and Landscape and Visual impacts, and measures to mitigate those impacts where appropriate. In light of the transitional arrangements set out in the Town and Country

(Environmental Impact Assessment) Regulations 2017, the 2011 EIA Regulations apply in this case.

The EIA Regulations state that the Council cannot grant planning permission in respect of an EIA application unless it has first taken the environmental information into consideration, and must state in its decision that it has done so. The environmental information means the ES, any further or other information received, any representations made by any consultation bodies and any representations made by any other person about the environmental effects of the proposed development. In this case further information has been submitted and the application re-advertised in accordance with the 2011 EIA Regulations. The National Planning Casework Unit has also been duly notified.

The assessment of environmental effects and proposed mitigation form an integral part of the consideration of the proposed development set out in this report. To avoid repetition the findings of the ES are reported below as part of the assessment of the planning issues, together with responses to consultations and other representations received.

This application relates to only part of the Strategic Site Allocation for Odd Down to which Core Strategy Policy B3a relates and which is shown on the related Concept Diagram. Placemaking Principle 2 of Policy B3a requires the preparation of a comprehensive masterplan i.e. for the allocation as a whole however the policy does not require the submission of a single planning application for the entire allocation. Although the current planning application relates to only part of the allocation it is a valid application and is to be determined in accordance with the development plan unless material considerations indicate otherwise. When considering whether development proposals accord with the development plan it is necessary to make this judgement with regard to the development plan as a whole.

PLANNING CONSIDERATIONS

This application raises a number of planning and heritage matters:

1. Principle of residential development of the site
2. The Comprehensive Masterplan
3. Extent, layout, scale and design of the development
4. Impact on the World Heritage Site and its setting.
5. Impact on the AONB
6. Impact on designated habitats and protected species
7. Site access arrangements and impact on the highway network
8. Other planning considerations including flood risk, affordable housing, archaeology and sustainability

1. The Principle of Residential Development

Core Strategy Policy DW1 (District-wide spatial Strategy) states that the overarching strategy for BANES is to promote sustainable development. This is to be achieved by amongst other measures focussing new housing, jobs and community facilities in Bath, Keynsham, and the Somer Valley; making provision to accommodate an increase in the supply of housing; retaining the general extent of the Bristol-Bath Green Belt other than removing land to meet the District's development needs at the specific locations. The application site is one of four Strategic Site Allocations where land in the Green Belt is to be released for development.

Policy B3a allocates the site for residential development and associated infrastructure. The policy sets out a number of Placemaking Principles that need to be met to enable development of the site, some of which are indicated on the associated Concept Diagram. Development of the site is also the subject of other policies in the Core Strategy and Placemaking Plan, however being site specific the Placemaking Principles in Policy B3a take priority over other Core Strategy policies.

The release of land at Odd Down from the Green Belt for residential development was considered through the Core Strategy process and was confirmed by the Inspector following the Public Examination. The site is allocated for around 300 dwellings although the policy notes that this is not a cap if all the Placemaking Principles can be met. In their report the Inspector commented on a number of aspects of the proposed release, the extent and form of development that could come forward and on the impact of the development on heritage assets, the natural environment and highway network. The Inspector concluded that there were the exceptional circumstances to justify removing land from the Green Belt and for major development within the AONB. Taking into account the great weight that must be given to protecting the AONB and heritage assets the Inspector concluded that the need for housing and the benefits of additional housing in this location outweighed the harm that would arise. The Inspector also concluded that whilst the development of 300 homes within the allocation would be likely to add to congestion at nearby junctions the cumulative impact on the local road network would not be severe.

The Cotswold AONB Board has objected to the current application on the grounds that it represents major development in the AONB and contend that the proposals should therefore be tested against paragraph 116 of the NPPF. This states that planning permission should be refused for major development except in exceptional circumstances and where it can be demonstrated it is in the public interest. The NPPF also sets out the considerations against which such applications should be assessed.

During the Core Strategy Examination the Inspector specifically considered the principle of major development within the AONB and concurred with the Council's assessment that there would be a moderate adverse impact on the special qualities of the AONB. That assessment took into account the existing visual intrusion of built development on the landscape of the plateau, the fact that the plateau exhibits only some of the qualities that make the AONB special and that built development would be pulled back from the more sensitive parts of the plateau where it could have a wider adverse impact. Whilst there would be a loss of the existing farmed landscape, resulting in harm, this harm would be contained largely within the plateau on the basis of the Council's approach to where built development should take place. In the light of that assessment the Inspector concluded that there were exceptional circumstances for major development within the AONB. Accordingly it is considered that exceptional circumstances for the development the subject of the current application do not need to be demonstrated and that an assessment against the tests set out in paragraph 116 of the NPPF is not required. Nonetheless the impact of the current proposals on the AONB is a material consideration in the determination of the current application and this is considered in more detail below.

2. The Comprehensive Masterplan

Placemaking Principle 2 of Policy B3a requires the "preparation of a comprehensive Masterplan, through public consultation, and to be agreed by the Council, reflecting best

practice as embodied in 'By Design' (or successor guidance), ensuring that it is well integrated with neighbouring areas." Specific reference is also made to the masterplan in Placemaking Principle 5 (the requirement for a Landscape and Ecological Mitigation Strategy and Management Plan) and 6 (seeking to conserve the significance of heritage assets).

The applicant has submitted a masterplan for the entire strategic allocation as part of the Phase 1 application supporting documents. The purpose of the masterplan is to demonstrate compliance with Placemaking Principle 2, and that the development the subject of the current application does not prejudice bringing forward future phases or development of the strategic allocation as a whole. As noted above Policy B3a does not require a single planning application be submitted encompassing the entire strategic allocation or area covered by the masterplan and therefore as a valid planning application the Phase 1 proposals are to be determined in accordance with s.38(6) of the Planning and Compulsory Purchase Act (2004). The masterplan is a material consideration in this process.

As part of the original application the Applicant submitted an 'Illustrative Comprehensive Masterplan' for the strategic allocation. An accompanying Statement set out the purpose of the masterplan and sought to demonstrate how it complies with the Placemaking Principles in Policy B3a. The Statement made clear however that the Illustrative Comprehensive Masterplan did not form part of the planning application proposals and was for illustrative purposes only. As such very little if any weight could be given to the document and Officers concluded that in its original form it failed to comply with the basic requirements of Policy B3a and Placemaking Principle 2. The Applicant has subsequently reviewed, amended and re-submitted the masterplan with additional supporting information although it has not been submitted for formal approval in the same way as the Phase 1 application documents.

The masterplan has been prepared based on an analysis of the site and its setting, as well as its constraints and opportunities. It is comprehensive in its spatial extent in that it relates to the entire strategic allocation. Supporting documents refer to development of around 450 dwellings i.e. in excess of the 300 dwellings mentioned in Policy B3a. As noted above, the 300 dwellings mentioned in Policy B3a is not a cap if all the Placemaking Principles could be met. It is also relevant to note that during the Placemaking Plan Examination the Council advised that in identifying the Odd Down site for 300 dwellings it had taken a very cautious approach to development capacity and that it was likely that a scheme with a higher capacity (100 to 150 dwellings above that in the Core Strategy) could come forward which could still accord with the Core Strategy development requirements. The issue of compliance with the Placemaking Principles is considered further below however in the light of the wording of Policy B3a the quantum of development assumed in the masterplan is not, in itself, a reason for not agreeing the masterplan.

In summary the masterplan shows the proposed housing contained within the land released from the Green Belt, with a single point of vehicular access to the development from Combe Hay Lane. The road continues through the Sulis Manor site (to the north of the existing main building) to connect with land to the east. Emergency access is shown via the access road to Sulis Down Business Village. Pedestrian links into the site are shown from the north (including across the Wansdyke) as well as from the east, south and

west and linking with permissive and proposed Public Rights of Way across and around the allocation.

The masterplan shows a series of development parcels with perimeter roads and central areas of open space either side of Sulis Manor. An area of land to the east of Sulis Manor has been identified as a potential school site. Land identified as Sulis Down Business Village, on land retained in the Green Belt, includes both the former farm buildings and land to the north currently used as a car park.

Tree planting and green infrastructure is shown along the northern edge of the built development, across the centre of the site, and around and within areas of open space. The existing area of tree planting along the southern edge of the site is shown as retained, with an additional zone of 'green infrastructure including tree planting' of variable width between the existing tree belt and built development in the eastern section of masterplan. An area of land to the south (outside the allocation) is identified as an area for skylarks displaced by development within the allocation.

These elements are broadly in compliance with elements of Placemaking Principles 1, 3, 4, 5, 6 and 7. Odd Down Football Club shown is retained in its current location (as allowed for by Placemaking Principle 10).

The masterplan states that buildings will be mainly 2 storeys with occasional higher 'keynote' buildings and the field to the south of the Wansdyke, identified on the Concept Diagram as an area to 'avoid built development', is shown as 'land retained in agricultural use' other than the western part of the field which is shown as a location for allotments and children's play area. In respect of Sulis Manor a significant area of the site is shown as 'buildings' with roads and built development on all sides of the existing house on the site.

The Supporting Statement seeks to demonstrate how the masterplan addresses each of the Placemaking Principles in Policy B3a and, on some matters, it does broadly comply. However the masterplan is principally a land use zoning plan and does not address a number of topics in a meaningful way. The supporting documents also fail to demonstrate that a development of the scale proposed could come forward in compliance with all the Placemaking Principles and other policy considerations including impacts on the natural and built environment and the highway network. Any future iteration of the masterplan would need to address these issues.

For example Placemaking Principle 5 sets out the landscape requirements for development in order to avoid or minimise detrimental impacts such as on the Cotswold AONB. This includes protecting and enhancing the tree belt on the southern edge of the site as well as additional planting to ensure visual screening of the site from views to the south. The masterplan shows areas of green infrastructure and tree planting however it is considered that the analysis and supporting material submitted in respect of the nature and scale of impacts on the AONB fails to demonstrate that impacts will be avoided or mitigated and minimised to an acceptable level. This limitation would need to be addressed in a future iteration of the masterplan.

In terms of heritage assets Placemaking Principle 6 requires that development height and density is to be limited within more prominent areas such as on higher ground and

development edges in order to mitigate impacts on the Wansdyke. Similarly to avoid harm to the setting of the South Stoke Conservation Area the height and/or density of development is to be limited closest to the conservation area. On these matters the Supporting Statement notes that the scale and massing of development proposed is sufficiently flexible to ensure the scale of development reflects the sensitivity of the location and will be addressed in detailed development proposals. However there is no further guidance regarding variation in building height or density across the site in response to the proximity of these heritage assets and it is considered that the masterplan should provide more detail on these matters.

In respect of development on the site of Sulis Manor Policy B3a states that the building and garden should be incorporated into development sensitively, retaining the framework of trees and considering the conversion/retention of the Manor House and/or a low density development. However the extent of development shown on the masterplan would require the removal of a significant number of trees currently covered by a TPO, would also result in potentially significant impacts on views from within the AONB and also affect the WHS and its setting.

In terms of the impacts on the local highway network analysis submitted with the application shows that based on current highway configurations around 450 dwellings will lead to significant and severe impacts on the highway network. Whilst the number of homes does not form part of the current planning application it is evident that a range of deliverable highway mitigation measures will be required, or that this scale of development is not acceptable. There is also a risk that incremental development of the site might lead to piecemeal measures being identified. However it is beyond the scope of the current application to require mitigation for impacts beyond those arising from 171 dwellings on the site and these impacts will need to be picked up and addressed in future phases of the development.

A considerable number of objections have been received in respect of the masterplan. These raise a number of issues relating to the evidence base to support the masterplan as well as to specific aspects of the masterplan including the scale, extent and form of development and impacts on the environment, heritage assets and the local highway network. By its nature a masterplan will not involve the same level of detailed analysis or resolution necessary to support a planning application however it is considered that as currently presented there are a number of issues and shortcomings with the submitted masterplan. In the circumstances it is considered that the current masterplan and supporting documents do not demonstrate that an acceptable form of development could come forward for the allocation as a whole and meet all the Placemaking Principles set out in Policy B3a. Accordingly it is considered that the masterplan should not be agreed at this stage. The implications of this conclusion in terms of the determination of the current application are considered at the end of this report.

Consideration of the those elements of the masterplan as it relates to the development proposed in the current planning application are considered below.

3. Extent, Layout, Scale and Design of the Development

Policies D1-D6 of the Placemaking Plan set out guidance at different scales, from masterplan to design detail, that will apply to all new development to achieve high quality design and that responds to the site and its setting. The current application relates to land

to the west of Sulis Manor, together with the proposed access road and highway works to Combe Hay Lane and its junction with Sulis Manor Road. The proposed new housing is contained within the land removed from the Green Belt as set out in the strategic allocation and Concept Diagram. The layout is a regular grid comprising a number of houses and flats between the northern boundary of the site and the main west-east access road and blocks of houses bounded by north-south access roads. An area of open space running north-south provides a central landscaped area within the development.

Placemaking Principle 3, 4 and 7 require amongst other things new site access from Combe Hay Lane, a new connection into the Odd Down Park and Ride site, pedestrian and cycle connectivity within the site and to the surrounding area as well as enhanced public access through new Public Rights of Way. The off-site highway works include a new pedestrian link into the Park and ride, with a Toucan crossing over Combe Hay Lane. Pedestrian and cycle connections to the local road network are accommodated within the new site access works with a shared footway along Combe Hay Lane to Sulis Manor Road. If Members are minded to approve the current application these would be secured through a s.106 Agreement and/or Highways (s.278) Agreement as appropriate.

The proposed main site access road extends to the site boundary with Sulis Manor and the masterplan shows this extending into and across the Sulis Manor site linking to later phases of development of the strategic allocation. Whilst it is considered the current masterplan is not in a form that can be agreed, the principle of a west-east access road serving the allocation as a whole is required to conform with Policy B3a, with only very limited if any development traffic would use the existing access from the Sulis Manor site into Sulis Meadows. As a single comprehensive allocation it is therefore important that no physical or other barriers are created that would prevent the continuation of the road across Sulis Manor, or that would delay the bringing forward of future phases of the development if the Placemaking Principles in Policy B3a can be met. Accordingly if Members are minded to approve the current application obligations would be included in a s.106 Agreement to facilitate future phases of the development (subject to an acceptable scheme being submitted). Options for pedestrian access between the Sulis Manor site and the remainder of the strategic allocation and Sulis Meadows should also be considered when later phases of the development come forward to avoid the creation of a series of self-contained groups of houses rather than the integrated development required by Policy B3a.

Within the application boundary the existing Public Right of Way that runs west-east along the southern edge of the site linking South Stoke and Combe Hay Lane is to be retained. In addition existing permissive footpaths around the edge of the new housing will be retained and an existing pedestrian connection onto Burnt House Road is retained as part of the proposed development. The site layout also allows for a new connection between an existing and proposed children's play area on the Sulis Meadows development and the application site. Implementing the connections will require the agreement of adjoining landowners however the current application is making provision for these links to be achieved. Although the football club site is included within the strategic allocation it is not proposed for development in the masterplan and does not form part of the current application. Policy B3a allows for both the retention or redevelopment of the football ground and the layout of the current application site includes a pedestrian connection should it come forward for development in the future. Overall it is considered that the

layout conforms with the provisions of Policy B3a in terms of integrating the existing and new development.

The northern boundary of the application site comprises a row of trees and hedge separating the site from Odd Down Football Club and the existing Sulis Meadows development. The existing trees and hedges along this boundary are to be retained, with additional planting proposed within the application site to reinforce the existing tree and hedge line that currently separates the development site from the football ground and Sulis Meadows. The Council's Arboriculturalist has questioned whether there is sufficient space for additional tree planting between the proposed housing and associated parking areas and the site boundary. A condition is proposed requiring further details to be provided of the number and type of trees to be planted within the site to ensure that the proposals will achieve the intended objective.

The eastern boundary to the application site is Sulis Manor. A landscaped buffer is proposed between the new housing and the heavily wooded Sulis Manor site. This area incorporates an existing permissive footpath through the application site (linking Sulis Meadows with a public right of way along the southern boundary of the development) as well as car parking for the new housing.

The southern boundary is defined by the existing tree belt that runs to the north of an existing west-east track/public right of way that connects Combe Hay Lane in the west and South Stoke in the east. This tree belt has been planted in the last 15 years and are now around 10-15m tall. The trees are predominately ash, although there are other species as well, the implication of which is considered further below. The Core Strategy Concept Diagram shows this tree belt retained with additional green infrastructure to the north. Placemaking Principle 5 requires new woodland planting along the southern boundary of the plateau to ensure visual screening of the site from views to the south and to provide additional habitat for bats. The current application does not propose any additional tree planting along the northern edge of the southern tree belt with only a narrow zone of undercroft planting.

The western boundary of the new housing is an existing hedge line that forms the extent of land released from the Green Belt. New housing is set back from this edge with parking between the internal access road serving these houses and a reinforced hedge line. New tree planting is proposed along the western edge of the site and to the south of the new site access road where it connects with Combe Hay Lane. The field between the edge of the strategic allocation and Combe Hay Lane is to be retained in agricultural use.

The layout of the housing comprises a row of houses and blocks of flats to the north of the main west-east access road and a series of north-south streets running from the access road to the southern site boundary. As noted above, a central green space is provided within the site with houses facing onto it. The development comprises 171 dwellings with a mix of 1, 2, 3, 4 and 5 bedroom properties comprising detached, semi-detached and terraced houses, flats above garages and blocks of flats. At a net density (i.e. excluding the existing southern tree belt) of 33 dwellings per hectare and with 40% of the homes being affordable the proposed housing complies with Placemaking Principle 1 of Policy B3a.

Parking to the properties is a combination of rear parking courts, at the side or direct onto the access roads with a number of spaces provided off plot. The revised proposals provide 381 parking spaces, of which 32 are unallocated visitor spaces and 107 are covered. Against the minimum parking standards in the Placemaking Plan there is a deficit of 10 parking spaces. An accessibility assessment has been undertaken and given the proximity of the Odd Down Park & Ride and location of Primary and Secondary schools and other services within walking distance of the site it is considered that this slight reduction can be accepted. In addition the Travel Plan measures include public transport vouchers for new residents to encourage the use of bus services that operate within the wider area. The impact of the proposed development on the local road network is considered further below.

The layout has undergone minor amendments since the application was submitted that have sought to address a number of issues. This includes the relocation of allotments (originally proposed within a field lying outside the strategic site allocation and within the Green Belt) to a field to the south of the Wansdyke. Other changes include the relocation of a play area to within the new housing and there have also been some limited adjustment to the landscape boundary to the new housing including additional tree planting within the site and inclusion of a narrow landscaped strip along the northern edge of the existing southern tree belt.

The height and orientation of buildings located north of the main west-east access road have also been amended to seek to reduce the visibility and impact of the development in views from the south. This includes lowering the ridge and eaves height of buildings and introducing dormer windows to the first floor level, and replacing gable ends with hipped roofs. Buildings have also been re-orientated so that they are perpendicular to the main site access road also to seek to reduce their impact in views from the south.

The Council's Urban Design Officer has reviewed the amended proposals and whilst a number of the amendments have been broadly welcomed, they stress that the proposals must be considered as part of an integrated package with landscape proposals. They also note that the changes within the housing layout whilst an improvement on the original proposals illustrate a retro-fitted approach to addressing the issues rather than testing concepts from the outset. In terms of the overall layout they identify a number of further improvements that could be made to it and consider that previously identified issues of connectivity and integration with existing developments remain.

The Council's Landscape Officer objects to the application and has raised a number of concerns regarding the overall quantum and extent of new housing as well as the proximity of the new housing to the existing tree belt contrary to the Placemaking Principles and Concept Diagram. The impact of the development on the wider landscape and its setting is considered further below.

The Design and Access Statement (DAS) states that the layout has been informed by and seeks to emulate the 'garden suburb' style (such as that of Hampstead Garden suburb in London) and the detailed design of the housing draws heavily on the Arts and Crafts style characterised by Sulis Manor (and Brantwood further to the east). However although the layout (and design of individual properties) gives the impression of this style of development, what is proposed is at a higher density than the precedent schemes and with significantly less generous public realm and landscaping. Notwithstanding these

reservations about the interpretation of the design references and precedents in the scheme, the design of the new properties incorporates a number of features such as gables, pitched roof dormers, chimneys and roof forms that add variety to the elevations as well as break up the mass of the buildings. Accordingly the design approach is supported however it will be important that the detailing of the buildings is carried through to the implementation of the scheme to ensure the design intent is delivered. The Council's Urban Design Officer has also raised specific concerns regarding the materials, in particular the extent and distribution of render across the development, and if Members are minded to approve the application it is recommended that notwithstanding the submitted plans a condition is imposed requiring the submission and approval of a materials schedule.

Placemaking Principle 3 requires the provision of green infrastructure within the development and areas for this are shown on the Concept Diagram. The DAS refers to the landscape character of Combe Down as a precedent and contends that the proposed built form is integrated with existing landscape features. However, as noted above the application does not propose additional tree planting along the northern edge of the southern tree belt, relying instead on screening of the development by the existing tree belt. Also although there is tree planting within the new housing including more substantial trees along the main west-east access road, the existing landscape features that are retained largely frame the development.

The current application includes amenity green space and play space for children within the boundary of the site and whilst there is a deficit in terms of the Council's standards for parks and recreation grounds, by virtue of the southern tree belt the development has a significant overall surplus of open space. The current application does not include any allotments within the site, with provision to be made elsewhere within the Strategic Site Allocation on land controlled by the applicant/landowner. The wider masterplan indicates these being located adjacent to the eastern edge of the existing Sulis Meadows development. The Council's Archaeologist has raised concerns with this location and the potential for associated structures and fencing that could adversely impact on the setting of the Wansdyke. Accordingly another location will therefore need to be identified but in the event that details of the allotments including access cannot be agreed and implemented elsewhere within the Strategic Site Allocation (and within a specified period of time) then a payment for off-site provision should be sought. If Members minded to approve the current application this would be secured through a s.106 Agreement. Subject to this, it is considered that the proposals broadly comply with this aspect of Placemaking Principle 3.

4. Impact on the World Heritage Site (WHS) and its Setting and on other Heritage Assets
Policy B4 of the Core Strategy states that there is a strong presumption against development that would result in harm to Outstanding Universal Value of the WHS, its authenticity or integrity. This presumption applies equally to development within the setting of the WHS. The boundary of the WHS runs along the northern edge of the application site, taking in the existing Sulis Meadows housing development and extending south to include Sulis Manor and its gardens. One of the Attributes of the WHS is the 'Green Setting of the City in a Hollow in the Hills', key to which is the hidden nature of the city and the wooded / undeveloped character of the skyline seen from the city and from its surroundings. The mature woodland on the slope up from Cam Brook to the edge of the site, the heavily wooded Sulis Manor site and the recent southern tree belt are visible in

these views and provide a green edge to this part of the city. In places however parts of the built up edge of Bath are clearly visible such as Combe Down. Outlying villages such as South Stoke are also visible as clusters of buildings just below the ridgeline. Given the local topography there are clear views from higher ground to the south towards the application site; from the northern edge of Peasedown St John in the west, via Twinhoe to between Hinton Charterhouse and Midford in the east. These locations, between 2.5-4km from the application site, provide panoramic views of the southern edge of Bath and provide the viewpoints in the ES Landscape and Visual impact assessment work.

In proposing the allocation of the site through the Core Strategy the Council undertook extensive analysis of the sensitivity of the site and its setting. In their report the Core Strategy Inspector noted that the key to avoiding substantial harm to the significance of the WHS across the Odd Down plateau was to avoid built development becoming prominent on the edge of the plateau when seen in the wider landscape to the south since this would make the City appear to be spilling out from its present contained setting. Although there was not the evidence at the Examination to draw a precise southern limit for built development, the Inspector concluded that to avoid harm to the WHS and its setting the development needed to be set back from the edge of the plateau where the land begins to slope towards the south. Also the existing young tree belts would need supplementing. This is shown on the Concept Diagram and Placemaking Principle 5 includes the requirement to "protect the tree belt on the southern edge of the site and enhance with additional planting to ensure visual screening of the site from views to the south". On this basis the Inspector concluded that there would not be substantial harm to the significance of the WHS and if the Council's intentions are successfully realised through the masterplan there would be only very limited and localised harm to the significance of this heritage asset.

As noted above, various amendments have been made to the proposals including to the height, orientation and materials palette for the buildings. In addition tree planting is proposed within the new housing and along the northern boundary. These changes seek to break up the building mass and appearance of a continuous roofline as well as the sense of a suburban extension to the city beyond its containment within a natural bowl and thereby reduce the impact of the development on the setting of the WHS. Historic England concur with the submitted Heritage Assessment which concludes that whilst the application site is situated within the setting of the WHS it is located beyond the hollow that contains the WHS itself. Its contribution to the WHS setting pertains to its maintenance of the green, 'treed' skyline to the City and its maintenance of its rural nature. The ES submitted with the application includes an assessment of the impact of the proposed development on the WHS and its setting based on the development on completion and after 15 years of tree growth. The ES concludes that the proposed development will have no direct, physical impact on the WHS, however there is the potential for impacts upon its setting. In terms of views from the south the ES states that these views are located long distances from the application site and therefore not considered to be significant from a heritage perspective. The ES states that due to changes in topography and screening provided by dense vegetation or existing development there will be no, or very limited fleeting, glimpses of the new housing and after 15 years the growth of the southern tree belt and new planting in Derrymans there will be no visual impacts from the south.

This conclusion is not shared by the Council's Landscape Officer and it is evident from the photomontages that the existing mature trees on the steep slope up to the site from the south as well as the more recently planted southern tree belt will not completely obscure the new housing. The landscape and visual assessment work shows that elements of the development will be visible from a number of viewpoints, particularly during the winter months when most trees will be without leaves. This is particularly the case for the row of buildings along the northern edge of the site, but also the houses that run north-south towards the southern tree belt with the roofs, gables and chimneys of these buildings being visible. Due to the application site sloping from north to south, the properties along the southern edge are less likely to be visible however at night, lights are likely to be visible. Accordingly the conclusion in the ES that there will only be no or only very limited fleeting glimpses of the new housing is not accepted.

It is acknowledged that the continued growth of trees in the southern tree belt will provide further screening of the development by virtue of their extra height. However due to a predominance of ash, which as a species is suffering from disease and dieback, there are doubts about its long term survival and sustainability. In addition the tree belt is currently densely planted and will need thinning out to allow for the retained trees to grow properly. This means that careful selective replanting as well as measures to ensure the long-term future of this area of woodland will be required to achieve the intended screening of the development. To this end the Landscape and Ecological Mitigation Strategy & Management Plan (LEMP) submitted with the application proposes a woodland management regime. Given the importance of these trees in screening the proposed development (and which also serve an important ecological habitat and flyway and foraging area for bats, discussed further below) the protection, management and long term survival of this woodland is critical to ensure the effectiveness of the mitigation identified in the application documents and ES. It is considered that whilst the LEMP is acceptable in principle however further detailed provisions are required regarding the woodland management is required and if members are minded to approve this application this should be secured by condition or through the s.106 Agreement.

In conclusion, the southern built edge of the city, which in places is already visible, will be extended and the new housing will be seen in elevated views from the south particularly during winter and in the early years following completion. The development will therefore result in a degree of harm to the setting of the WHS. In the light of the amendments to the scheme and associated tree planting, which together assist in breaking up the extent of the built form and in reducing the prominence and visibility of the development, this harm is considered to be less than substantial. In accordance with paragraph 134 of the NPPF this harm must be weighed against the public benefits of the proposal and is considered further below.

Given the location of the current application site and the scale and extent of development, the proposed new housing will not impact on the setting of listed buildings within South Stoke. It is also considered that given the distance between the application site and South Stoke Conservation Area its character and appearance will be preserved. Sulis Manor is an undesignated heritage asset and it is considered that although the development will change the character of its wider setting due to the dense tree planting within the grounds of the house the setting of the building will not be materially affected.

The application site is also some distance from the Wansdyke Scheduled Monument however the application includes proposals for works to an existing informal pedestrian crossing of the Wansdyke as well as works on the Wansdyke itself. The principle of works have been discussed with Historic England and the Council's Archaeologist who are broadly supportive subject to agreement on the details of the works such as materials to ensure an appropriate and sympathetic intervention, as well as a commitment from the Applicant/landowner to implement the works. The scheme would be secured through planning obligation in a s.106 Agreement.

5. Impact on the AONB

Policy B1 in the Core Strategy seeks to sustain and enhance the significance of Bath's heritage assets including giving great weight to conserving landscape and scenic beauty in the AONB. Policy NE2A of the Placemaking Plan states that development should seek to conserve and enhance the landscape setting of settlements and their landscape character, views and features. Development that would result in an adverse impact that cannot be adequately mitigated will not be permitted. The application site lies wholly within the AONB boundary which also includes Sulis Manor and the remainder of the Odd Down Strategic Site Allocation as well as land to the south. The AONB Board has raised strong objection to the current application on the grounds of the impact on the character and appearance of the landscape. Natural England has also raised concerns regarding the landscape impacts.

The Cotswold AONB Board's landscape character assessment identifies the landscape features of Sulis Manor Plateau which include wide panoramic views, limited woodland cover and a high degree of inter-visibility. It also identifies potential landscape implications of residential development within this area as including the intrusion of expanded settlement fringes into the landscape and the degradation of views to, from and across the area; the proliferation of suburban building styles, housing estate layout and materials; and the introduction and accumulation of lit areas and erosion of characteristically dark skies. The Board's guidelines recommend avoiding development and extensions to settlements on visible hillsides that would intrude negatively into the landscape and that cannot be successfully mitigated.

Whilst replacing open agricultural fields with new housing will mean the loss of the specific landscape character and appearance of this part of the AONB, the site is allocated for major development in the Core Strategy and Policy B3a sets out a number of measures to mitigate the impact of the development including on the AONB. The ES concludes that after 15 years, with vegetation softening the appearance of the site and the integration of the built development into the wider urban edge setting, the landscape impacts will not be significant. The ES also states that by this time the management and replanting of the southern boundary will start to be effective, new buildings will mature and look less raw and there will be long-term benefits to the landcover, including trees as vegetation matures. The only significant impacts it identifies are those in close proximity to the application site.

The Council's Landscape Officer, the AONB Board and Natural England all register serious concerns about the landscape impact of the proposed development. As noted above the current application proposals do not reflect the Concept Diagram in Policy 3a in terms of pulling back development from the more sensitive parts of the site. Instead the new housing is built close to the existing tree line without additional tree planting along the

southern edge and with only a limited buffer zone. It is considered that the ES underplays the likely significance of the impact of the proposed development in the wider landscape and is also heavily dependent on the screening effects of existing trees (and their future growth). In conclusion it is considered that the development will give rise to a greater degree of harm to the character and appearance of the AONB than suggested in the ES, with a moderate adverse impact on its special qualities. The implications of this are considered further below.

6. Impact on Designated Habitats and Protected Species

Core Strategy Policy DW1 seeks to promote sustainable development by protecting and enhancing the Districts biodiversity resource including sites, habitats and species of European importance. This is also reflected in Core Strategy Policy B1. Policy D8 in the Placemaking Plan provides specific guidance in respect of lighting in new developments. The application site lies within 1.8km of the Combe Down and Bathampton Down Mines SSSI, and within the 4km sustenance zone for greater horseshoes bats roosting in the mines and the 2km sustenance zone for lesser horseshoe bats. Ecological surveys reported in the ES show that greater and lesser horseshoes regularly forage and commute along the southern tree belt, and that lesser horseshoes use hedges along the western and northern edge of the site application site. There is therefore the potential for the proposed development to impact on both these species, and on the integrity of the SSSI and Bath and Bradford on Avon Bat Special Area of Control. The surveys also identify the presence of six other species of bats, slow worms and lizards along Combe Hay Lane and in a small area of flower rich grassland in the south-east corner of the application site, song thrush and dunnock breeding on the boundaries of the application site and in adjoining woodland and badgers foraging mainly on the southern margins of the site.

To mitigate potential impacts on horseshoe bat populations street and property lighting has been designed to avoid light spill into the southern tree belt and lighting along the northern boundary of the southern tree belt to be no more than 1 Lux. These measures seek to avoid artificial lighting adversely impacting on the continued use of this tree belt as a bat flyway. For lesser horseshoe bats, due to the urbanising effect of the development on the existing hedgerows bordering and within the application site alternative foraging will be provided in a new area of woodland to be planted within Derrymans on the western side of the site. In addition a new bat roost that will be constructed close to the woodland to provide a secure breeding roost. This is currently shown as being located in the land retained in the Green Belt and it is recommended that the final location is subject to further discussion and agreement. In addition 20 wooden bat boxes will be installed on retained hedgerow trees as well as 15 soffit bat boxes (or bat bricks) suitable for crevice dwelling bats within buildings on the northern and southern margins of the development.

Access to and from the existing badger setts will also be safeguarded and precautions also taken during construction works and areas along Combe Hay Lane where slow worms and common lizards have been identified will be protected and the habitat expanded to create a new area of grassland to support slow worms in particular. A small area of flower rich meadow in the south-east corner of the application site will also be retained and managed for reptiles. To safeguard breeding birds vegetation that is to be removed including hedgerows will be undertaken in the winter to avoid times when birds are nesting. In addition 100 nest boxes will be installed across the application site with 25 in the western hedgerow, 25 in the hedgerow along northern boundary, 25 within new planting in Derrymans and 25 on retained trees within southern tree belt. In addition 60

nest boxes will be installed on buildings with 15 house martin nest boxes, 15 swift nest boxes, 15 open fronted nest boxes and 15 nest boxes integrated into soffits.

The Applicant has also proposed some advance mitigation measures for future phases of the development. This comprises the provision of a new bat barn elsewhere within the Strategic Site Allocation to mitigate the impact of the site access road across the site of Sulis Manor which will result in the loss existing of roosts within the grounds. This mitigation is the subject of a separate planning application (18/00456/FUL).

The development, the assessment reported in the ES and the measures set out in the LEMP have been reviewed by the Council's Ecologist and Natural England. Subject to implementation of the mitigation measures they have no objection to the application on ecological grounds. The Council's Ecologist has also undertaken an Appropriate Assessment (required by the Habitat Regulations) and has concluded that the project would not adversely affect the integrity of any European site.

7. Site Access Arrangements, Layout and Impact on the Highway Network

The application proposes access to the site from Combe Hay Lane (as required by Policy B3a) with a west-east main access road which will serve land to the east that also forms part of the strategic allocation. The proposals also include a pedestrian access to the Odd Down Park and Ride site as required by Policy B3a. Within the site a series of north-south roads serve the housing plots and will be adopted as public highway. The layout has been tracked for refuse and delivery vehicles and the layout has been agreed in principle with the highway adoptions officer. Proposed car parking provision is slightly below the standards set out in the Placemaking Plan however this is considered acceptable given the sustainability of the location in close proximity to the Park and Ride site and the local services and facilities of Odd Down.

The issue of the impact of the development on the highway network has been the subject of considerable discussion between the Council's Highways Officer and the Applicant. Limitations in the initial Transport Assessment have been addressed through additional modelling work following which there has been further discussions regarding the impact of the development and the appropriate trip generation figures that should be applied in the assessment.

The local road network already experiences some congestion at peak times, with traffic queueing on the approach to a number of junctions in the area including on the A367 northbound to the Park and Ride roundabout in the am peak. This link in the network is likely to experience the greatest impact if the development is permitted with all other links within the local network experiencing lesser impacts. With forecast growth in traffic, together with traffic from committed developments in the area and without mitigation the level of congestion will increase although recent alterations to the A367 northbound lanes leading into the Park and Ride roundabout are predicted to reduce queueing on this part of the highway network.

The modelling work undertaken for the Phase 1 application (without the A367 works) indicated a significant increase in queue length. Further analysis has identified that the trip rates used in the modelling for the morning peak hours were 46% higher than those used in the assessment that underpinned the Core Strategy allocation and the applicant has proposed that a trip rate around 15% lower than used in the modelling work. The

Highways Officer has reviewed the trip rates and concluded that it would be reasonable to use lower rates but still around 20% higher than those used during the Core Strategy Examination. Using these revised trip generation rates and taking account of the improvements achieved by the A367 works it is concluded that queueing on the A367 northbound will increase by 10 vehicles in the morning peak above the forecast conditions when background growth and committed developments are included. The Highways Officer concludes that this level of increase is not considered to be severe.

It is evident that the impact of the current application is reduced by the recent works on the northbound approach to the Park and Ride roundabout. These works were designed and implemented by the Council to seek to mitigate existing issues and forecast background traffic growth and committed development, rather than to facilitate the development of the Sulis Down site, the current application or the wider strategic allocation. Discussions regarding mitigation had been underway prior to implementation of these works and in the circumstances the Applicant has agreed to make a financial contribution to enable the Council to implement or investigate further options to ease traffic conditions in the vicinity of the site. An option would be to include a southern access to the existing Park and Ride site. This would be secured through the s.106 Agreement.

In addition to concerns regarding the impact of the proposed development on the local highway network, Parish Councils and individual objectors have expressed concern that granting permission to the Phase 1 application will lead to an increase in the proportion of traffic 'rat-running' through local lanes particularly those travelling north on A367 to avoid queueing along the route. Local residents have noted that some traffic on the A367 northbound already diverts onto a route leading to Combe Hay Lane however the design of the site access will make Combe Hay Lane the minor arm of the junction (and with the proposed TOUCAN crossing providing pedestrian/cycle access to the Park and Ride site) will have the effect of making this route less attractive as vehicles on Combe Hay Lane will have to give way to traffic from the Sulis Down site. It is considered that as motorists become familiar with these arrangements, and with the recent works to the A367 northbound approach to the Park and Ride roundabout there is unlikely to be a greater incentive to seek an alternative route than at present i.e. staying on the A367.

The modelling work also assessed the impact of the 450 dwellings proposed in the comprehensive masterplan. This shows that based on current network configurations and taking account of background growth and committed development 450 dwellings on the Odd Down site with access onto Combe Hay Lane will have a severe impact on the highway network. On the basis the current application is not for 450 dwellings the Applicant has not identified or proposed any mitigation for this scale of development. Whilst that is technically correct, the results do highlight the need for further and potentially significant mitigation measures when future phases of the development come forward.

8. Other Planning Considerations

The application proposes 68 (40%) of the new dwellings as affordable comprising a mix of tenures and dwelling sizes including flats for the elderly as well as people with learning difficulties. The level of affordable housing complies Policy B3a and the inclusion of specialist accommodation is particularly welcome. BANES Housing are supportive of the

proposals and details of the affordable housing will be secured through a s.106 Agreement.

As a major development the scheme is subject to Policy SCR1 which requires sufficient renewable energy generation to reduce carbon emissions from anticipated (regulated) energy use in the development by at least 10%. The application proposes a range of low and zero carbon technologies to achieve this target with a combination of waste water heat recovery, flue gas heat recovery and air source heat pumps to deliver a 10.1% reduction in carbon emissions. It is considered that in this case these technologies, rather than options such as photovoltaic panels which could increase the visibility of the development due to reflection in sunlight, are an appropriate solution for the site. The development will also comply with the national optional Building Regulations requirement for water efficiency, not exceeding 110 litres per person per day, and all dwellings will be provided with water butts.

The Public Sector Equality Duty (PSED) requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Paragraph 32 of the NPPF states that decisions should take account of whether safe and suitable access to the site can be achieved for all people and paragraph 35 states that developments should be located and designed, where practical, to consider the needs of people with disabilities by all modes of transport. The application includes homes for a range of age groups including accommodation designed for, and to be dedicated for occupation by, the elderly and for people with learning difficulties. This approach to achieving a mixed community within the development is supported.

The site is located within Flood Risk Zone 1 and the submitted Flood Risk and Sustainable Drainage Strategy confirms the acceptability of the development proposals, allowing for the 1 in 100yr plus climate change event (40%). The submitted Drainage Strategy confirms that the proposal will accord with the WoE Sustainable Drainage guidance, and a detailed strategy has been submitted as part of the current application. The Council's Drainage and Flooding Team are satisfied with the proposed method of surface water management, and in the light of further details of the soakaway designs and their maintenance which have since been submitted raise no objection subject to a condition requiring the submission of a detailed surface water drainage strategy.

Whilst the historic use of the site for agricultural purposes means that ground conditions within the application site are unlikely to give rise to risk of contamination the site is within 250m of a waste management site and therefore the Council's Contaminated Land Officer and the Environment Agency have requested conditions are imposed to investigate, and remediate and monitor if required.

9. Conclusions in Respect of Development Impacts

As noted above the proposed development is located adjacent to the City of Bath World Heritage Site and within the Cotswold AONB. In respect of heritage assets the NPPF (paragraph 129) makes clear that when considering the impact of a proposal on a heritage asset local planning authorities should take into account the particular significance of any heritage asset that may be affected by a proposal (including development affecting its setting). Significance can be harmed or lost through development within the setting of a heritage asset as well as through harm or destruction of the heritage asset itself.

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 World Heritage Site is a heritage asset of the highest significance and the greatest weight should therefore be given to its conservation. In respect of the AONB paragraph 115 of the NPPF states that they have the highest status of protection in relation to landscape and scenic beauty and great weight should be given to conserving them.

Parts of the development will be visible in medium/long distance views from higher ground to the south, as well as at a closer distance from within the WHS. In the views from the south the new housing will be viewed as built development extending beyond the edge of the 'bowl' within which much of the city of Bath is contained and this will affect the setting of the WHS. It is relevant to note that the proposed housing density is within the range set out in Policy B3a and with both amendments to the layout as well as the retention of the tree-lined fringe to the site the harm to the significance of the designated heritage asset is assessed as less than substantial. In accordance with paragraph 134 of the NPPF this harm is to be weighed against the public benefits of the proposal. The application site is part of a larger area of land allocated for housing in the adopted Core Strategy and will contribute towards the delivery of new homes. This includes 40% of the new homes as affordable in accordance with Core Strategy policy. The development also makes appropriate contributions to local social infrastructure including new Primary School places and with new and improved pedestrian links to existing facilities. These public benefits are considered to be significant and outweigh the harm to the setting of the WHS.

In respect of impacts on the AONB it is considered that the intrusion of built development into and visible from within the AONB will result in moderate harm to the landscape and its scenic beauty. This harm however needs to be seen in the context of existing visual intrusion of built development in and when viewed from within the AONB, the specific contribution that this part of the AONB makes to the landscape character of the AONB as a whole. The principle of major development in the AONB was considered during the preparation of the Core Strategy and the site has been allocated for built development. The density of development is consistent with that set out in the relevant site specific policy and the design of the individual buildings is considered to be of a high quality and the choice of materials is considered to be acceptable.

There is the potential for harm to local habitats including that serving European protected species. The development incorporates a number of features to mitigate that impact both in the design and specification of the development as well as through additional measures within and in the vicinity of the application site. The Council's Ecologist and Natural England have undertaken an Appropriate Assessment as required under the Habitat Regulations and concluded that the project would not adversely affect the integrity of any European site.

The development will give rise to additional queuing and congestion on the highway network however the Highways Officer has concluded these impacts will not be severe.

10. Overall Conclusion

Core Strategy Policy B3a removes land from the Green Belt and designates it as a Strategic Site Allocation for major residential development and associated infrastructure, with land to the west, south and east retained in the Green Belt. The strategic allocation is

located wholly within the Cotswold AONB and lies adjacent to the City of Bath World Heritage Site, with part also lying within the WHS. Adjoining the strategic allocation to the south east is South Stoke Conservation Area which includes a number of listed buildings and to the north is the Wansdyke Scheduled Monument. Sulis Manor located within the strategic allocation is an undesignated heritage asset.

Policy B3a sets out a number of "requirements that need to be met to enable development". These comprise 11 Placemaking Principles covering a range of topics with core policies indicated on the associated Concept Diagram. The policy framework is comprehensive, providing both stipulations and more general guidance. Given the sensitivity of the site the policy seeks to secure a development that can deliver the Council's housing strategy, including the provision of affordable homes, whilst minimising the impact of the development on key receptors.

The strategic allocation comprises two land ownerships and in order to promote a coordinated and managed approach to the development of the land one of the Placemaking Principles is the preparation of a comprehensive masterplan for the allocation as a whole. This is to be prepared through public consultation and agreed by the Council. The Applicant has prepared a masterplan for the strategic allocation and this has been developed through a series of public consultation events. The masterplan demonstrates how the allocation could be developed, and on a number of topics complies with the Placemaking Principles set out in Policy B3a. However on other matters the masterplan and supporting evidence either identifies impacts that it is unable (or for various reasons declines) to identify appropriate mitigation for, or fails to satisfactorily demonstrate how Placemaking Principles can be achieved. In the circumstances it is considered that in its current form the comprehensive masterplan should not be agreed.

Notwithstanding Placemaking Principle 2 regarding a comprehensive masterplan, Policy B3a does not require a single planning application for the entire strategic allocation. The current application is for only part of the strategic allocation, referred to as Phase 1, and as a valid planning application the current proposals are to be determined on their own merits and in accordance with the development plan unless material considerations indicate otherwise. Accordingly the fact that the application represents 'piecemeal' development of the strategic allocation is not, of itself, a determining factor in considering whether the current application should be approved or not. What is relevant in this regard is whether failure to fully comply with Placemaking Principle 2 is so significant that the current application cannot be approved. Also relevant is whether the proposals themselves are in accordance with the development plan or material considerations indicate otherwise, and whether valid planning objections to the application have been satisfactorily addressed.

This report has considered the proposals in the light of relevant planning policies, and where impacts have been identified their significance and any mitigation has been assessed. This includes impacts on heritage assets of the highest significance as well as landscapes. In reaching an overall conclusion on the application consideration has also been given to guidance in the NPPF including the need to boost significantly the supply of housing, that decisions should aim to optimise the potential of site's to accommodate development and that housing applications should be considered in the context of the presumption in favour of sustainable development. It is relevant to note that the presumption in favour of sustainable development does not apply to development

requiring appropriate assessment under the Birds or Habitats Directives and this has been considered elsewhere in this report, as has the issue of major development within the AONB. The site access road from Combe Hay Lane, as specified in Policy B3a and illustrated on the Concept Diagram, involves development in the Green Belt however it is considered the openness of the Green Belt will be preserved.

Based on the assessment set out in this report it is considered that on balance the current application should be approved, subject to conditions and s.106 Agreement. The shortcomings of the comprehensive masterplan and conclusion that it should not be agreed in its current form are not so significant that the current application cannot be assessed on its own merits or that it should be refused on the grounds of piecemeal development. The masterplan as it applies to the current application site is considered to be acceptable. This conclusion, particularly in terms of the impacts of the development on heritage assets and landscape features, relates to the specific characteristics of this part of the strategic allocation and the measures proposed to mitigate those impacts. It also reflects the additional analysis and detailed design work that has been undertaken to seek to mitigate the impacts of the development. In this context it should not be assumed that the same development principles, densities and layout will apply to the rest of the allocation or that the current application sets a precedent for future phases of the development which will need to respond to the different as well as particular circumstances of those other parts of the land.

RECOMMENDATION

Permit subject to conditions and s.106 Agreement to cover the following:

- Open Space and Green Infrastructure - provision of open space areas including children's and youth play facilities comprising amenity green space, parks & recreation grounds, natural green space; public access to open space; maintenance regime; provision of allotments or financial contribution
- Affordable Housing - 40% on site (in accordance with Planning Obligations SPG or as otherwise agreed)
- Transport Infrastructure Works - reconfiguration and widening of Combe Hay Lane; shared pedestrian and cycle path along eastern side of Combe Hay; works to roundabout; Odd Down Park and Ride Pedestrian/Cycle Link; Travel Plan including Green Travel Vouchers; safeguarded pedestrian links to Sulis - Down and Odd Down football club; safeguarded access link for vehicular, cycle and pedestrian access to the Sulis Manor.
- Targeted Recruitment and Training in Construction - financial contributions towards targeted recruitment and training including work experience opportunities, apprenticeships, advertisements
- Fire Hydrants - contributions towards the cost of fire hydrants
- Implementation of LEMP
- Ecological Works - on/off site bat mitigation
- Wansdyke - carry out works to and crossing of Wansdyke (or financial contribution for full cost)
- Legal, Administration, Monitoring costs
- Management Company

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 No site development works, or use by site traffic, shall take place until a Construction Management Plan has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme for the duration of the works. This Plan/Statement shall provide for details relating to:

- Provision of a temporary site access
- Access and parking arrangements for site personnel, contractors, and visitor arrangements for delivery and removal of materials;
- Arrangements for loading, unloading, and storage of plant and materials;
- Provision for wheel washing facilities for construction traffic. It is a requirement of this condition that wheel washing facilities will be used by all operatives exiting the site so to prevent mud and detritus being brought on to the public highway;
- Arrangements for protecting and/or diverting Public Rights of Way either within the site boundary or adjacent to the site, including any necessary temporary or permanent diversions of those routes;
- A scheme for routing, control of traffic associated with the construction (including arrangements for all HGVs), and temporary signage on the local highway network during the construction.
- Hours of working on site

Construction and site works shall be carried out in accordance with the approved scheme for the duration of the works.

Reason: To safeguard the amenity of adjoining land uses and occupiers and in the interests of highway safety.

3 No work shall commence on the development site until a detailed Road Condition Survey along Sulis Manor Road and Combe Hay Lane has been carried out and submitted to the Local Planning Authority in accordance with a specification that has first been approved in writing by the Local Planning Authority. Within 3 months of the development being brought into use, any damage to the highway network that has been identified as a result of the construction phase in relation to the agreed Road Condition Survey shall be remedied to the satisfaction of the Local Highway Authority.

Reason: In the interests of maintaining the existing condition of the highway network, and to enable the Local Planning Authority to determine whether any damage to the public highway is attributable to the works carried out by the developer.

4 No development shall take place 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 and details within the approved document implemented as appropriate. The final 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 also include the control of potentially harmful operations such as 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.

Reason: To ensure that no excavation, tipping, burning, storing of materials or any other activity takes place which would adversely affect the trees to be retained in accordance with policy NE.6 of the Placemaking Plan and CP7 of the Core Strategy.

5 No development or other operations shall take place except in complete accordance with the approved Detailed Arboricultural Method Statement. A signed certificate of compliance shall be provided by the appointed arboriculturalist to the local planning authority on completion and prior to the first occupation.

Reason: To ensure that the approved method statement is complied with for the duration of the development.

6 Prior to commencement a detailed surface water drainage strategy is to be supplied and agreed with the local planning authority. This detailed design should be in accordance with the recommendations set out in the Flood Risk Assessment and Drainage Strategy submitted as part of this application (January 2018).

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.

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

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

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

(ii) an assessment of the potential risks to:

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

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

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

8 Contaminated Land - Remediation Scheme (Pre-commencement)

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

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

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

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

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

9 Contaminated Land - Verification Report (Pre-occupation)

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

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

10 Contaminated Land - Unexpected Contamination (Compliance)

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

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

11 No construction of the external walls of the development shall commence until a schedule of materials and finishes, 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.

Reason: In the interests of the appearance of the development and the surrounding area.

12 No construction of the external walls of the development shall commence until a sample panel of all external walling materials to be used has been erected on site, approved in writing by the Local Planning Authority, and kept on site for reference until the development is completed. The development shall be undertaken in accordance with the approved details.

Reason: In the interests of the appearance of the development and the surrounding area.

13 The proposed footways shall be constructed in such a manner as to ensure that each dwelling, before it is occupied, shall be served by a properly consolidated and surfaced footway to at least wearing course level between the dwelling and existing highway.

Reason: To ensure that the development is served by an adequate means of access.

14 The proposed access roads, including turning spaces and all other areas that serve a necessary highway purpose, shall be constructed in such a manner as to ensure that each dwelling, shall be served by fully functional highway before it is occupied, the hard surfaces of which are constructed to at least basecourse level prior to occupation and bringing into use.

Reason: To ensure that the development is served by an adequate means of access to the public highway in the interests of highway safety.

15 No occupation of the approved development shall commence until a new resident's welcome pack has been issued to the first occupier/purchaser of each residential unit of accommodation. The new resident's welcome pack shall have previously been submitted to and approved in writing by the Local Planning Authority and shall include information of bus and train timetable information, information giving examples of fares/ticket options,

information on cycle routes, a copy of the Travel Smarter publication, car share, car club information etc., to encourage residents to try public transport.

Reason: To encourage the use of public transport in the interests of sustainable development in accordance with Policy ST1 of the Bath and North East Somerset Placemaking Plan.

16 Archaeology - Controlled Excavation (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 excavation of all significant deposits and features which are to be disturbed by the proposed development, and shall be carried out by a competent person(s) and completed in accordance with the approved written scheme of investigation. Thereafter the building works shall incorporate any building techniques and measures necessary to mitigate the loss or destruction of any further archaeological remains.

Reason: The site is within an area of major 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.

17 Archaeology - Post Excavation and Publication (Pre-occupation)

No occupation of the development shall commence 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 has produced significant archaeological findings and the Council will wish to publish or otherwise disseminate the results in accordance with Policy HE1 of the Bath & North East Somerset Placemaking Plan.

18 No development 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 appropriate screening and an appropriate landscape setting to the development in accordance with Policies CP6, CP7, NE1, NE2, NE2a, HE1, B1, B4, D.2, D4, D8 and GB1 of the Bath and North East Somerset Local Plan.

19 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 and soft landscape areas 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 CP6, CP7, NE1, NE2, NE2a, HE1, B1, B4, D.2, D4, D8 and GB1 of the Bath and North East Somerset Local Plan.

20 No development shall commence until a phasing plan defining distinct areas of the development site and the order in which these will be delivered has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall be carried out in accordance with the approved details.

Reason: In order to ensure the development including associated infrastructure and open space is implemented in full.

21 Prior to the occupation of the development details of the programme of woodland management set out in the Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by the local planning authority. The details shall include the following:

- a) A work schedule, including an annual work plan of woodland management;
- b) Details of the body or organization/s responsible for implementation of the plan;
- c) Details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The approved plan will be implemented in accordance with the approved details.

Reason: to deliver long term woodland management and the approved landscape mitigation and compensation measures set out in the Environmental Statement and Addendum.

22 Prior to first occupation of any dwelling, full details of proposed lighting design and specification shall be submitted to the Local Planning Authority for approval in writing. The lighting design scheme will provide details and plans showing numbers, specifications, positions and heights of lamps; details of all necessary measures that shall be incorporated into the scheme to minimise impacts on bats and other wildlife and achieve the necessary levels of darkness within the 'dark zones' and onto adjacent habitats and boundary vegetation; for example, use of 'warm white' led; directional lighting, use of baffles and screening, times of use and dimming regimes.

Upon approval in writing, the details shall be implemented and thereafter the development shall be operated in accordance with the approved details.

Reason: to provide a sensitive lighting scheme that avoids harm to bat activity and other wildlife.

23 Prior to first occupation of each dwelling the sustainability measures including renewable energy measures relevant to that dwelling shall have been implemented in full and shall be available for the duration of the development.

Reason: To ensure the implementation of committed renewable energy measures.

24 Plans List (Compliance)

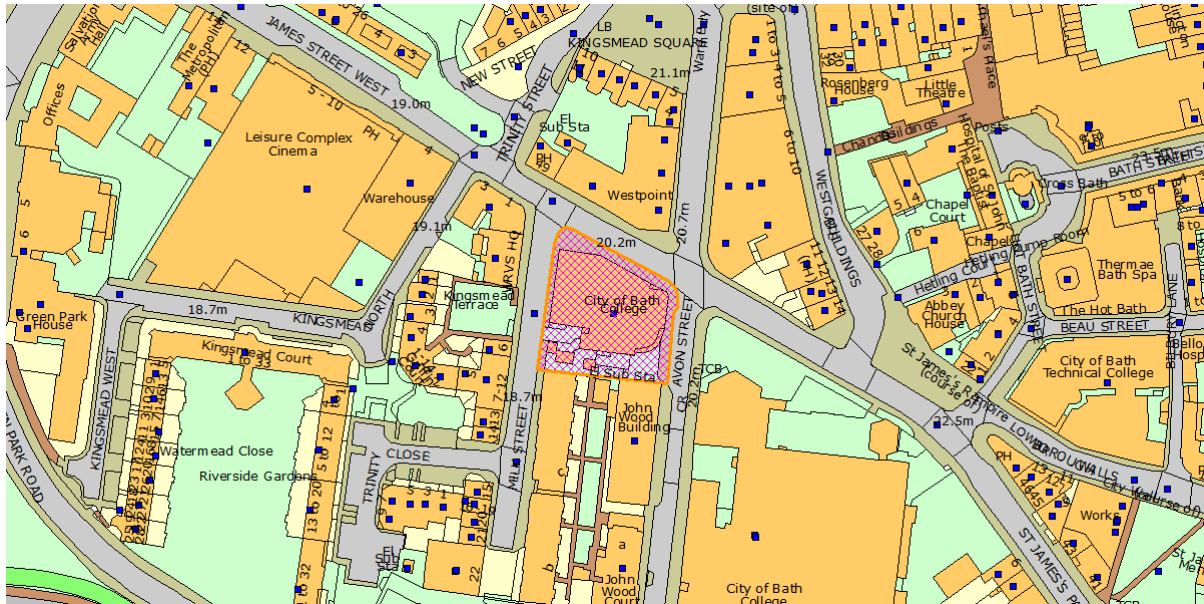
The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below.

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

PLANS LIST:

1 A-7-06 Rev.A, A-7-05 Rev.A, A-7-04 Rev.A, A-7-03 Rev.A, A-7-02 Rev.A, A-7-01 Rev.A, A-6-10 Rev.A, A-6-9 Rev.A, A-6-8 Rev.A, A-6-7 Rev.A, A-6-6 Rev.A, A-6-5 Rev.A, A-6-4 Rev.A, A-6-3 Rev.A, A-6-2 Rev.A, A-6-1 Rev.A, A-5-18 Rev.A, A-5-17 Rev.A, A-5-16 Rev.A, A-5-15 Rev.A, A-5-14 Rev.A, A-5-13 Rev.A, A-5-12 Rev.A, A-5-11 Rev.A, A-5-10 Rev.A, A-5-9 Rev.A, A-5-8 Rev.A, A-5-7 Rev.A, A-5-6 Rev.A, A-5-5 Rev.A, A-5-4 Rev.A, A-5-3 Rev.A, A-5-2 Rev.A, A-5-1 Rev.A, A-4-18 Rev.A, A-4-17 Rev.A, A-4-16 Rev.A, A-4-15 Rev.A, A-4-14 Rev.A, A-4-13 Rev.A, A-4-12 Rev.A, A-4-11 Rev.A, A-4-10 Rev.A, A-4-9 Rev.A, A-4-8 Rev.A, A-4-7 Rev.A, A-4-6 Rev.A, A-4-5 Rev.A, A-4-4 Rev.A, A-4-3 Rev.A, A-4-2 Rev.A, A-4-1 Rev.A, A-3-12 Rev.A, A-3-11 Rev.A, A-3-10 Rev.A, A-3-9 Rev.A, A-3-8 Rev.A, A-3-7 Rev.A, A-3-6 Rev.A, A-3-5 Rev.A, A-3-4 Rev.A, A-3-3 Rev.A, A-3-2 Rev.A, A-3-1 Rev.A, A-2-6 Rev.A, A-2-5 Rev.A, A-2-4 Rev.A, A-2-3 Rev.A, A-2-2 Rev.A, A-2-1 Rev.A, A-160 Rev.A, A-159 Rev.A, A-158 Rev.A, A-157 Rev.A, A-156 Rev.A, A-155 Rev.A, A-154 Rev.A, A-153 Rev.A, A-152 Rev.A, A-151 Rev.A, A-110 Rev.A, A-108 Rev.A, A-106 Rev.A, A-105 Rev.A, A-100 Rev.A, A-1-05 Rev.A, A-1-04 Rev.A, A-1-04.1 Rev.A, A-1-03 Rev.A, A-1-03.1 Rev.A, A-1-02 Rev.A, A-1-02.1 Rev.A, A-1-01 Rev.A, A-1-01.1 Rev.A, A098318-SPA01, FA098318-SK22, CA098318-SK04 G

Item No: 02
Application No: 17/06214/FUL
Site Location: City Of Bath College Milk Street City Centre Bath Bath And North East Somerset



Ward: Kingsmead **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Andrew Furse
Application Type: Full Application
Proposal: Demolition of existing building and erection of new hotel
Constraints: Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Air Quality Management Area, Policy B1 Bath Enterprise Zone, Policy B2 Central Area Strategic Policy, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP12 Bath City Centre Boundary, Policy CP9 Affordable Housing Zones, Flood Zone 2, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE5 Ecological Networks, Other Please specify, Public Right of Way, SSSI - Impact Risk Zones,
Applicant: Dominvs Project Company 8 Ltd
Expiry Date: 11th May 2018
Case Officer: Chris Gomm
To view the case click on the link [here](#).

REPORT

This application seeks full planning permission for the demolition of Bath College's 'Allen Building' on James Street West in Bath and its replacement with a hotel.

The Proposal

The proposed hotel will provide 202 bedrooms within a six storey building; it is described in the submission as a 'premium lifestyle hotel'. The development includes a

café/bar/restaurant at ground floor level as well as a delicatessen and a gym at lower ground floor level; the gym will benefit from its own independent access/reception at street level. The development will provide 80-100 full-time equivalent jobs.

The Site

The Allen Building is a modern building constructed in 1991 which currently accommodates teaching facilities serving various college courses including those relating to hair, beauty, sport, leisure and care. The building also accommodates a restaurant and catering teaching space. It is understood that the building is surplus to the college's requirements and that those teaching facilities that are still required will be re-provided elsewhere within the college's estate.

The application site is situated within the Bath Conservation Area and UNESCO World Heritage Site. In policy terms the site is situated within the Bath Quays North site allocation (Placemaking Plan Policy SB4), the designated Central Area (Placemaking Plan Policy B2) and the designated city centre (Placemaking Plan Policy CP12).

Relevant Planning History

17/06138/SCREEN: Screening Opinion - Not EIA Development

17/01588/FUL: Change of use of Ralph Allen Building from D1 Education to B1 Office use. GRANTED

SUMMARY OF CONSULTATIONS/REPRESENTATIONS CONSULTATION RESPONSES

Cllr Peter Anketell-Jones: Concern

- o The application should go to the Development Management Committee if minded to approve;
- o It has a relatively large mass for a building in the heart of Bath;
- o Concerned that its character and appearance do not reflect the city's identity or the importance of World Heritage Status.

B&NES Highways: No objection subject to conditions

B&NES Ecology: No objection

A completed bat building inspection report has been submitted which satisfactorily addresses the issues previously raised. The advice within the submitted report referring to a specific product as "bat friendly" however is not accepted and should not be relied upon within the new building. Conditions are recommended in respect of working methods and wildlife enhancements.

B&NES Urban Design: Objection

The plant is not acceptable on top of the roof; the plant proposed is effectively an additional storey. The solar PVs are shown on the roof plan but not in any elevations or

sections. The treatment rooms are not designed to be discernibly different to bedrooms; they appear to be intended for use as additional bedrooms this is not acceptable in terms of flood risk. The cycle store is within the building with no direct external access; it will not be effectively used and should be relocated.

B&NES Conservation Officer: No objection (but some reservations)

The applicants have responded positively to previous advice provided which is encouraging. There are some remaining issues that require further consideration however. It was hoped that the approach to rustication would be more imaginative and original; consideration should also be given to rustication detailing of the stonework within the colonnade and to the columns. The proposed plant enclosure adds significant bulk to the roof that would be visually detrimental especially in long range views. The use of white render to the rear elevation is inappropriate and would be detrimental. The landscaping scheme for the internal courtyard has not been properly considered

Historic England: No objection

Continued reservations about the recessed extra storey clad in zinc; this introduces additional bulk and height that could be detrimental in longer distance views towards the site. On balance however and given the architectural context of the area there is no objection to the scheme in its current form.

Environment Agency: No objection subject to conditions dealing with contamination and adherence to Flood Risk Assessment

B&NES Arboriculture: Not acceptable in the current form

The proposal will result in the loss of trees of landscape and amenity value. The position of the proposed new planted trees is unviable. It has not been demonstrated that the adverse impacts on these trees are unavoidable. It has not been demonstrated that appropriate compensatory provision for the loss of trees has been made.

B&NES Landscape: Not acceptable in the current form.

The public realm will not be conserved or enhanced as the existing public open space and trees will be lost. The proposed tree planting would be unlikely to result in viable trees of sufficient size and vigour to result in a landscape and visual improvement of the public realm. The proposed colonnaded space and tree planting would be unlikely to compensate for the loss of public open space and trees that would result from the realisation of the current proposals

B&NES Economic Development: Objection

Given the current Core Strategy & PMP policy framework and the planned new supply in the Bath Central Area, both provided and pipeline, the requirement for additional hotel bedrooms in the current plan period has been met.

It can be argued that the Hotel Futures Study indicated that potentially there could be a requirement for further hotel bed spaces, based on more ambitious growth forecasts for

the visitor economy. However the additional bedrooms that have, or will have, come on stream 2015-2018 in the Central Area are more than adequate to allow higher levels of growth until at least 2025.

The Council's Economic Strategy proposes a managed sustainable approach to growing the visitor economy and planning policies require a managed approach to the expansion of the visitor accommodation offer.

The new Local Plan covering a 20 year period to 2036 may indicate a need for further visitor accommodation growth but this needs to be fully assessed through a new Visitor Accommodation Study, taking into account the impact of the growth in other accommodation sectors such as Airbnb.

B&NES Public Rights of Way: No objection subject to three conditions

B&NES Planning Policy: Objection

Despite the early proposals being reduced in height, the currently proposed development is still considered to be too high and does not preserve or enhance this part of the conservation area. The development needs to be revised and reduced in height so that it can contribute positively to the sensitive townscape characteristics of this area, specifically to townscape views along James Street West and Avon Street.

The development does not comply with the building heights requirements set out in Policy SB4, nor the requirements of BD1 and HE1. It is therefore not acceptable in its current form, and should be refused.

B&NES Archaeology: No objection

No objection subject to conditions requiring a field evaluation of the site, a subsequent programme of archaeological work or mitigation, and publication of the results.

B&NES Drainage & Flooding Team: No objection

The basement area will be at risk of fluvial flooding therefore the Environment Agency will comment on this aspect of the design. Surface water drainage from the building is proposed to discharge to an existing Wessex Water system; there is no objection to this proposal. A condition is suggested to ensure that Wessex Water's consent for connection is in place prior to commencement

B&NES Environmental Protection: No objection

No objection subject to conditions securing a Construction & Environmental Management Plan (CEMP); a noise assessment post-completion; hours of delivery and gull nesting preventative measures.

THIRD PARTY REPRESENTATIONS

169 third party comments have been received all but one of which raise objections to the application (Transition Bath support). Those 168 objections are inclusive of objections

from Bath Preservation Trust; Bath Heritage Watchdog; the Federation of Bath Residents' Associations; Greenway Lane Residents Forum; James Street West Residents Association, Association of Bath Restaurants and Bath Independent Guesthouse Association. The objections received from the aforementioned organisations are summarised individually below. The remainder of the objections (161) have been received from members of the public, local businesses and other hotels in the city and are summarised as follows:

- o Excessive development which is not required;
- o The estimated requirement for hotel beds is 500-700 by 2030; by 2018 there will have been in excess of 700 rooms added to the market;
- o 333 rooms are planned to open this year (2018)
- o New hotel supply needs to be carefully managed; there will be an oversupply;
- o The new market should settle down before more hotel space is approved;
- o There are also additional Airbnb rooms and student accommodation let as overnight accommodation which have not been taken into account;
- o Existing small and medium businesses will be put at risk of failure due to lack of demand;
- o There will be a contraction in the hotel market in Bath;
- o More competition could jeopardize existing hotel businesses;
- o There is no transport strategy;
- o This hotel will generate an additional 100-115 cars per day plus service vehicles;
- o Car parking problems, there is already a shortage in the city centre;
- o Avon Street is reducing in size
- o Additional traffic congestion;
- o The Bath Futures study identifies that upscale mid-market hotels are now oversupplied;
- o Waste collection problems;
- o Employment market cannot support the number of positions;
- o There are already pressures with the national living wage, pension contributions and Brexit;
- o Bath should not become a city of chain hotels;
- o Bath will become like Bournemouth with cheap accommodation and stag and hen groups;
- o Poor design, It is an unimaginative, square, cheap looking block;
- o Bath has lost his authenticity and charms;
- o Out of keeping with the character of the city;
- o This is a London office style construction;
- o Bath is becoming a miniature Disneyland;
- o The original plan for this site was offices; this plan should remain;
- o Offices would be more beneficial to the economy of the city;
- o The unchecked development of hotels, student numbers or any other single focus activity will disrupt the city's delicate balance;
- o Bath is already short of affordable housing;
- o Large international companies are taking more and more of the tourism revenue in Bath;
- o Bath Quays North is supported as it will provide more office development;
- o Bath needs to develop a more diverse economy;
- o Bath will become a clone of other locations;

- o 80% occupancy is not a gauge that the market can see more growth. Rather this indicates a flourishing market that requires management to not to exceed demand;

Bath Preservation Trust: Objection

- o Overdevelopment of this site, it is a storey too high;
- o The existing Allen Building is only taller than the proposed development in respect of only a small part of the roof scape;
- o The Allen Building is more articulated and well expressed and adds interest to its corner location;
- o The Allen Building does not sit hard to its boundary and does not dominate the street scene;
- o The need for further hotel rooms in Bath is questioned given the shortage of residential housing and high quality office space;
- o The proposal has a scale, massing and form that does not enhance the local townscape or the special qualities of the WHS;
- o It is questionable whether the scheme complies with the Building Heights Strategy;
- o The building is a 'more of the same' monolithic building that sits hard and tight to the site edges and creates a canyon effect on James Street West;
- o The flat roof gives an unwelcome grey expanse in long views;
- o The south gable end (Milk Street) is particularly blank and intrusive in long views;
- o The diagonal window reveals add some interest but in general the building is bland, uninspiring and an example of 'anywhere' architecture;
- o The corner facing the Old Labour Exchange is poorly expressed with an over-dominance of the dark grey metal cladding;
- o The curved corner of the Old Labour Exchange should be the pre-eminent feature of this part of the street;
- o The proposed scheme by virtue of its design, scale, height and massing would neither preserve nor enhance the character and appearance of the conservation area, would be detrimental to the visual amenity of the street scene and would detract from the special qualities of the WHS;
- o The scheme would be contrary to Section 12 (Conserving and Enhancing the Historic Environment) of the NPPF, policies B1, B2, B4, and CP6 of the B&NES Core Strategy and policies CP6, D.1, D.2, D.5, HE1, B2, BD1 of the Placemaking Plan.

Bath Heritage Watchdog: Objection

- o This development has all the hallmarks of student accommodation;
- o While the existing building may have a negative impact on the character of the Conservation Area and World Heritage Site the same can be said for the proposed design;
- o Dispute the scheme having a low carbon footprint given the demolition of the existing building and its embodied energy;
- o Permission has previously been granted for office use, that use/potential will be lost;
- o James Street West has become an architectural disaster;
- o The building is far too tall for its location;
- o The opportunity should be taken to replace the building with one which is of the correct proportions for its location;
- o There should be no more than three/four above pavement storeys;

- o The roof scape is over dominant;
- o Elevational treatment is bland and has an incorrect ratio of solid to void, there is no horizontal emphasis;
- o There is no detail whatsoever; top storeys appear too heavy, the corners are weak;
- o The materials list follows the standard pattern. This is a conservation area so the materials should be slate for the roof and timber for windows etc. Render should be replaced by stone where used;

James Street West Residents Association: Objection

- o The addition of another large hotel development is not required and will clearly have an impact on the sustainability of existing businesses;
- o Many of the problems generated by the Green Park House development will be mirrored by this development (i.e. lack of council tax, lack of business rates etc.);
- o Green Park House student accommodation is being operated as an 'aparthotel';
- o The University of Bath has changed the use of Wessex House from student accommodation to office space;
- o This excessive development is not required in the market place;
- o Bath Futures report identifies a need for an additional 500-700 rooms by 2029, by 2018 there will have been an additional 770;
- o It is the Council's strategy to increase office supply;
- o New hotel supply needs to be carefully managed;
- o Many existing small and medium business will be put at risk of failure due to the lack of demand;
- o Lack of Transport Strategy;
- o The Bath Futures study identifies that upscale mid-market hotels are now oversupplied;
- o The application is contrary to the Core Strategy

Bath Independent Guesthouse Association: Objection

- o New hotel would represent a missed opportunity to create a vibrant part of an expanding city centre by creating a much needed high tech office redevelopment scheme;
- o Further, Policy SB4 does not mention a need for a hotel use;
- o An additional hotel in Bath in this location and of the type proposed is not considered to be required based on current supply; it is likely to have an adverse impact on small businesses and the independent hotel sector;
- o Policy B1 (Bath Spatial Strategy) of the adopted Core Strategy sets out a target provision of 500-750 new hotel bedrooms up to 2029;
- o However, this target has already been met by existing commitments. Since 2014, seven new hotels have opened in Bath resulting in the provision of 787 new hotel bedrooms;
- o the Hotel Futures Report does not take into account other sources of visitor accommodation in the city such as independent guest houses; self-catering accommodation; student accommodation used for holiday accommodation or AirB&B;
- o the application is likely to have a negative impact on the independent hotel sector in Bath in terms of reducing diversity and competition in the current market;
- o Various policies and documents support Bath having strong independent hotel offer. Care is needed to avoid undermining the independent hotel sector

- o a large 7,727 sq m 4-star hotel as proposed in this application will not achieve the above objective which, in the context of there being no undersupply presently, will be detrimental to the independent sector;
- o Due to budgetary constraints BTP will have to be self-funding by 2020;
- o not seen any evidence to indicate that any work to increase midweek tourism and visitors into the City have happened
- o Not seen evidence of the Council being able to successfully control the growth of unregulated holiday accommodation;

Federation of Bath Residents Associations: Objection (summarised below):

- o It is telling that there is not one comment in support of these proposals;
- o It is not surprising that many objections stem from independent hotels and guest houses whose livelihoods depend upon visitors to Bath;
- o The additional number of hotel beds required by the Core Strategy (500-700) has been met and exceeded;
- o There is now an oversupply of bed spaces in Bath;
- o Current employment market is unable to cope with demand;
- o Concerns about an increase in the demand for parking and associated traffic;
- o Conflict with the B&NES Economic Strategy (2014-2030), there needs to be an increase in office and industrial floor space;
- o The Bath College site is protected for primarily for educational purposes; if it is no longer required for such purposes it should deliver a mixed-use development
- o The committee would be wise to refuse the application

Greenway Lane Area Residents Forum: Objection (summarised below):

- o The site is allocated in the development plan for high-tech offices which is supported;
- o Offices are more of a priority than a new hotel;
- o There is a need to support local businesses;
- o We cannot tolerate new hotels without parking until there is infrastructure in place to deal with the traffic;
- o Bath, its businesses, residents and communities must have a sustainable future;
- o We must not become just a Georgian version of Disneyland where tourism is king and trumps the needs of all other parties

The Association of Bath Restaurants: Objection

- o Bath is desperate for office space;
- o The resultant lack of office workers is unhealthy for the diversity of the economy and long term success of the city and our sector;
- o There is a need for a mix of customers throughout the day / week and not just on Saturday night;
- o Permission was previously granted for the office use of this building and office use is a far more appropriate use;

Transition Bath: Support

The energy strategy is supported (ASHP (air to air), solar PV (125m²) and CHP for DHW, along with MVHR. The provision of 26 bicycle places is also supported. This strategy should be conditioned as part of any planning approval.

POLICIES/LEGISLATION

Policies/Legislation:

The Council's Development Plan now comprises:

- o Bath & North East Somerset Core Strategy (July 2014)
- o Bath & North East Somerset Placemaking Plan (July 2017)
- o West of England Joint Waste Core Strategy (2011)
- o Bath & North East Somerset saved Local Plan (2007) Policy GDS1 (K2;NR2;V3 &V8) only
- o 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 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 CP2: Sustainable Construction
Policy CP5: Flood Risk Management
Policy CP6: Environmental Quality
Policy CP12: Centres and Retailing
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 SCR1: On-site renewable energy requirement
Policy SCR2: Roof mounted/building integrated scale solar PV
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 NE1: Development and Green Infrastructure
Policy PCS1: Pollution and nuisance
Policy PCS3: Air quality
Policy PCS5: Contamination
Policy PCS6: Unstable land

Policy PCS8: Bath Hot Springs
Policy LCR1: Safeguarding local community facilities
Policy BD1: Bath Design Policy
Policy SB4: Bath Quays North & Bath College
Policy D8: Lighting
Policy HE1: Historic environment
Policy NE3: Sites species and habitats
Policy PCS2: Noise and vibration
Policy LCR7C: Commercial riding establishments
Policy ST7: Transport requirements for managing development
Policy B1: Bath Spatial Strategy

Other Relevant Documents/Material Considerations

- o The Bath Building Heights Strategy
- o Bath City-Wide Character Appraisal SPD (2005)
- o City of Bath World Heritage Site Setting SPD (2013)
- o Planning Obligations SPD (2015)

OFFICER ASSESSMENT

The Principle of Development

Loss of Allen Building and its Education Use

The Allen Building is a substantial post-modern college building dating from the early 1990s. The building is situated within the Conservation Area and World Heritage Site (WHS) but it does not make a positive contribution to the character or appearance of those areas; at best its impact upon the character and appearance of James Street West and the wider area is neutral. As the building is not listed, is of limited heritage value, and does not have a positive impact upon the Conservation Area, WHS or any other heritage assets, its loss is not objectionable in principle.

The demolition of the building will clearly result in the loss of the academic facilities within it and the redevelopment proposals will not replace those facilities lost; the educational use of the site will entirely cease. The long-term retention and protection of the site's educational use by the local planning authority is unwarranted. The application site, together with the wider Bath College site, falls within the Council's Bath Quays North allocation (Placemaking Plan Policy SB4). This policy does indeed state that the college site is protected primarily for educational purposes but goes on to state that, "should it be demonstrated that parts of the site are no longer required for educational or related purposes, the site will be expected to deliver mixed-use development appropriate to its proximity within an expanded city centre". The principle of the loss of educational facilities is therefore accepted by Council policy in the event that it can be demonstrated that they are no longer required. The building represents only a small part of the college's estate and the facilities within the building are evidently surplus to the college's requirements. It is understood that the college is rationalising its estate and that alternative accommodation is available elsewhere that will meet the college's requirements going forward. There is limited public benefit in protecting an educational use for which the operator itself no longer has a requirement; the appropriateness of the replacement use is

dealt with below. The demolition of the existing building and cessation of the educational use of this site is therefore accepted.

The Principle of Additional Hotel Bedspace in Bath and the Principle of a Hotel on this Particular Site

As stated above the application site falls within the Placemaking Plan's Policy SB4 Bath Quays North allocation. Having accepted that the educational use of the site/building is no longer required, it is a policy requirement that the site contributes to the mixed-use nature of the Quays North redevelopment and provide a scheme which is appropriate to its city centre location. The application site forms the northernmost parcel of the Quays North allocation and is the closest element of that allocation to the city centre. James Street West itself is characterised by leisure uses which include drinking establishments, restaurants, retail uses, existing hotels and a large cinema; in this context a hotel use is considered to be entirely appropriate. The hotel itself includes a restaurant and a delicatessen as well as a self-contained gym; these uses will further complement the James Street West offer and complies with the objectives of Policy SB4.

It is acknowledged (as highlighted by the Council's Economic Development Team) that the Council's Economic Strategy states that there is a 'pressing need' for new grade A office floor space in the city and that up to 50,000sqm of office floor space is required to facilitate economic growth. The Council's Economic Strategy is a material consideration carrying some weight but the Placemaking Plan (PMP) carries full weight and thus is the starting point for assessing this matter.

Policy SB4 of the Placemaking Plan requires the redevelopment of Quays North to follow an employment-led approach and some 20,000sqm of office space is expected to be provided across the redevelopment as a whole. The policy is clear however that the office element is to form part of a wider mixed-use development and it does not allocate specific uses to specific land parcels. Members will be aware that the Council is currently considering an application for the substantive part of the Quays North allocation (Avon Street Car Park etc.). That application currently proposes between 15,000sqm and 25,000sqm of B1 office use and, whilst that cannot be guaranteed at this stage, it is clear that the current application site is not in itself required to deliver any particular quantum of office development. The Council is not therefore in a position to insist that office development be provided on this site.

Core Strategy Policy B1 (Bath Spatial Strategy) states that the Council is to "manage the provision of 500-750 new hotel bedrooms to widen the accommodation offer for the city, increase overnight stays, and the competitiveness of Bath as a visitor and business destination"; this is repeated in Policy B2 (Central Area Strategic Policy).

Analysis provided by the Council's Economic Development team indicates that the provision planned in the Core Strategy (500-750 new bedrooms) has already been met; it has been calculated that new hotel provision provided in the city since 2011 as well as that known to be in the pipeline amounts to 762 bedrooms. In 2015 the 'Hotel Futures Study' looked in greater detail at hotel demand/growth in the city in order to inform the Placemaking Plan which at that time was being drafted. The study suggested a managed expansion of hotel bed space and suggested raising the figure from 750 new bedrooms to 1000 new bedrooms by 2030. The 1000 figure however was not accepted at the

Placemaking Plan Examination and the 750 bedroom requirement remains although this was due to Inspector's concerns regarding the legitimacy of amending the Core Strategy at the Placemaking Examination rather than concerns regarding the evidence. The Economic Development Team have highlighted that since 2015 at least 540 new hotel bedrooms have been provided or are under construction and that this would suggest that the immediate pipeline supply is sufficient to accommodate visitor economy growth until at least 2025.

The concerns that have been raised by the Council's Economic Development team regarding the rate of hotel growth in the city including the fact that the 500-750 hotel bedspace has been reached and the view that pipeline supply is more than sufficient (for the time being) to meet economic demand, are shared by a significant number of local hoteliers and local residents. These concerns are acknowledged but it is important to note that the 500-750 figure set out in Core Strategy Policy B1 and B2 is not expressed as a cap or upper-limit; the Council is not in the position to be able to object in principle to any new hotel development proposed in the city once that 750 figure has been reached. The figure provides for the minimum level of growth in the hotel sector estimated to be required during the plan period to meet predicted demand and provide an acceptable level of growth; any growth above that level is not 'required' as such by the Core Strategy but it is not objectionable in principle either. Comparisons can be drawn to the way in which housing targets operate; the Council can not refuse a windfall residential application which is acceptable in all other respects simply because a housing target has been reached or because a 5-year supply of housing land is in place. It may (or may not) be the case that in the future it is appropriate and necessary to introduce a cap on hotel growth in Bath but this must be evidence-based and must form part of the Local Plan Review process. A study into hotel growth will be underway shortly and this will inform the Local Plan Review process which as members will be aware is well underway; the findings of that study should not be prejudged.

In respect of the scheme's economic benefits, which must too be weighed in the balance, the submission states that the hotel (and associated uses within the building) will provide in the region of 80-100 full-time equivalent (FTE) jobs. The development is expected to generate circa 60k overnight visitors on an annual basis (although this is based upon a slightly larger hotel of 206 beds). The submission estimates that the additional visitors generated by the proposed development could spend £4.27 million annually in the local economy.

In conclusion, the 500-750 figure set out in Core Strategy Policy B1 and B2 has been exceeded (and relatively early-on in the plan period) but this is not a cap. The impact of the proposed hotel development on the economic vitality of the city is unquestionably a material consideration but there is no adequate evidence to suggest that exceeding the 500-750 CS figure will cause unacceptable economic harm to the city and its hotel sector and there is no evidence to suggest that the proposed development itself will cause or contribute to such harm. Indeed, as mentioned, the Hotel Futures study recommends that the level of growth in fact ought to be in the region of 1000 additional bedrooms which suggests that at the very least there remains capacity. There is therefore no objection in principle, at this stage, to additional hotel space in the city.

Design and Impact on Heritage Assets

The site is, as stated, situated within the city's Conservation Area and wider UNESCO World Heritage Site (WHS); there are also a number of listed buildings in vicinity.

The proposed building takes the form of a 6-storey structure fronting onto James Street West with secondary frontages to both Avon Street and Milk Street. The building is of a clean contemporary nature which has an unassuming external appearance. The building is to be faced largely in Bath Stone. The upper storey, which will be set back, will be faced in a dark grey zinc cladding. Window (and other) detailing will also be picked-out in dark grey colour. At ground floor level a colonnade is to be provided along the Avon Street elevation with full-height glazing serving the reception and restaurant areas within. New street trees are also proposed along the building's Avon Street frontage. The hotel's main entrance will close to the building's corner with James Street West and Avon Street. A separate, recessed entrance to the gym will be provided at the building's corner at the junction of James Street West and Milk Street.

The scheme has attracted mixed responses from statutory consultees; the Council's Urban Design Team has objected to the application whereas both the Council's Conservation Team and Historic England have raised no formal objection and are largely satisfied with the proposal now tabled (albeit with some reservations). The Urban Design team has concerns regarding the roof top plant; there is concern that the plant is not integrated into the building and that in effect it represents an additional storey. Further concerns relate to a lack of testing of the appearance of the roof-top photovoltaic arrays and concerns regarding the inaccessibility of the proposed bicycle storage areas. Concern has also been raised in respect of potential flood risk of lower ground floor treatment rooms.

Historic England has reservations regarding the recessed upper storey and are concerned that this introduces additional bulk and height which could be detrimental but crucially they have stated that, "on balance and given the architectural context of the area we do not object to the scheme in its current form". The Council's Conservation Team have similarly highlighted some aspects of the design which could be improved, such as the aforementioned roof top plant for example, but again have raised no formal objection to the development. Members will also note that both the Bath Preservation Trust and Bath Heritage Watchdog have objected to the development for the reasons summarised above.

The scheme has been revised considerably during the course of the application as well as at the pre-application stage. The building as currently proposed is two storeys lower than first proposed including the omission of a previously proposed roof-top glass pavilion. The roof-top plant has also been considerably reduced (by circa 50%) and that remaining is now housed within a louvered enclosure together with the lift overruns. The Urban Design Team's concerns regarding the roof-top plant are noted but so too are the muted comments of the Conservation Team and the lack of any objection from Historic England in this regard. The plant will be centrally located on the roof considerably set back from the parapet and will be of limited height; it will be of limited (if any) visibility from street level and whilst visible from more distant vantage points it will be seen in the context of the roof scape as a whole. The presence of both plant and lift overruns on the roof are therefore considered to be acceptable and not meaningfully detrimental to the character and appearance of the building.

The proposed building is not inconsiderable in terms of its height and massing and a number of consultees and respondents have expressed a strong desire for it to be lower. The building is six storeys in height including a recessed upper floor set back from the outward face of the building; this upper floor is to be faced in a dark grey zinc cladding and is designed to be a contemporary form of mansard. The site is within the 'Georgian City' zone as designated in the Bath Building Heights Strategy (Urban Initiatives, Sept. 2010). This states that the shoulder heights of new buildings should reflect the prevailing cornice height of nearby Georgian buildings with one additional setback storey permissible behind a parapet. Furthermore it is stated that the overall height of new buildings should reflect the overall prevailing height of nearby Georgian buildings. James Street West however is unusual in that Georgian buildings are few and far between; the street is instead characterised by post-war twentieth century buildings some of which are of considerable scale, bulk and height including the Odeon Cinema and the main college building. The closest Georgian buildings are those situated in Kingsmead Square and Westgate Buildings which are typically four storeys in height with a fifth floor within the mansard but these do not set the context of the application site. The proposed hotel will be lower than the college building that it replaces, comparable in height to the neighbouring college building to the immediate south and similar in height to the nearby Odeon cinema building. It is considered that given the context of the site alongside existing buildings of considerable scale a departure from the Bath Building Heights Strategy can be justified in this particular exceptional case.

The Council's Urban Design Team has raised concerns in respect of the potential visual impact of the proposed photovoltaic solar panels which are to be installed on the roof-top (see climate change section below). These concerns are acknowledged but given that the panels are to be fitted to a flat roof, and set back somewhat from the edge of that roof, their visibility and impact will be negligible. A condition is recommended to ensure that the panels are dark/monochrome in colour as well as matt in finish, this will ensure that their visual impact from other vantage points is limited.

Design Conclusions including Impact on Heritage Assets

The proposed hotel is considered to be of an acceptable design which is appropriate to its context. James Street West is something of an anomaly within the city centre in that it is characterised by 20th and 21st century buildings many of which are of considerable scale. This context affords the site a greater degree of architectural flexibility as compared to other sites elsewhere in the city centre, subject of course to that architecture not undermining the wider character of the Conservation Area and the World Heritage Site. The contemporary approach that has been taken here is appropriate to its context described above. The use of facing Bath Stone helps to tie the building to its surroundings and creates a degree of visual consistency in terms of the colours and tones of the street. The rustication of the ground floor elevations and the 'shop front' style treatment of the James Street West elevation (which turns the corner into Milk Street as well into Avon Street within the colonnade) provides an active frontage of interest and vitality at street level.

The height of the building is considered to be acceptable for the reasons explored above; similarly the bulk and massing of the building is not considered inappropriate given its context. The top floor of the building is to be set back from the parapet and will be faced in a dark metal material; it is a contemporary form of mansard. The recessive nature of

this storey will go a meaningful way towards reducing the bulk and massing of the building.

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. It is considered that the proposed hotel building will preserve the character and appearance of the City of Bath Conservation Area. Given the nature of James Street West, the immediate context of the site and the steps that have been taken to minimise the bulk and impact of the building, no harm will be caused to the Conservation Area rather it will be preserved. Furthermore, and for the same reasons, the proposal will not harm or undermine the Outstanding Universal Values (OUV) of the World Heritage Site or its authenticity or integrity.

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 former Labour Exchange (c.1936 Grade II listed) is situated adjacent to the application site on the opposite corner of Milk Street and James Street West. Members will be aware that this building has been recently renovated and significantly altered with a contemporary extension which adds a number of storeys; it is now student accommodation with a retail unit beneath. It is not considered that the proposed development will undermine the setting of this building; whilst the proposal is somewhat higher it is also across the street and will not dominate or overwhelm the listed building. There are also a number of other listed buildings whose setting could be affected by the proposed development, these include nos 1-2 Kingsmead Terrace (c.1792 Grade II listed); nos 13-14 Westgate Buildings (c.1775 Grade II listed) and a number of Georgian buildings in Kingsmead square range from Grade I, Grade II* to Grade II listed. Whilst the proposed development has the potential to impact upon the setting of these buildings it is considered that in all cases the setting of these buildings will be preserved. In all cases the presence of intervening existing buildings and the nature of the proposed building itself will significantly limit the proposal's impact.

Core Strategy Policy Policy B4 (World Heritage Site) states that there is a strong presumption against development that would result in harm to the Outstanding Universal Value of the WHS, its authenticity or integrity, whilst noting that this must be weighed against any public benefit. Policy CP6 of the Core Strategy requires development to be of high quality and inclusive design. The policy is clear that the Council will protect, conserve and seek opportunities to enhance the historic environment including the character and setting of designated and other heritage assets. The policy is similarly clear that any harm to the significance of a heritage asset must be balanced against any public benefits. Policy HE1 of the Placemaking Plan states that development will be expected to enhance or better reveal the significance and/or setting of a heritage asset and make a positive contribution to its character and appearance. The policy seeks to sustain and enhance the district's historic environment. Placemaking Plan Policy BD1 (Bath Design Policy) requires developers to explain through their Design & Access Statements how the design has been informed by Bath design values, how the design and scale of the development respects the character of Bath, how the WHS and Conservation Area is

maintained/preserved and is clear that proposals that fail to adequately deal with these matters cannot be supported.

Policies D1-D5 of the Placemaking Plan deal with various urban design matters and in summary includes (amongst other things) the requirement that development should contribute positively to local distinctiveness; positively responded to the site context; improve areas of poor design; contribute positively to the urban fabric; be well connected; be well articulated and; building frontages should face and relate to the public realm. It is also stated that good modern, innovative design is supported and that Historical styles are likely to be considered appropriate where the development is re-unifying lost compositions.

In conclusion, it is not considered that harm to the WHS, Conservation Area or any other heritage asset will result from this development. The comments of Historic England and the Conservation Officer are noted but these amount to preferences rather than outright objections. Indeed Historic England have confirmed that they have no objection to the scheme in its current form. The contemporary design approach taken by the applicant is considered to be appropriate to the site's context and the scheme itself an acceptable addition to the James Street West. Accordingly the application is in compliance with Policy B4, CP6 and HE1 as well policies D1-D5 and Policy BD1. It has been concluded that no harm to heritage assets will result and therefore the balancing exercise (harm to heritage assets vs public benefit) required by both development plan policy and the NPPF (paragraphs 133-134) is not required.

Flooding Matters

The application site is situated in Flood Zone 2 which is area deemed by the Environment Agency (EA) as being at a medium risk of flooding (i.e. 1 in 100yr to 1 in 1000yr annual probability of a flood event). The site is allocated for redevelopment in the adopted Placemaking Plan and as such in accordance with Paragraph 104 of the NPPF there is no requirement for the site to be sequentially tested (i.e. only developed if there are no sites reasonably available for the development in areas of lower flood risk). Furthermore there is no requirement for the exception test to be applied as this is a 'More Vulnerable' development proposed in Flood Zone 2. Be that as it may it is nevertheless necessary for the local planning authority to fully consider the impact of potential flooding and ensure that the development will be safe for its lifetime and not increase flood risk/impact elsewhere.

A comprehensive Flood Risk Assessment (FRA) has been submitted with the application and this has subsequently been revised on two occasions to address concerns raised by the EA. The application as first submitted included five bedrooms on the lower ground floor level; these have subsequently been deleted following concerns being raised by the EA. The EA has now withdrawn its objection to the proposed development subject to conditions ensuring that the implemented scheme complies with mitigation measures set out in the revised FRA (including no bedrooms on the lower ground floor) and subject to conditions dealing with contamination. Accordingly the application accords with Core Strategy Policy CP5 in respect of flood risk matters. The Council's Contaminated Land Officer has also suggested a number of contaminated land conditions and these are favoured over those of the EA (see below).

Climate Change and Energy Efficiency Issues

The site is located within a District Heating Priority Area as designated by Core Strategy Policy CP4. This policy expects development to incorporate infrastructure for district heating and expects development to connect to district heating systems should these become available in the future. In practice this means that development should be served by a single, building-wide heating system to facilitate easy connection in the future. The submission confirms that the proposed hotel will incorporate a gas-led combined heat & power (CHP) engine to provide domestic hot water; this will allow for future connection into a district heating system if and when one becomes available. The application therefore accords with Policy CP4 of the adopted Core Strategy.

Policy SCR1 of the adopted Placemaking Plan requires developments exceeding 1000sqm to provide sufficient renewable energy generation such that carbon emissions from predicted regulated energy use are reduced by at least 10%. The proposed development is to incorporate two key technologies in order to meet the 10% target. Firstly an Air Source Heat Pump (ASHP) will be employed to provide space heating and cooling. Secondly a total of 125sqm of photovoltaic solar panels will be installed on the roof-top; these arrays will be sized to meet to meet any shortfall in CO2 reduction from the ASHP. The submission confirms that the development will deliver the 10% site wide renewable technology requirement and accordingly the application is in compliance with Policy SCR1 of the Placemaking Plan.

Highway Matters

The proposed building incorporates no staff or customer car parking which is as expected in a city centre location; it is envisaged that guests visiting Bath by car will use existing public car parking facilities located across the city centre as well as park & ride facilities. Furthermore the site is located within easy walking distance of both the bus station and Bath Spa railway station. 26 bicycle storage spaces (for staff) will be provided within the building accessed through back-of-house areas. The building will be serviced by means of a loading/unloading internal service bay accessed from Milk Street.

Notwithstanding the 'car free' nature of the development it is inevitable that there will be vehicular trips to the hotel in the form of guest drop-offs and pick-ups (including private cars, taxis and coaches); there will also be deliveries.

Significantly, the application also includes proposals to create a shared space at the northern end of Avon Street. These proposals offer the opportunity to significantly enhance the public realm around the building and provide an improved drop-off point/bus stop for both the new development and the adjacent college. The shared surface design initially attracted an objection from the Council's Highway Team due to various concerns regarding the scheme's technical details (the raised bus stop kerb for example). The fine detail of this scheme is yet to be finalised but the Council's Highway Team now have sufficient confidence [that an acceptable scheme can be agreed/delivered] to withdraw their objection subject to a condition requiring the submission and agreement of those details prior to commencement.

The scheme is acceptable in all other highway respects. The servicing and loading/unloading arrangements are acceptable as is the zero-car nature of the

development. The Council's Urban Design Team has concerns regarding the nature of the cycle storage area (accessed through the service area) but these concerns are not shared by the Highway Team. As these cycle spaces are for staff use only, their location within an internal back-of-house area is considered to be appropriate. The application accords with Policy ST7 in respect of highway matters.

Ecological Matters

The building is a modern structure which is currently occupied. The potential for it to be harbouring protected species is low. Be that as it may the Council's Ecologist initially raised an objection to the application on the basis that the submitted ecological information was not perceived to be of an acceptable standard. Supplemental information was subsequently submitted which concluded that the roof had a negligible potential to support roosting bats, and the Ecologist's objection was withdrawn. Conditions have been recommended to secure compliance with the working methods set out in the Ecological Appraisal and subject to a scheme of ecological enhancements. It is not considered that a condition requiring ecological enhancements is reasonable or necessary to make the development acceptable in planning terms given the nature of the existing building and its low ecological value.

Residential Amenity

The application site is in a mixed commercial/residential area. Neighbouring land uses on James Street West are commercial in nature and therefore no residential amenity issues will arise. Similarly the main college building is situated opposite the site on James Street West as well as to the immediate south on Avon Street; again no residential amenity issues will therefore arise. There are however a significant number of residential units on nearby Milk Street including to the immediate south of the application site. It is also the case that the building now known as The Exchange on the corner of Milk Street and James Street West is in residential use in the form of student accommodation.

The residential properties on Milk Street will not be unacceptably adversely affected in respect of loss of light, loss of privacy or visual domination as those properties are orientated such that windows face the street and rear areas rather than directly face the application site. The existing building is substantial and it is not considered that the impact of the new, replacement building on residential amenity will be significantly greater on either the residential units to the south or the student accommodation at The Exchange.

The proposed hotel includes a service bay and loading/unloading area at the southern extremity of the Milk Street elevation; this is in close proximity to the aforementioned residential properties also situated in Milk Street. This area will accommodate amongst other things an existing electrical substation and the refuse storage facilities; it will be enclosed within the building. The entrance to the proposed service bay/loading/unloading area is in the same approximate position as the current entrance/exit to the Allen Building's undercroft car park. The Council's Environmental Protection Team has raised no objection to the relationship and proximity of the service bay and residential units but has recommended a number of conditions preventing deliveries and dispatch between 9pm-7am (Mon-Sat) or before 10am and after 4pm on Sundays and Bank Holidays. A scheme of sound attenuation has also been recommended but this relates to occupants of the hotel rather than neighbouring residents. It is considered that subject to strict

adherence to the aforementioned delivery/dispatch restrictions, the service area's impact on neighbouring residents will be acceptable. The application therefore complies with Placemaking Plan Policy D6 (amenity), PCS1 (pollution & nuisance) and PCS2 (noise and vibration).

Public Realm and Landscaping

The existing Allen Building has a smaller footprint to that proposed and in places does not extend the edge of the site boundary. As a result, in places the existing site includes small pockets of public realm; firstly at the corner of Milk Street and James Street West (small paved area with a semi-mature tree) and on secondly on Avon Street (a larger paved area with two semi-mature trees). These areas of public realm are not of a high quality and are of limited value; insisting upon their retention is simply unnecessary. The Landscape Officer however has expressed concern at the loss of these areas (and the associated loss of the trees) although his concerns do not amount to a formal objection.

The proposed scheme includes an element of public realm within the colonnades although the quality of this space as meaningful public realm is questionable. Be that as it may, given the poor quality and small size of the existing public realm it is not, on balance, considered necessary to replace it; furthermore to do so would most likely compromise the scheme in other areas. The scheme includes some replacement tree planting along the Avon Street frontage but the Council's Arboricultural Officer has questioned its viability due to its proximity to the building. Furthermore the treatment of Avon Street itself is yet to be finalised (see highway section above) and therefore the delivery of these replacement trees is currently uncertain. It is recommended therefore that compensatory tree planting be secured by means of a S.106 Agreement as is standard practice in accordance with the Council's adopted Planning Obligations SPD.

The scheme incorporates a small courtyard area to the rear of the building; this area is tightly surrounding by buildings on three sides and to a lesser extent on its southern side. A mix of hard and soft landscaping is proposed within this area none of which is objectionable; the fine details can be secured by condition. In respect of public realm and landscaping the application accords with Policy D4 (Streets and Spaces), Policy D10 (Public Realm), Policy NE1 (Development and Green Infrastructure) and Policy NE6 (Trees & Woodland Conservation).

Planning Obligations

As set out above there is insufficient confidence at this stage that replacement tree planting within the application site is viable or deliverable; a financial contribution towards off-site replacement planting is therefore justified in accordance with Policy NE6. It is recommended that this financial contribution be secured by means of a S.106 Agreement. The Council's Planning Obligations SPD requires £735 per replacement tree in open ground and £1913 per tree in hard standing. Should members be minded to grant permission the total contribution can be calculated as part of the drafting of the S.106 Agreement; the number of replacement trees (and therefore the contribution) is dependent upon the girth of trees felled. It is Council policy that replacement tree planting takes place in areas of hard standing as close as reasonably practical to the development site.

The Planning Obligations SPD requires developers of commercial developments of over 1000sqm (such as the proposed hotel) to provide targeted recruitment and training opportunities during the construction (and in this case demolition) phase. The aim is that at least 5% of the construction workforce be a New Entrant Trainee (NET). If the committee is minded to grant permission it is recommended that a S.106 Agreement seeks to secure the following outcomes:

- o Work Placements: 11
- o Apprenticeship Starts: 2
- o New jobs advertised through DWP: 2
- o Financial contribution to facilitate the above: £6,545

Summary, Conclusion and Planning Balance

The application site is currently occupied by a substantial modern college building and forms the northernmost part of the wider Policy SB4 allocation as prescribed by the Placemaking Plan. Policy SB4 is clear that the college site is protected primarily for educational purposes but it is also clear that should the site no longer be required for those purposes, appropriate mixed-use redevelopment should instead be delivered. James Street West is characterised by commercial and leisure uses and includes uses such as a cinema and existing hotels; the site is also the closest part of the Policy SB4 allocation to the city centre. A hotel use on this site is therefore considered to be consistent with neighbouring land use and appropriate.

Much concern has been raised from a number of third parties, including various interest groups and local hoteliers, that there is no need for additional hotel growth in Bath at the current time and that further growth will harm the hotel sector. It is the Council's strategy (Core Strategy Policy B1 and B2) to manage the provision of 500-750 new hotel bedrooms during the plan period. It has been highlighted that this figure has now been met and exceeded; whilst this is indeed the case it is also the case that this figure is not a maxima. The Council does not have a cap on the number of hotel bedrooms to be delivered in Bath during the current plan period.

The significant level of concern raised by third parties as well as the Council's own Economic Development team has been weighed in the balance but ultimately the planning system is plan-led. The plan does not prescribe a cap on hotel growth and there are no material considerations (e.g. evidence that the proposal itself will result in demonstrable and unacceptable harm to the city's hotel sector) suggesting that a line should now be drawn in respect of hotel expansion. The proposal is therefore supported in principle.

The contemporary design of the proposed building is supported. The approach that has been taken (a simple contemporary design but predominantly faced in Bath Stone) is considered appropriate to the site's context on James Street West. The building is not insignificant in height but is lower than the building it replaces. Concerns that have been raised by the Urban Design Team and Conservation Team relate not to the height of the substantive part of the building but to the presence of roof-top plant. The roof top plant has been significantly reduced in size such that its visual impact has been minimised; its impact from street level will be negligible. The proposed development will not have a harmful impact upon the Conservation Area or upon the World Heritage Site. Historic England has expressed various design preferences but these do not amount to an

objection, indeed they have confirmed that they have no objection to the scheme in its current form.

The scheme is acceptable in all other respects (subject to conditions) including in respect of its highway impact, ecological impact and flood risk. The development will also have an acceptable impact on neighbouring residential amenity subject to conditions carefully controlling deliveries and dispatch to/from the site.

The proposed development, for the reasons set out above, complies with development plan policy and generates a number of wider public benefits including the creation of 80-100 direct jobs and the generation of some £4.27 million to the local economy. Compliance with the development plan as well as the wider public benefits of the scheme are matters which carry very significant weight and which weigh considerably in favour of the development. The significant concerns raised by a number of third parties, in particular in respect of hotel growth and urban design, are noted but these matters have been assessed (as set out above) and it has been concluded that the application is acceptable in these respects; accordingly it is not considered that these matters carry significant weight; they do not outweigh the positive aspects of the development. Ultimately, the scheme accords with the development plan and there are no material considerations indicating that a decision other than in accordance with the development plan ought to be taken; it is therefore recommended that permission be granted.

RECOMMENDATION

Delegate to PERMIT

CONDITIONS

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

- a) A financial contribution toward replacement tree planting in accordance with the Council's adopted 'Planning Obligations' Supplemental Planning Document
- b) A targeted recruitment and training contribution in accordance with the Council's adopted 'Planning Obligations' Supplemental Planning Document

Subject to the prior completion of the above agreement, authorise the Group Manager to PERMIT subject to the following conditions (or such conditions as may be appropriate):

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 Solar Panels Details (Prior to Occupation)

The solar PV panels hereby approved shall be installed and fully operational prior to first occupation of the development. They shall be positioned in accordance with Drawing No. A-100-106 Rev P2 and shall be of a matt finish and dark colour.

Reason: To ensure that the visual impact of the arrays is minimised and that they are installed in a timely manner.

3 Flood Risk Assessment (Compliance)

The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by Hydrock dated March 2018 ref C-07448-C and the following measures detailed within it:

- 1) All resistance and resilience measures detailed within section 5.2.1;
- 2) Finished Floor Levels for all sleeping accommodation set at a minimum of 21.9mAOD;
- 3) There shall be no sleeping accommodation on the lower ground floor;

The measures shall be fully implemented prior to first occupation and maintained for the lifetime of development unless otherwise agreed in writing by the local planning authority.

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

4 Highway Works (Pre-commencement)

No development shall commence until a scheme detailing the highway works to be undertaken to Avon Street has been submitted to and approved in writing by the local planning authority. The highway works shall be undertaken in accordance with the scheme so approved prior first occupation of the development hereby approved.

Reason: In the interests of highway safety and for the avoidance of doubt as to the extent of the permission granted.

5 Bicycle Storage (Pre-Occupation)

No occupation of the development hereby approved shall commence until secure, covered bicycle storage for at least 26 bicycles has been provided. The bicycle storage shall be retained permanently thereafter.

Reason: To secure adequate off-street parking provision for bicycles and to promote sustainable transport use.

6 Travel Plan (Pre-Occupation)

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.

7 CEMP (Pre-Commencement)

Prior to the commencement of development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the local planning authority. The CEMP shall include but shall not be restricted to:

- o Procedures for maintaining good public relations including complaint management, public consultation and liaison
- o Arrangements for liaison with the Council's Environmental Protection Team
- o All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours: 08 00 Hours and 18 00 Hours on Mondays to Fridays and 08 00 and 13 00 Hours on Saturdays and; at no time on Sundays and Bank Holidays unless otherwise agreed at least 7 working days in advance in writing by the local planning authority.
- o Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.
- o Mitigation measures as defined in BS 5528: Parts 1 and 2 : 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.
- o Procedures for emergency deviation of the agreed working hours.
- o Control measures for dust and other air-borne pollutants. This must also take into account the need to protect any local resident who may have particular susceptibility to air-borne pollutants.
- o Measures for controlling the use of site lighting whether required for safe working or for security purposes.

No materials arising from the demolition of any existing structures, the construction of new buildings nor any material from incidental and landscaping works shall be burnt on the site. The CEMP shall reflect the Council's Code of Practice to Control noise from construction

sites in addition to the BRE Code of Practice to control dust from construction and demolition activities (ISBN No. 1860816126). The requirements of the Code shall apply to all work on the site, access roads and adjacent roads

Reason: To ensure that safe operation of the highway and in the interests of protecting residential amenity. This is a condition precedent because any initial construction or demolition works could have a detrimental impact upon highways safety and/or residential amenity.

8 Ecological Assessment (Compliance)

The development hereby permitted shall be carried out only in accordance with the recommendations in sections 4.9. 4.10 and 4.14 of the approved Preliminary Ecological Assessment for Bats dated March 2018 by Ecosulis. Prior to commencement of demolition works a suitably experienced ecologist (licenced bat worker) shall be appointed as ecological clerk of works and shall undertake all necessary measures and provision of a supervisory watching brief to avoid risk of harm to bats and other wildlife during works.

Reason: to avoid harm to protected species (bats).

9 Hard and Soft Landscaping (Pre-occupation)

No occupation shall commence until a hard and soft landscape scheme has been submitted to and approved in writing by the Local Planning Authority showing details of all trees, hedgerows and other planting to be retained, finished ground levels, a planting specification to include numbers, density, size, species and positions of all new trees and

shrubs, details of existing and proposed walls, fences, other boundary treatment and surface treatment of the open parts of the site, and a programme of implementation.

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

10 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.

11 Public Right of Way (Compliance)

The public right of way BC44/11 (including its line and width) shall be protected and shall not be obstructed in anyway. It shall remain available for public use 24 hours a day.

Reason: To protect the public right of way adjacent to the application site.

12 Written Scheme of Investigation (Pre-commencement)

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.

13 Results of Field Evaluation (Pre-Commecement)

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.

14 Post-excavation analysis (pre-occupation)

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.

15 Sewerage Connection (pre-commencement)

No development shall commence, except ground investigations, until written confirmation from the sewerage company (Wessex Water) accepting the surface water discharge into their network including point of connection and rate has been submitted to the Local Planning Authority. If the sewerage company are not able to accept the proposed surface water discharge, an alternative method of surface water drainage, which has first been submitted to and approved in writing by the Local Planning Authority, shall be installed prior to the occupation of the development.

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

16 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 in accordance with BS8233:2014. 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.

Prior to the commencement of development, details of measures to control roof top nesting by gulls shall be submitted to and approved in writing by the local planning authority. The development shall not be occupied until the approved measures have been implemented on that part of the development.

17 Gull Control Measures (pre-occupation)

Prior to the first occupation of the development, details of measures to control roof top nesting by gulls shall be submitted to and approved in writing by the local planning authority. The development shall not be occupied until the approved measures have been implemented on that part of the development.

Reason: To ensure that gulls are adequately dealt with.

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

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

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

(ii) an assessment of the potential risks to:

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

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

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

19 Contaminated Land - Remediation Scheme (Pre-commencement)

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

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

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

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

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

20 Contaminated Land - Verification Report (Pre-occupation)

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

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

21 Contaminated Land - Unexpected Contamination (Compliance)

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

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

22 Roofing Materials (Bespoke Trigger)

No construction of the roof of the development shall commence until a sample of all external roofing materials has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken 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.

23 Sample Panel - Walling (Bespoke Trigger)

No construction of the external walls of the development shall commence until a sample panel of all external walling materials to be used has been erected on site, approved in writing by the Local Planning Authority, and kept on site for reference until the development is completed. The development shall be undertaken 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.

24 No deliveries or despatches shall be made to or from the site, and no delivery or despatch vehicles shall enter or leave the site, outside of the hours of 07:00 to 21:00 on Monday to Saturday, or outside of the hours of 10:00 to 16:00 on Sundays, Bank or Public Holidays.

Reason: In the interests of residential amenity.

25 Plans List (Compliance)

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

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

PLANS LIST:

- o Proposed Section AA: Drawing No. A-120-001 Rev P3
- o Proposed Section BB: Drawing No. A-120-002 Rev P3
- o Proposed Section CC: Drawing No. A-120-003 Rev P2
- o Proposed Section DD: Drawing No. A-120-004 Rev P2

- o Proposed Lower Ground Floor Layout: Drawing No. A-100-099 Rev P2
- o Proposed Ground Floor Layout: Drawing No. A-100-100 Rev P3
- o Proposed First Floor Layout: Drawing No. A-100-101 Rev P1
- o Proposed Second Floor Layout: Drawing No. A-100-102 Rev P1
- o Proposed Third Floor Layout: Drawing No. A-100-103 Rev P0
- o Proposed Fourth Floor Layout: Drawing No. A-100-104 Rev P0
- o Proposed Fifth Floor Layout: Drawing No. A-100-105 Rev P0
- o Proposed Roof Plan Layout: Drawing No. A-100-106 Rev P2

- o Proposed James Street West Elevation: Drawing No. A-110-001 Rev P2
- o Proposed Milk Street Elevation: Drawing No. A-110-002 Rev P2
- o Proposed Avon Street Elevation: Drawing No. A-110-003 Rev P2
- o Proposed Rear Elevation: Drawing No. A-110-004 Rev P2

Environmental Protection

Under the environmental protection act 1990, the local authority has a duty to investigate complaints of nuisance and should a complaint be received, irrespective of planning consent, the local authority may on determination of a statutory nuisance serve a legal notice requiring any said nuisance to be abated and failure to comply may result in

prosecution. Further advice may be sought from the local authority's environmental protection team on this matter where necessary.

Please be aware that all food business must be registered with the food safety team at Bath and North East Somerset Council at least 28 days prior to operation.

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.

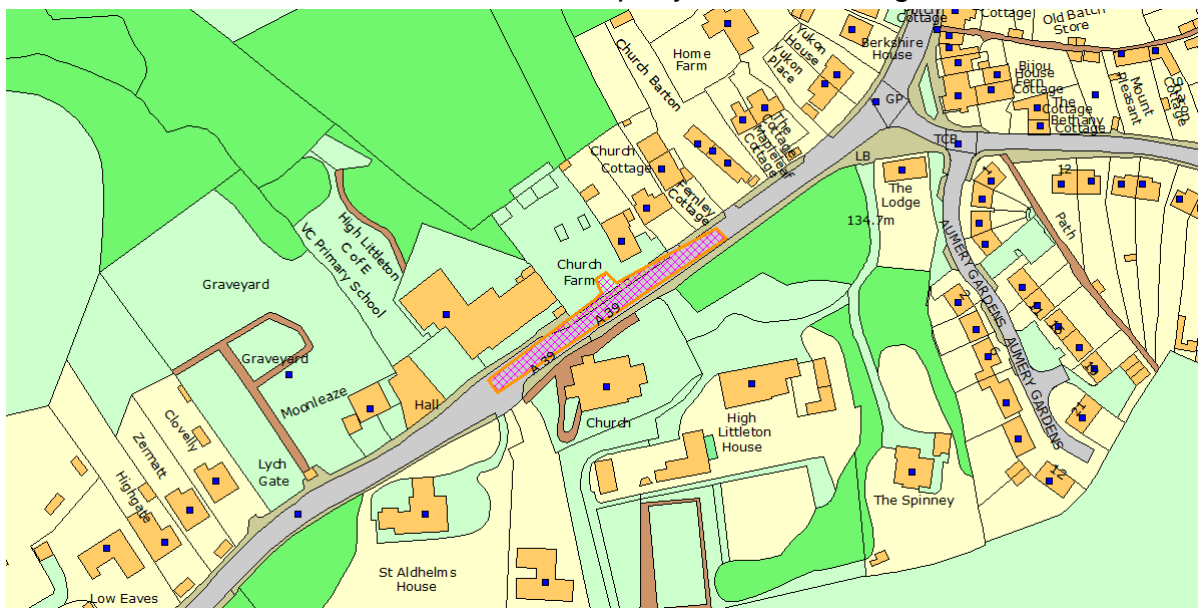
Community Infrastructure Levy

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. **Before** commencing any development on site you should ensure you are familiar with the CIL process. If the development approved by this permission is CIL liable there are requirements to assume liability and notify the Council before development commences, failure to comply with the regulations can result in surcharges and additional payments. 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

This permission is accompanied by an agreement under Section 106 of the Town and Country Planning Act 1990.

Notice must be given to the Local Planning Authority under ss.80 and 81 of the Building Act 1984 at least six weeks before demolition work commences.

Item No:	03
Application No:	15/01802/FUL
Site Location:	Church Farm Derelict Property Church Hill High Littleton Bristol



Ward: High Littleton **Parish:** High Littleton **LB Grade:** II

Ward Members: Councillor L J Kew

Application Type: Full Application

Proposal: Construction of new pedestrian and vehicular access to Church Farm, High Littleton from A39 High Street following removal of section of boundary wall.

Constraints: Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary, SSSI - Impact Risk Zones, Tree Preservation Order.

Applicant: Mr Martin Pera

Expiry Date: 15th June 2018

Case Officer: Laura Batham

To view the case click on the link [here](#).

REPORT

Reason for application being considered by Committee:

This application was previously considered by the Committee when it was decided by Members to delegate authority to Officers to permit the application subject to the completion of a S106 to ensure the adjoining bus stop was re-sited to facilitate safe

access to the site. The applicant has requested to move the bus stop slightly and therefore the application has been referred back to Committee with a recommendation for approval for the revised layout.

Site Description:

Church Farm is a single dwelling and group of barns located in the centre of High Littleton. The property is grade II listed. The main house is in a poor state of repair and currently covered by scaffolding which is protecting the roof from further damage. The associated farm barns are also in a poor state of repair and in a progressing state of dilapidation with a barn having recently collapsed in bad weather. To the north west of the site is open countryside and there are further dwellings to the north east. To the south east is the grade II listed Church of Holy Trinity and to the south west, High Littleton Primary School. The main road through the village (A39) runs to the south of the property. The site does not have a current vehicular access and pedestrian access has been made by punching a gap through the boundary wall to the south.

Proposal:

The application seeks consent for the construction of new pedestrian and vehicular access to Church Farm, High Littleton from A39 High Street following removal of section of boundary wall.

History:

AP - 14/00027/RF - DISMIS - 17 June 2014 - Removal of section of boundary wall to create vehicular and pedestrian access.

AP - 14/00028/RF - DISMIS - 17 June 2014 - Alterations including removal of section of wall to facilitate new vehicular and pedestrian access.

DC - 97/02338/FUL - REF - 6 August 1997 - Demolition and rebuilding of Church Farm and erection of two detached dwellings

DC - 09/01584/OUT - WD - 14 June 2009 - Erection of 2no. dwellings following demolition of existing outbuildings, erection of garage and provision of new access.

DC - 09/01586/LBA - WD - 14 June 2009 - Internal and external alterations for the renovation of Church Farm (description TBC).

DC - 10/05250/LBA - RF - 28 November 2012 - External and internal alterations to include raising roof slates by 50mm, new Spanish slates to replace stolen slates, external spreader plates, new velux rooflights, new chimney stack and rebuild of north gable end, new foundations to kitchen boundary wall

DC - 13/01857/FUL - RF - 1 October 2013 - Removal of section of boundary wall to create vehicular and pedestrian access.

DC - 13/01858/LBA - RF - 1 October 2013 - Alterations including removal of section of wall to facilitate new vehicular and pedestrian access.

DC - 15/02290/LBA - External alterations to create a new agricultural entrance to the rear of Church farm from the A39. This application is also for consideration by Committee at this meeting.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

High Littleton Parish Council:

The Parish Council have previously objected to the application for the following reasons:

- The application is very similar to a number of other access applications to this land all of which have been refused. The access was refused on appeal in 2014.
- Whilst reference is made for an agricultural access only, the width of the access is the same as previously applied for and it is reasonable to assume that this application is to enable a future application for development of the land beyond.
- The approval of the access could set a precedent for similar applications.
- The access is too large and the use would create serious risk for pedestrians and school children.
- The Inspector concluded in the last appeal that the risk to highways would be too great.
- Concerns with the effect on the setting of the Church Farmhouse. The removal of such a large portion of wall would have a significant detrimental impact upon the listed building. The wall is an important aspect of the character of what is the oldest part of the village.
- The relocation of the bus stop would exacerbate the passing place on this length of road.

The revised objections outline the following additional concerns:

- No need for a pedestrian access in addition to the proposed vehicle access
- No need for a second pedestrian access (of which very limited details are given)
- The limit on access times is unenforceable
- The relocation of the bus stop is not appropriate as the bus stop was moved from the relocation site 20 years ago due to a serious accident. It would also mean loss of parking spaces, and would impinge on the residents of Church cottage
- If the applicant has other aspirations for this site then they should come forward with these

Highways:

I refer to the revised plan R300/13 C prepared by PFA Consulting and submitted in support of this application. There is no substantive difference between the revised drawing and R300/13. For the record I note that the visibility splay at the proposed access is correctly drawn as a 2.4m x 43m splay, which is appropriate in this situation, but incorrectly annotated as 2.4m x 120m. The splay as drawn is correct and highways officers will not be seeking its extension to 120m in length.

Subject to a condition there is no highway objection to the proposal.

Ecologist:

No objection. The proposal appears not to have any significant ecological implications. Unless information comes to light indicating this is not the case, I have no objection to the proposal. Any necessary vegetation clearance should be completed outside of the bird nesting season.

Arboriculturalist: No objection

Archaeologist:

The development site lies within the medieval settlement area of High Littleton as defined by the BANES Historic Environment Record (MBN10366), opposite the Grade II Listed medieval Church of Holy Trinity (MBN1111) with its prominent 15th century tower. Church Farm House (also Grade II Listed) with its mullioned windows is thought to be the surviving wing of a once much larger 17th century house that would have covered more of the site. The proposed access road onto the site will require significant ground works and re-grading of the existing ground surface, which is likely to have a detrimental impact on any surviving archaeological remains in the area. Previous proposals on this site have been met with the recommendation that a pre-determination archaeological evaluation is carried out to determine the date, extent, and significance of any archaeological deposits on the site, and the likely impact of the proposed development. The current proposals have now been submitted with a desk-based heritage assessment (CGMS, February 2015), which in its executive summary has concluded that:

"Based on current evidence a moderate potential has been identified for non-designated buried archaeological remains of Medieval/Post-Medieval date. It is concluded that further survey is likely to be required to address this archaeological interest, but could be secured with an appropriate planning condition."

I am now inclined to accept this conclusion, and would therefore recommend that conditions are attached to any planning consent, to ensure (1) a field evaluation of the site, (2) a subsequent programme of archaeological work or mitigation, and (3) publication of the results.

Drainage: No objection

Third Parties/Neighbours:

Four letters of objection received raising the following points within the initial consultation period:

- The proposed access is at the peak of a hill from Hallatrow to High Littleton which despite being a 30 MPH speed limit, is not adhered to, with cars traveling far in excess of this in and out of the village, which in itself is a danger without the addition of a new access for agricultural and construction vehicles.
- The school is also adjacent to Church Farm House, and will increase the risk of danger to children and parents due to the movements to and from the site.
- Why does the access need to be 5.5 metres wide? There are very few agricultural entrances that are so wide, which all cope without issue. I can only assume the applicant wants the access to be as wide as this in order to accommodate the further traffic that will no doubt materialise if further properties are built on the land.
- If any entrance is granted, there should in my opinion be a caveat that the renovation of Church Farm House must be completed before any further building will be considered on the land.
- This application to provide vehicular and pedestrian access appears similar to a previous application (13/01857/FUL) which was refused in October 2013 and dismissed at appeal in July 2014 in the main impact on traffic and pedestrian safety in the immediate area of access.

- Again this submission appears contrived with a with future intentions to develop the entire site although previous planning permission has been refused to extensively develop the site, in part due to site access and traffic safety concerns on the A39.
- The repositioning of the bus stop may improve the proposed access/egress from the Site, but it will exacerbate traffic congestion on the A39 and impact on vehicle driver sight lines along the A39 towards the Village centre. Moreover the proposed repositioning of the bus stop would adversely impact on the safe access/egress from Church Cottage and Fernley Cottage, which are located between the site and the Village centre.
- The removal of a significant part of the boundary wall would have an adverse effect on the appearance and character of the immediate area of Church Hill.
- The revised drawings are no different to the previously submitted plan. The entrance is 5.5m wide on each, along with a further 0.5m wide pavement on each side of the proposed roadway.

A further three letters have been received raising the following concerns:

- This latest application will make the already hazardous area by the school even more dangerous for children and other pedestrians.
- The entrance it is still considered excessive for the entry of "agricultural vehicles" and its proposed size only required if significant development of the agricultural land behind Church Farm for additional dwellings is subsequently submitted after approval of this application. Any application for access from the A39 High Street should relate to a comprehensive application for access to land to the rear for residential development, land.
- The school crossing patrol would be put in jeopardy endangering the children
- Loss of walling will be detrimental to the fabric of the village if it was lost. The existing wall is a valuable and valued feature of the village - The bus stop is at the point of the proposed access but no reference is made to this.
- The traffic flow through the village is at full or even over capacity on the A39.
- The vision/sightlines are poor as it is on the brow of the hill and compromise Church Cottage and Fernley Cottage.
- Congestion will be exacerbated and cause additional safety concerns.
- The application is for agricultural access, and yet the limitation to such specific use is not enforceable. Once this access is constructed there will be no practical way in which other (non agricultural) vehicular use can be prevented. Modified or improved pedestrian access is not required for agricultural purposes.
- The relocation of the bus stop, was positioned where it is today because it is a safer location than the current proposal.

A further letter of support has been received raising the following points:

- previous application was refused because a section 106 in relation to the moving of the bus stop had not been complied
- Whilst this application is undoubtedly to do with a future application for housing on this site, if the village is being told to supply around 50 houses, then the village should have choices where to place them and because of this I fully support this application

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)

RELEVANT CORE STRATEGY POLICIES

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

CP6 - Environmental Quality

RELEVANT PLACEMAKING PLAN

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

HE.1: Historic Environment

RE.2: Agricultural Development

ST.7: Transport Requirements for Managing Development

National Planning Policy Framework (March 2012) and the National Planning Practice Guidance (March 2014) can be awarded significant weight.

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

OFFICER ASSESSMENT

The application seeks consent for a new vehicular access to Church Farm which requires the removal of a section of wall and re-alignment of the existing wall to allow the appropriate site lines and the retention of a current pedestrian access. The applicant currently has no vehicular access to the site or specifically the farmland to the north of the site. The farmland is particularly overgrown and access could not be gained to the first field. The fields have therefore remained unmanaged for a number of years. The application seeks consent for an agricultural access to allow vehicles to enter the site and use the land. There is a bus stop currently located in front of the proposed access and a S106 legal agreement is required to ensure this bus stop is moved and a safe access can therefore be provided.

History:

The property has a detailed history which commences with the removal of the original access to facilitate the building of the Victorian school to the south west of the site. Access to the site was then re-aligned to skirt to the north of the school. This secondary access was subsequently compulsorily purchased by the Council at the time to allow the expansion of the school to the north. The removal of the access resulted in Church Farmhouse and its outbuildings being severed from a formal vehicular access. Shortly after, consent was granted for a new access in a similar location to that proposed

currently. At the same time consent was granted for the erection of dwellings. However, this consent was never implemented and subsequently the main farmhouse was listed as Grade II in 2004. The previous decisions to grant an access and dwellings on site does not provide a justification for this new application or set a precedent given the change in policy and significantly, the relatively recent listing of the building.

Following the listing of the property in 2009 the applicant sought consent for a new access and the erection of 2 dwellings which was subsequently refused. Permission was also refused in 2013 for a new access for the following reasons:

1 The application failed to provide sufficient information to describe the significance of the heritage asset affected by the development and no assessment has been provided in respect of the impact on the archaeological interest identified as having potential on the site.

2 The proposed access due to its over engineered design, lack of sufficient detail and incomplete finish would have a harmful impact on the character of the surrounding area and the setting of the Listed Building.

3 The formation of an access of the design proposed together with the introduction of vehicular movements on the A39, High Street, generated by the proposed development, would be prejudicial to pedestrian safety.

4 The application failed to make provision for the relocation of the bus stop which is required to facilitate the works.

Subsequently the appeal of this decision was refused by the Planning Inspectorate. In the determination of the appeal the Inspector advised that the access would result in sufficient additional risk to other highway users. Within the appeal a legal agreement to facilitate the alterations to the bus stop, archaeological assessment or assessment upon the significance of the listed building were not provided and the Inspector concluded that without this the appeal should fail.

Archaeology:

The Archaeologist has advised that previous proposals on this site have been met with the recommendation that a pre-determination archaeological evaluation is carried out to determine the date, extent, and significance of any archaeological deposits on the site, and the likely impact of the proposed development. The current proposals have now been submitted with a desk-based heritage assessment (CGMS, February 2015), which in its executive summary has concluded that:

"Based on current evidence a moderate potential has been identified for non-designated buried archaeological remains of Medieval/Post-Medieval date. It is concluded that further survey is likely to be required to address this archaeological interest, but could be secured with an appropriate planning condition."

It is considered that this conclusion is acceptable and there are no longer objections to the scheme subject to archaeological conditions to ensure the applicants undertake the following: (1) a field evaluation of the site, (2) a subsequent programme of archaeological work or mitigation, and (3) publication of the results.

Impact upon the Setting of the Listed Building:

The Inspector assessed the impact of the loss of wall fabric to facilitate the access and advised that whilst some changes would occur, in the wider context it would result in only limited material harm and should not weigh against the proposal. The new access would result in the removal of 5.5m of wall and require the realignment of the remaining wall. The wall is a later addition to the building's setting, and the re-alignment proposed is considered acceptable. Conditions would be required to ensure the walls are re-built to match that of the original wall in terms of appearance and to ensure use of lime based mortars.

With regards to the impact upon the listed building, the Inspector concluded that insufficient information had been submitted to justify the access with little sensitivity to the listed building. Concern was specifically raised with regards to the engineered road suddenly ending within the site and the impact upon the group of barns to the north west.

The applicants have undertaken more work to address the previous concerns and have completed a heritage desk-based assessment which includes an historical analysis of the building. This information was crucially missing in the last application.

The revised plans have removed the engineered road into the site which stops abruptly in the centre of the land. Given that the access is proposed to enable agricultural access, the engineered road was considered unnecessary. The revised access is now the minimum necessary to allow safe access for farm vehicles. As such the visual appearance of the access is lessened. A condition will be added to ensure that no further engineering works to extend the access into the site are undertaken. The current pedestrian access is proposed to be re-built to allow the original opening to be retained which is supported.

It is acknowledged that any future occupier of the main house is likely to require a vehicular access and the access would also allow delivery of materials to allow works to commence. Notwithstanding this, the potential for the access to provide this is not considered to hold significant weight as the applicant has neither proposed to undertake works nor submitted a listed building application to enable works to start. Should a more detailed access be needed in the future for occupiers of the house, more detailed plans would be required.

To the north west of the access are a dilapidated group of barns which are in a poor state of repair. The construction of these barns are mainly stone built and are considered historic; however, there are also elements of concrete block buildings. These barns have collapsed in places with few roofs remaining. Initial plans indicated a turning circle over these buildings which would have resulted in their demolition. The applicants supporting statement indicates that these buildings are not within the curtilage of the listed building. The LPA consider the barns to be listed and disagree with this conclusion. However, the proposal which would have resulted in the barns' demolition has now been removed as turning would be available in the fields beyond the barns. Farm vehicles could enter the site, circumvent the buildings, enter the field, return and exit the site in a forward gear.

Given that the access is no longer considered over-engineered for its intended use and the barns are no longer considered at risk, the level of harm upon the significance of the setting of the listed building has been reduced. The agricultural access proposed will have limited harm on the setting of the listed building. Given that an engineered road will no longer enter the site and the realignment has been altered, the scheme has been improved from that previously submitted.

A corresponding listed building application has already been granted and the applicant has been made aware that a revised listed building application will be required to accommodate the re-building of the pedestrian access.

Potential future uses:

It is acknowledged that any future occupier of the main house is likely to require a vehicular access and the access would also allow delivery of materials to allow works to commence. Notwithstanding this, the potential for the access to provide this is not considered to hold significant weight as the applicant has neither proposed to undertake works nor submitted a listed building application to enable works to start. Should a more detailed access be needed in the future for occupiers of the house, a separate application would be required and an assessment of the most appropriate access lane and parking could be provided.

Concern has been raised by local residents regarding the intention of the access being to enable the future development of the land beyond the farm complex or on the site itself. This too was raised by the Planning Inspector on the previous application as being ambiguous. Within the submission, reference by the applicant's highways engineer does make reference to the development providing access for 2-3 houses.

The application does not apply for this type of application and no plans show the location of any houses. The Local Planning Authority can only assess the current access and whether it is appropriate for the agricultural use. However, to avoid confusion, the area of land to the north of the site is outside of the settlement boundary and recent analysis of land available for development has discounted this area for housing owing to the landscape impact. Therefore support for housing in this field would not be forthcoming as it would be contrary to the local plan should the applicant seek consent.

Should the applicant choose to subsequently apply for a development of houses, the impact of subsequently upgrading this access to a road capable of serving a development would be assessed. Within this assessment, officers would consider the impact upon the setting of the listed building of a substantial, engineered road in close proximity to the house

Highways Impact:

Following a site meeting with the highways team Officers looked at whether the access was over-engineered and whether any potential alterations could be made. The Highways officer considers that the revised access would be appropriate for the description on the application form of 'New agricultural access to Church Farm'. As outlined above there are some indications of more than an agricultural access but this has not been applied for. Any further use or development would require separate planning consent and as such has been discounted in the assessment. The advice for the access relates to the development as applied for and not for any intensification.

In dismissing the appeal following refusal of application 13/01857/FUL the Inspector noted the Council's suggestions that to facilitate the repair of the listed building the access:

- o need be no wider than 4.5 metres;
- o would not require separate pedestrian facilities;
- o need not be designed with full kerb radii and a 'give way' junction;
- o a simple dropped kerb would suffice and promote pedestrian priority;
- o would need appropriate levels of pedestrian/vehicle inter-visibility; and
- o on-site turning should be provided.

The design shown on the revised drawing is considered to address all of these requirements to the satisfaction of highways officers. Initial recommendations were to reduce the width to 4.5m; however, the applicant has demonstrated that the 5.5 metre entrance is necessary to ensure that agricultural vehicles can enter and leave the site without crossing the centreline of High Street. It has also been demonstrated that on site turning can be achieved for light vehicles and tractors without trailers or towed implements in the fields beyond. Lorries used in the delivery of goods and materials to the site, or being used in the renovation of the property, will inevitably need to reverse to or from the highway. However, as highlighted above, no consent is sought for the development of the site and further assessment would need to be made of the impact of an intensified use. The Highways Engineer has concluded that subject to a condition there is no highways objection. The separate pavement into the site has been removed from the scheme.

As part of the facilitation of the access, the current bus stop would need to be moved. A legal agreement would be required to ensure this was undertaken. This would require signing prior to issuing a planning decision. The application was previously recommended for approval subject to the completion of the legal agreement. Following the previous Committee's decision on 10th February 2016 the applicant has not completed the required legal process following requests to do so. The applicant has requested that the bus stop be moved slightly and advised that the S106 will be signed if the revised layout is acceptable.

Concerns have been raised in representations that the current bus stop location was chosen as a previous location was unsafe and had caused accidents. The Highways Team have advised that there is no record of the movement of the bus stop and have assessed the new location as acceptable.

Amenity:

The access is not considered to affect the amenity of the adjacent dwellings to the north east of the site. The vehicles will need to pass adjacent to the school, however, owing to the boundary between the two sites, this impact is not considered significant. There are no further properties affected by the development.

Other Matters:

The Ecologist is happy that the proposed works would not affect protected species subject to ensuring clearance works take place outside of the nesting season. The arboriculturalist and drainage engineers also have no objections to the proposals.

A representation received has requested that the access be granted subject to an agreement that works to repair the house commence. It is not possible or reasonable to restrict the implementation of the access in this way. However, enforcement action can be taken if the property is considered at risk and suffering neglect.

Balance:

The current agricultural land to the north west of the site has no vehicular access and as such the fields are unable to be used for farming. There are no other locations for an access owing to the land being surrounded by fields outside of the ownership of the applicant. The altered access from the previous application, downgrading the access to an agricultural size with no pavement is considered to cause a less than substantial impact upon the farmhouse. The NPPF advises that where the harm is less than substantial, the harm should be weighed against the public benefits of the proposal, including securing its optimal viable use. The harm of inserting an agricultural access upon the setting of the listed building must also be weighed against the need for access to the site. Allowing farmland to be used for the farming practices is considered to be a benefit to the area and would allow future management of the land. The new access, without a engineered hard surface extending significantly into the site and with a pavement is considered a significant improvement to the previous application and the previous objections are considered to have been overcome. On balance, the harm is considered to be outweighed by the benefits of access which will allow access to the building and allow future maintenance.

The indications that this access is intended for housing cannot be considered as this has not been sought for by the applicants. The highways safety concerns are considered to have been overcome following the alterations to the scheme from that previously refused.

The proposal in this case is considered acceptable; however, without the securing of a S106 agreement, the proposal would not allow for the safe use of the access itself or the bus stop. Therefore the application is recommended for approval subject to the signing of the S106 agreement. However, given that the s106 has not been progressed for a substantial length of time the recommendation is to delegate to permit subject to the agreement of the S106 and if the S106 is not completed within four months the application be refused as a safe access could not be implemented.

RECOMMENDATION

PERMIT

CONDITIONS

0 A) Authorise the Head of Legal and Democratic Services to enter into a Section 106 Agreement

to secure the following :-

Re-location of the bus stop and associated works to allow the insertion of the new access.

B) Subject to the completion of (A) authorise the Group Manager - Development Management to

PERMIT the development with the conditions listed below;-

C) If (A) is not completed within four months, authorise the Group Manager - Development Management to REFUSE the development due to non completion of Section 106 Agreement.

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 Access use (Bespoke Trigger)

Prior to the commencement of works to the new vehicular access, details of the access in accordance with the current Specification shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the access shall not be brought into use until the works have been completed in accordance with the approved details and the current specification.

Reason: In the interests of highways safety in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

3 Archaeology (Pre-commencement)

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 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.

4 Archaeology (Pre-commencement)

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 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.

5 Archaeology (Bespoke Trigger)

The development shall not be brought into use 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 is within an area of significant archaeological interest and the Council will wish to examine and record items of interest discovered in accordance with Policy HE1 of the Bath & North East Somerset Placemaking Plan. This is a condition precedent because archaeological remains and features may be damaged by the initial development works.

6 Sample panel of walling (Bespoke Trigger)

Prior to the construction of the re-aligned wall, a sample panel of the wall, constructed to match the existing shall be erected on site, approved in writing by the Local Planning Authority, and kept on site for reference until the development is completed. The replacement wall shall be constructed in accordance with the approved sample panel.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policy HE.1 of the Bath and North East Somerset Placemaking Plan.

7 Surfacing (Compliance)

There shall be no further access roads or surfacing for a lane constructed on site unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure no engineering of the land is undertaken without planning permission in order to protect the setting of the adjacent listed building in accordance with Policy HE.1 of the Bath and North East Somerset Placemaking Plan.

8 Gates (Bespoke Trigger)

There shall be no gates inserted into the access hereby approved unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect the appearance and setting of the adjacent listed building.

9 Plans List (Compliance)

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

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

PLANS LIST:

This decision relates to revised block plan received on 3rd December 2015, site location plan and proposed wall elevations only received on 21st April 2015.

The applicant is 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 and the relocation of the adjacent bus stop.

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.

Community Infrastructure Levy

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. **Before** commencing any development on site you should ensure you are familiar with the CIL process. If the development approved by this permission is CIL liable there are requirements to assume liability and notify the Council before development commences, failure to comply with the regulations can result in surcharges and additional payments. 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: 04
Application No: 18/00650/FUL
Site Location: Highfields White Cross Hallatrow Bristol Bath And North East Somerset



Ward: High Littleton **Parish:** High Littleton **LB Grade:** N/A
Ward Members: Councillor L J Kew
Application Type: Full Application
Proposal: Erection of a dwellinghouse following demolition of conservatory.
Constraints: Agric Land Class 1,2,3a, Coal - Standing Advice Area, Contaminated Land, Policy CP9 Affordable Housing Zones, Hazards & Pipelines, LLFA - Flood Risk Management, Policy M1 Minerals Safeguarding Area, Public Right of Way, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,
Applicant: Mr Albert Durici
Expiry Date: 17th May 2018
Case Officer: Hayden Foster
To view the case click on the link [here](#).

REPORT

Reason for the application being referred to Committee:

The application had been referred to the Committee chair following comments made by a ward councillor and parish council who had written in support of the application. The Committee chair has made the following comments:

'I have studied the proposals carefully noting support from HLPC & Ward Cllr, HLPC have suggested conditions & these have been addressed in the assessment of the application against relevant planning policy.

Highways have objected to the application due to the site not being in a sustainable location & parking spaces, the sustainability issue would benefit from debate.

Although the size of the proposed dwelling is acceptable the design does not reflect the nearby dwellings, these points are explained in the report linked to Policies RA1 & RA2 however I believe some of these points would benefit from debate by the DMC. I therefore recommend the application be determined by the DMC.'

Site Description and Proposal:

The application relates to a strip of garden land associated with a detached house Highfields, which is set off White Cross (A37).

The application seeks consent for the erection of a dwellinghouse following demolition of conservatory.

Relevant Planning History:

None of relevance.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses:

A comment has been received from a local councillor in who has made the following comments:

'The application for the above app. i.e. Highfields, White Cross, Hallatrow is with you for determination, however should you wish to refuse this app. may I request that it be referred to the Chair for referral to the DMC for final decision.'

High Littleton Parish Council

'High Littleton Parish Council supports this application subject to condition that

- a) The new property not being used as a House of Multiple Occupation
- b) The land behind the new property only to be used for parking vehicles of residents and visitors to the property and NOT in connection with the Applicants a adjacent business
- c) The access arrangement not to conflict with approved planning application 16/04621'

Environmental Protection

The development site has been identified as noise sensitive and requiring a Noise Impact Assessment. As such the BATHNES Environmental Protection Team has been consulted with the following comments being made:

'The development site is adjacent to the existing dwelling "Highfields" on the A37 Bristol to Wells road. Near to the site are several existing dwellings and a commercial garage now used as a car wash/valeting operation.

The site has been identified by Bath and North East Somerset Council as noise sensitive development requiring a Noise Impact Assessment by virtue of its location in order to register the application and consider it further.

The applicant has submitted a noise impact assessment which identifies certain requirements to ensure that the occupants are not impacted by the existing noise environment. The assessment has also made recommendations which are reflected in the condition below which if minded to approve this application I would request is attached to the planning approval.

The recommendations incorporated within the noise impact assessment (para 7.2/3) are to be implemented to ensure that protection from external noise events is achieved.

Reason: To prevent excessive noise and protect the residential amenity of occupiers in accordance with policy ES.12 of the Bath and North East Somerset Local Plan.

Environmental Protection Informatives

Noise and dust control from construction of development - informative

All relevant precautions should be taken to minimise the potential for disturbance to neighbouring residents in terms of noise and dust during the construction phases of the development. This should include not working outside regular day time hours, the use of water suppression for any stone or brick cutting and advising neighbours in advance of any particularly noisy works. The granting of this planning permission does not indemnify against statutory nuisance action being taken should substantiated noise or dust complaints be received. For further information please contact the environmental protection team at Bath and North East Somerset Council.'

Contaminated Land

'Due to the sensitive nature of the development (i.e. residential) and the potentially contaminative historical use of the site to the east of the Property as a Garage/Vehicle Servicing Premises, I advise that the following conditions are applied to any permission if granted:

Condition 1. Desk Study and Site Walkover

A Desk Study and Site Reconnaissance (walkover) survey shall be undertaken to develop a conceptual site model and preliminary risk assessment of the site. The Desk Study shall be submitted to and approved in writing by the Local Planning Authority. Should the Desk Study identify the likely presence of contamination on the site, whether or not it originates on the site, then full characterisation (site investigation) shall be undertaken in accordance with a methodology which shall previously have been agreed in writing by the Local Planning Authority. Where remediation is necessary, it shall be undertaken in accordance with a remediation scheme which is subject to the approval in writing of the Local Planning Authority and a remediation validation report submitted for the approval of the Local Planning Authority.

Condition 2. Reporting of Unexpected Contamination

In the event that contamination 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. The Local Planning Authority Contaminated Land Department shall be consulted to provide advice regarding any further works required. Unexpected contamination may be indicated by unusual colour, odour, texture or containing unexpected foreign material.

Reason (common to all): 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.'

Highways

'The application is to demolish an existing conservatory at Highfields, White Cross and build a 4 bedroomed single dwelling in its place. Two off-street parking bays are proposed to the rear of the property and no external storage has been supplied. There appears to be further parking available, although it is not known who owns this piece of land and falls outside of the red line boundary.

The access road leads directly onto the A37 at the White Cross signals and is currently used various properties in the vicinity and an adjacent access is used at the hand car wash. The access is light controlled and allows users to move safely into the junction while the A37 and A39 routes are on a red phase.

The proposed dwelling falls outside of the Housing Development Boundary and is considered unsustainable, although bus links to the north (Bristol) and south (Wells) are regular, links to the east (Bath and the Somer Valley) are very infrequent.

In summary, The Highway Authority recommends that this application be Refused for the following reasons: -

The proposal, located remote from services, employment opportunities and being unlikely to be well served by public transport to major local urban environments to the east, is contrary to the key aims of Policy ST1 of the Bath & North East Somerset Placemaking Plan and the National Planning Policy Framework, which seek to facilitate the use of sustainable modes of transport.

The 4 bedroom development does not meet the parking standards set in Policy ST7 of the B&NES Placemaking Plan. Adequate provision has not been made on the site for the parking of vehicles in an acceptable manner, which would be likely to encourage the inappropriate parking of vehicles on the public highway, with consequent additional interruption to the free flow of traffic and prejudice the safety of road users.

Any development on this site without adequate provision of secure cycle parking would discourage a sustainable highway network, contrary to Policy ST7 of the B&NES Placemaking Plan parking standards.'

Drainage and Flooding

'The drainage and flooding team have no objection to the development in line with flood risks. The applicant has indicated that surface water will be managed on site via

soakaway. These soakaways will have to be constructed in accordance with Building Regulations part H.'

Health and Safety Executive (HSE)

The proposed development site currently lies within the consultation distance (CD) of at least one major hazard site and/or major accident hazard pipeline. As such Health and Safety Executive (HSE) have been consulted.

'The proposed development site which you have identified currently lies within the consultation distance (CD) of at least one major hazard site and/or major accident hazard pipeline; HSE needs to be consulted on any developments on this site.

This advice report has been generated using information supplied by at Bath and North East Somerset on 27 March 2018.

You will also need to contact the pipeline operator as they may have additional constraints on development near their pipeline.

7212_1482 Wales and West Utilities

HSL/HSE accepts no liability for the accuracy of the pipeline routing data received from a 3rd party. HSE/HSL also accepts no liability if you do not consult with the pipeline operator.

HSE's Advice: Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.

As the proposed development is within the Consultation Distance of a major hazard pipeline you should consider contacting the pipeline operator before deciding the case. There are two particular reasons for this:

The operator may have a legal interest (easement, wayleave etc.) in the vicinity of the pipeline. This may restrict certain developments within a certain proximity of the pipeline.

The standards to which the pipeline is designed and operated may restrict occupied buildings or major traffic routes within a certain proximity of the pipeline. Consequently there may be a need for the operator to modify the pipeline, or its operation, if the development proceeds.

HSE's advice is based on the situation as currently exists, our advice in this case will not be altered by the outcome of any consultation you may have with the pipeline operator.

Wales and West Utilities

Following the consultation response from HSE Wales and West Utilities has also been consulted. Within the consultation response the following has been noted:

'You will note the presence of our intermediate/ High Pressure Gas Main(s) in proximity to your site. No excavations are to take place above or within 10m of the confirmed position of these mains without prior consultation with Wales and West Utilities'

We enclose an extract from our mains records of the area covered by your proposals. This plan shows only those pipes owned by Wales & West Utilities in its role as a Licensed Gas Transporter (GT). Gas pipes owned by other GT's and also privately owned may be present in this area. Information with regard to such pipes should be obtained from the owners. The information shown on this plan is given without obligation, or warranty, the accuracy thereof cannot be guaranteed, No liability of any kind whatsoever is accepted by Wales & West Utilities, its agents or servants for any error or omission.

The Wales & West Utilities High Pressure Network may be affected by your proposals and a copy of the information you have provided has been forwarded to Asset for their comment. They will then contact you as necessary. Please note, 7 days notice is required if you require a site visit from an Engineer.'

Representations Received:

A comment has been received from a neighbour in which the following comments have been made:

'Highfields is currently owned by Mr Albert Durici who also owns the car wash at White Cross, it is being used as additional parking for the business and concerns me that if this building was allowed, additional noise, traffic movement, and the invasion of privacy would also be inflicted as trading from a residential property feet away from my house, I also believe that this "in fill of garden" with a property is out of policy for BATHNES, so feel that this application should be declined'

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
CP2 Sustainable Construction
CP7 Green Infrastructure
CP10 Housing Mix
DW1 District-wide spatial Strategy
RA1 Development in the villages meeting the listed criteria

RA2 Development in villages outside the Green Belt not meeting Policy RA1 criteria
SV1 Somer Valley Spatial Strategy

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
D3: Urban Fabric
D4: Streets and Spaces
D5: Building design
D6: Amenity
D7: Infill and Backland Development
H7: Housing Accessibility
ST1: Promoting Sustainable Travel
ST7: Transport access and development management
LCR7B: Broadband
LCR9: Local Food Growing
SCR5: Water Efficiency
RE4: Essential Dwellings for Rural Workers

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).

OFFICER ASSESSMENT

Principle of Development:

The application relates to a strip of garden land associated with a detached house Highfields, which is set off White Cross (A37). The Hallatrow Housing Development Boundary is designated in the Placemaking Plan as an urban area where residential development is potentially acceptable. However new housing must be located within the defined development boundary. It is noted that the site is situated a significant distance from this housing development boundary.

Policy RA1 states that for villages located outside the Green Belt or excluded from the Green Belt, proposals for residential development of a scale, character and appearance appropriate to the village and its setting will be acceptable within the housing development boundary.

When this is not achieved Policy RA2 can be considered. This policy states that for development not meeting the criteria of Policy RA1 some limited residential development will be acceptable where it is of a scale, character and appearance appropriate to the village, and the proposal will lie within the housing development boundary.

The proposal does not accord with either Policy RA1 or RA2 as the site is outside of the Housing Development Boundary.

Also of consideration is Policy RE4 of the Placemaking Plan. This states that new dwellings will not be permitted outside a Housing Development Boundary in the open countryside unless there is an essential need for a rural worker to live permanently at, or near their place of work in the countryside. In this case the proposal is not for a rural workers dwelling and therefore the proposal is not compliant with this policy.

The council has established a five year supply of deliverable housing sites and the Placemaking Plan has been formally adopted. To ensure a consistent and fair policy the development boundary must be taken as a definitive measure, and unless the above policies are met proposals for new housing should be resisted. It is therefore considered that the proposal is unacceptable in principle as it is contrary to local planning policy.

Character and Appearance:

Within the immediate area of the development site it can be seen that there are a number of detached dwellings, in addition to a car wash or garage which sits in close proximity to a two storey residential building (The Flat).

The proposed dwelling is set to measure (approximately) 8 metres in width, by 9.9 metres in depth, by 5.6 metres in height and will provide a roof height of 3.9 metres. It is noted that the proposal plans to incorporate a pitched roof with one end hip (front elevation), and one gable end (rear elevation). The proposal also plans to include a dormer window on the end hip, and a side dormer window. Both dormers will be visible from White Cross (A37). It is noted that the neighbouring dwellings (The Flat and Highfields) present roof forms that are pitched with two end hips, and while The Flat does provide a side dormer neither of the dwellings have a front dormer. As a result it is considered that the proposal presents a roof form which does not reflect the character and appearance of the immediate area.

Therefore, the proposal due to the gable end roof, and front dormer window will not comply with policies D1, D2, D3 and D5 of the Placemaking Plan.

Environmental Protection Residential Amenity:

It is noted that the development site has been identified as noise sensitive and requiring a Noise Impact Assessment. As such the BATHNES Environmental Protection Team has been consulted. The response received indicated that there is no objection on grounds of Environmental Protection subject to conditions.

Considering residential amenity a comment has been received from a neighbour. It is noted the distance from the neighbouring property (The Gables) is sufficient to ensure there are no negative impacts to this dwelling.

In regards to the residential amenity to Highfields it is noted that a number of side windows will be incorporated on the south east elevation of the proposal. Although these windows will face directly into side windows of Highfields this will not be a significant enough reason for refusal on grounds of residential amenity. This is because the use of obscure glazing can be incorporated via a condition.

Highways and Transport:

A consultation response has been requested and received from Highways DC. Within the response Highways DC objected to the proposal. It was noted that the proposals unsustainable location would be contrary to the requirements of Placemaking Plan Policy ST1. This requires for development proposals to facilitate the use of sustainable modes of transport.

Highways DC had also cited a lack of adequate provision for vehicle parking, which would likely encourage inappropriate parking of vehicles on the public highway. Of further note is the lack of adequate provision of secure cycle parking. Both of these factors would be contrary to policy ST7 of the Placemaking Plan.

Drainage and Flooding:

A comment has been received from the BATHNES Drainage and Flooding Team in which no objection to the proposal has been put forward.

Contaminated Land:

Due to the sensitive nature of the development for a residential dwelling the BATHNES Contaminated Land Team has been consulted. The response given noted the potentially contaminative historical use of the site to the east of the existing dwelling, which is currently used as a Garage/Vehicle Servicing Premises. However, no objection was raised to the proposal subject to conditions.

Conclusion:

The proposal is to be located outside of any defined housing development boundary and has not been identified as an essential dwelling for a rural worker. Therefore the principle for development is unacceptable.

There are no objections to the proposal in regards to its impact on residential amenity, environmental protection, contaminated land, drainage and flooding.

However, it is considered that the proposal presents a roof form which does not reflect the character and appearance of the immediate area. Therefore the proposed new dwellings gable end roof and front dormer window due to their location, size/ scale will appear as an incongruous additions to the host dwelling. They will neither preserve nor enhance the character or appearance of this area. It is considered contrary to policy D1, D2, D3 and D5 of the Bath and North East Somerset Placemaking Plan.

In regards to Highways due to the proposals inability to facilitate the use of sustainable modes of transport, lack of adequate provision for vehicle parking, and lack of adequate provision of secure cycle parking it is considered that the proposal will be contrary to policies ST1 and ST7 of the Bath and North East Somerset Placemaking Plan.

It should also be noted that it would not be reasonable for a condition to be imposed on any permission for the house not to be used as an HMO, as requested by the Parish

Council, as the use of a house in this location as an HMO for up to six unrelated people does not require planning permission.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposal is to be located outside of any defined housing development boundary and has not been identified as an essential dwelling for a rural worker. Therefore the principle for development is unacceptable, and the proposal is contrary to policy DW1 and SV1 of the Bath and North East Somerset Core Strategy, and policy RA1, RA2 and RE4 of the Bath and North East Somerset Placemaking Plan.

2 The proposal presents a roof form which does not reflect the character and appearance of the immediate area. Therefore the proposed new dwellings gable end roof and front dormer window due to their location, size/ scale will appear as an incongruous additions to the host dwelling. They will neither preserve nor enhance the character or appearance of this area. The proposal is considered contrary to policy D1, D2, D3 and D5 of the Bath and North East Somerset Placemaking Plan.

3 Due to the proposals inability to facilitate the use of sustainable modes of transport, lack of adequate provision for vehicle parking, and lack of adequate provision of secure cycle parking it is considered that the proposal will be contrary to policies ST1 and ST7 of the Bath and North East Somerset Placemaking Plan.

PLANS LIST:

This decision relates to the following plans received 13th February 2018:

Drawing Number: AD/01- Proposed Floor Plans and Elevations

Drawing Number: AD/02- Proposed Elevations and Site Plan

Drawing Number: AD/03- Site Location, Block Plan and Additional Details

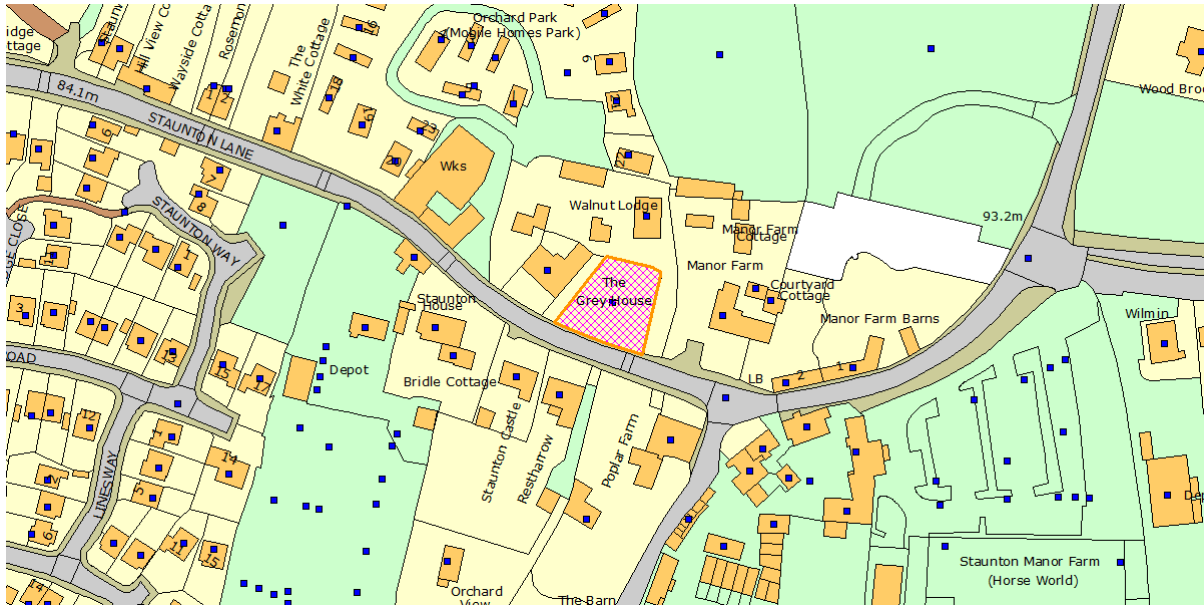
In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. Notwithstanding informal advice offered by the Local Planning Authority the submitted application was unacceptable for the stated reasons 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.

Community Infrastructure Levy

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority please note that CIL applies to all relevant 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: 05
Application No: 18/01057/VAR
Site Location: Grey House Staunton Lane Whitchurch Bristol Bath And North East Somerset



Ward: Publow And Whitchurch **Parish:** Whitchurch **LB Grade:** II
Ward Members: Councillor Paul May
Application Type: Application for Variation of Condition
Proposal: Variation of condition 11 (Plans List) of application 17/03785/FUL (Erection of a new 3 bedroom dwelling with double garage.)
Constraints: Bristol Airport Safeguarding, Agric Land Class 3b,4,5, Coal - Standing Advice Area, Policy CP9 Affordable Housing Zones, Housing Development Boundary, Policy NE1 Green Infrastructure Network, Neighbourhood Plan, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,
Applicant: Mr A Dark
Expiry Date: 8th June 2018
Case Officer: Alice Barnes
To view the case click on the link [here](#).

REPORT

Reason for reporting application to the committee

The application is being referred to the committee as the parish council have objected to the application. The parish councils objection is supported by Councillor Paul May.

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

Description of site and application

The application site is garden land to the side of a Grade II listed building located within the Housing Development Boundary of Whitchurch. The site is bounded by the listed Grey House to the west, Orchard Park mobile home site to the north, an access road to Orchard Park and a further detached dwelling (Manor Farm) to the east and Staunton Lane to the south.

Permission has been granted for the construction of a three bedroom dwelling. The applicant has applied to vary condition 11, the plans list, to alter the design of the proposal. The proposed alteration will incorporate 2 additional rooms within the existing roof and the provision of two rear dormer windows.

The original application included the provision of three dormer windows and this has been reduced to two. The dormer windows have been reduced in size from the original design.

Relevant History

DC - 04/01847/FUL - PERMIT - 31 August 2004 - Replacement roofs for kitchen and outbuildings.

DC - 04/01852/LBA - CON - 16 August 2004 - Change external doors and windows and replace roofs of existing kitchen area and single-storey outbuilding

DC - 98/02692/LBA - PER - 1 September 1998 - Alterations to front dormers

DC - 16/04798/FUL - PERMIT - 24 November 2016 - Erection of 1 no. dwelling and integral garage with associated works (land adjacent to Grey House)

DC - 16/04984/LBA - CON - 13 December 2016 - Removal of small section of boundary stone wall to form vehicular and pedestrian access from Staunton Lane to proposed building plot adjacent to Grey House

DC - 17/03785/FUL - PERMIT - 25 September 2017 - Erection of a new 3 bedroom dwelling with double garage.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Whitchurch Village Council: We strongly object to these variations from the permitted 2 storey 3 bedroom dwelling as they are completely different from the original application. This dwelling has been built as a 3 storey, 5 bedroom dwelling, we feel the planning authorisation has been breached, the permission granted by B&NES totally ignored and ask that this is investigated as a matter of urgency.

Policy ST7 B&NES Placemaking Plan states that there should be 3 parking spaces for 4+ bedroom properties plus 0.2 space for visitor parking.

As this is now a 5 bedroom property there is inadequate off street parking/parking spaces provided.

A balcony has been built at the rear overlooking other properties, which is an infringement on existing residents privacy.

It does not have regard to Policy WV1.1- Village design a) & b), WV 1.4 - Heritage Assets and their Setting and WV4.3 Traffic & Safety in the WVNDP.

Councillor Paul May: As the local member for the area I am pleased to report my support for the Parish comments. I am surprised when granting planning permission that permitted development rights are not removed? We (banes) turned down the 4 bed application as over development of the site and now they have gone for 5 bed?

Representations: No representations have been 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

RA.1 - Development in villages meeting the listed criteria

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

HE.1 - Historic Environment

Whitchurch Village Neighbourhood Plan

WV1.1 - Village Design

WV1.4 - Heritage Assets and their setting

WV4.3 - Traffic and Safety

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

Permission has been granted for the construction of a three bedroom dwelling. The applicant has applied to vary condition 11, the plans list, to alter the design of the proposal. The proposed alteration will incorporate 2 additional rooms within the existing roof and the provision of two rear dormer windows.

The application originally proposed three dormer windows and this has been reduced to two. The proposed dormer windows have been reduced in size.

Work has commenced on site but has not been completed. The applicant has at present constructed three dormer windows on site. It is proposed to remove these dormer windows and replace them with the two proposed in this application.

The main issues to be considered here are:

Principle of development

Design

Highways

Amenity

Principle of development

Permission has been granted for the provision of a dwelling at this site under references 17/03785/FUL and 16/04798/FUL. The site falls within the Whitchurch Housing Development Boundary which is defined as an RA1 village. In accordance with policy RA1 of the Core Strategy the principle of new residential development which has a scale, character and appearance appropriate to the village is acceptable.

The principle of new residential development is therefore acceptable, subject to all other policies within the local plan.

Design

The proposed development seeks permission for a revised design from the scheme permission under reference 17/03785/FUL. The proposal has been altered to provide dormer windows on the rear elevation and to provide two additional bedrooms within the roof space.

The proposed dormer windows have been set up from the eaves and below the ridge line. They will result in a small addition to the existing roof and appear subservient to the

existing building. The dormer windows will sit on the rear elevation so will not appear to be visually prominent within the streetscene.

Policy WV1.1 of the Whitchurch village Plan relates to Village design. It states that development shall be designed to a high quality and respond to the character of the village. In this case the addition of two dormer windows is not considered to be harmful to the appearance of the building and is not contrary to policy WV1.1.

Policy WV1.4 of the Whitchurch Village Plan relates to heritage assets and their setting. This states that any development must conserve and enhance the setting of the heritage assets. The proposed designs changes are considered to be appropriate and will not harm the nearby listed building. The development will comply with policy WV1.4.

Highways

The proposed development will result in a five bedroom dwelling. The permitted three bedroom development would require the provision of two off street parking spaces. The proposed five bedroom property will require the provision of three off street parking spaces.

The applicant has submitted a block plan indicating the provision of off street parking for three cars. The proposed layout include turning facilities and cars will be able to enter and exit the site in forward gear. The proposed alterations will not result in harm to highway safety.

Residential Amenity

This part of Whitchurch has various densities ranging from large former farmhouses set in generous plots to high density Orchard Park caravan site. The new house would have relatively generous separation distances with the building across the road and to the east.

The rear elevation will primarily overlook the rear garden and is set 18.5m from the rear boundary with number 23. In relation to the side windows of Grey House, no glazing has been proposed on the upper floors of the side elevation.

The proposed development will not result in harm to neighbouring properties through increased overlooking.

The noise associated with the development works may cause detriment to residential amenity if undertaken at unsociable hours. A construction management plan has been agreed under condition 17/05430/COND

Conclusion

The addition of two dormer windows on the rear elevation are considered to respect the appearance of the host building and will not harm the amenity of nearby occupiers. The proposed development will allow for off street parking to meet the minimum standards in the placemaking plan.

RECOMMENDATION

PERMIT

CONDITIONS

1 Soakage test (Compliance)

The proposed development shall be constructed in accordance with details approved under reference 17/05430/COND

Reason: To prevent an increase in flood risk for the property and surrounding land and properties in line with Core Strategy Policy CP5

2 Arboricultural Method Statement and Tree Protection Plan (Compliance)

The proposed tree protection measures shall be in accordance with measures approved under reference 17/05430/COND.

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.

3 Materials (Compliance)

The proposed materials shall be in accordance with details approved under reference 17/04762/COND

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

4 Soft Landscaping (Pre-occupation)

No occupation shall commence until a soft landscape scheme has been submitted to and approved in writing by the Local Planning Authority showing details of all trees, hedgerows and other planting to be retained; finished ground levels; a planting specification to include numbers, density, size, species and positions of all new trees and shrubs; and a programme of implementation.

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

5 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 highway safety in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

6 Construction Management Plan (Compliance)

The development shall be constructed in accordance with details approved under reference 17/05430/COND.

Reason: To ensure that safe operation of the highway and in the interests of protecting residential amenity in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

7 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.

8 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.

9 Vehicle Visibility Splay (Pre-occupation and Compliance)

No occupation of the development shall commence until the visibility splay shown on drawing number A104 has been provided. There shall be no on-site obstruction exceeding 600mm above ground level within the visibility splay. The visibility splay shall be retained permanently thereafter.

Reason: To ensure sufficient visibility is provided in the interests of highways safety in accordance with Policy ST.7 of the placemaking plan

10 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 Site location and block plan A104 and Proposed plans and elevations A101.

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.

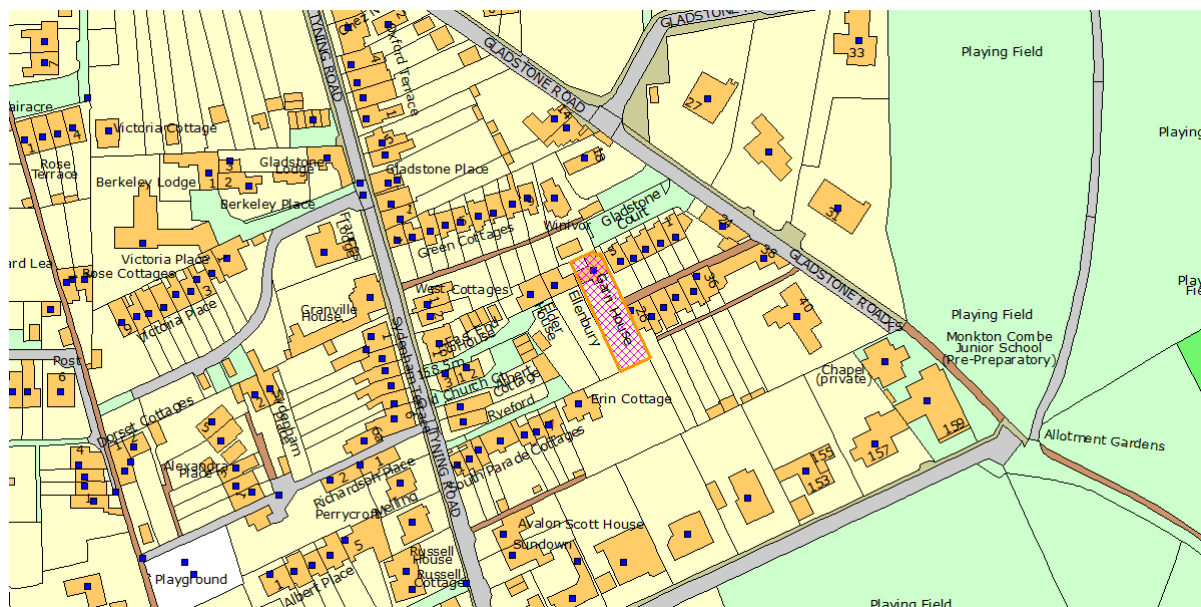
Where approval of further information is required you will need to submit a conditions application and pay the relevant fee, details of the fee can be found on the "what happens after permission" pages of the Council's Website. You can submit your conditions application via the Planning Portal at www.planningportal.co.uk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

Community Infrastructure Levy

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. **Before** commencing any development on site you should ensure you are familiar with the CIL process. If the development approved by this permission is CIL liable there are requirements to assume liability and notify the Council before development commences, failure to comply with the regulations can result in surcharges and additional payments. 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: 06
Application No: 18/01184/FUL
Site Location: Garri House Tyning Road Combe Down Bath Bath And North East Somerset



Ward: Combe Down **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Cherry Beath Councillor Bob Goodman

Application Type: Full Application

Proposal: Erection of two-storey rear extension following demolition of single-storey rear extensions and minor internal works.

Constraints: Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 1,2,3a, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP9 Affordable Housing Zones, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE5 Ecological Networks, Policy NE5 Strategic Nature Areas, SSSI - Impact Risk Zones,

Applicant: Mr Hugh Knowles

Expiry Date: 8th June 2018

Case Officer: Alice Barnes

To view the case click on the link [here](#).

REPORT

Reason for reporting the application to committee

The application is being referred to the committee at the request of Councillor Cherry Beath.

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

Description of site and application

Garri House is located on the southern edge of Bath. It is a detached property located within the Conservation Area and World Heritage Site. The existing property is a stone built property situated between Tynning Road and Gladstone Road. The property is accessed from Tynning Road and the rear elevation is partly visible from Gladstone Road.

This is an application for the erection of two-storey rear extension following demolition of single-storey rear extension. The proposed rear extension will include a pitched roof and gable ends. It is proposed to timber clad the exterior of the extension in a silvered larch cladding. There are existing two storey rear extensions at the neighbouring properties of Elder House and Ellenbury.

Relevant History

DC - 13/05154/FUL - PERMIT - 16 January 2014 - Construction of single storey detached timber structure in garden of property as a home studio

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Councillor Cherry Beath: I have concerns about the application, which appears to be a large extension, and would cause a very dominant and overbearing presence in the collection of homes surrounding it. I believe it will have a detrimental affect on neighbouring homes and their amenities in Gladstone Court and Gladstone Road. I see that there are objections, and as such it is a controversial application, and it would be beneficial to be determined in public.

Representations: 3 representations have been received objecting to the application for the following reasons:

The site is visible from the public realm

The extension will not be in keeping with the local context

There is only a narrow pedestrian access to the site.

Any building project will be disruptive to neighbours

This is overdevelopment of the site

The extension will extend beyond the adjacent Gladstone Court and will be detrimental to the properties

There will be a loss of light to number 5 Gladstone Court

It will be overbearing to the occupiers of number 5 Gladstone Court

A second storey is not needed

A single storey would be more appropriate

Timber cladding is not appropriate and has been used elsewhere

The development will overlook nearby properties

1 representation has been received in support of the application for the following reasons

The proposed extension is aesthetically pleasing and consistent with similar developments in the area.

Cedar cladding has been used in the recently approved building in the grounds of 18 Gladstone Road which is visible from Gladstone Court. The material will silver with age and fit well with its surroundings.

The extension is a similar size and proportion to nearby properties

The staggered plan view means that the development should not be overbearing to properties in Gladstone Court.

Since only the north-facing aspects of the properties in Gladstone Court will be affected then the development will not cause any over-shadowing.

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

B4 - The World Heritage Site and its Setting

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

HE.1 - 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

This is an application for the erection of a two-storey rear extension following the demolition of single-storey rear extension. Garri House is one of three properties accessed from a pedestrian route from Tynning Road. The pedestrian access to Garri House passes in front of the neighbouring properties of Elder House and Ellenbury.

The main issues to be considered here are:

Design

Amenity

Design

The proposed extension will include a pitched roof and gable ends. The existing dwelling is characteristic of Combe Down village which is partly characterised by workers cottages. The neighbouring properties of Elder House and Ellenbury include dual pitched roofs and the built form of the proposed extension has been designed to reflect this.

The proposed extension will be constructed with Bath stone on the ground floor and silvered larch cladding on the upper floor. The roof will be tiled to match the host building. The provision of timber cladding is not currently present on the existing Bath Stone building. However the provision of cladding on the rear elevation reflects the character of workers cottages. It will not appear to be visually prominent within the surrounding streetscene and on this particular dwelling is considered to be appropriate.

The main garden is sited to the front of the property and the proposed extension will infill a small courtyard to the rear. In this respect there will not be a substantial loss in outdoor space.

It is noted that timber cladding was refused at the nearby dwelling of number 14. However the proposed development at number 14 would have appeared to be prominent within the streetscene and is not considered to form a comparison to the proposed development.

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 proposed development will preserve the character of the surrounding Conservation Area.

Amenity

The proposed extension will sit adjacent to the neighbouring property of number 5 Gladstone Court. The extension will protrude beyond the front wall of number 5 by 1.7m and it will be set back from the side boundary by 2.5m. Therefore the proposed extension is not considered to result in a loss of light to number 5 that would warrant refusal of the application.

To the rear of the site is the property of Winiver which sits 15m from the rear elevation. The glazing on the rear elevation will mainly provide light to a void above the ground floor level. One window will be obscure glazed as it provides light to a bathroom. Bedroom 3 includes a window which has been orientated to avoid overlooking of nearby properties.

Conclusion

The proposed extension will preserve the character of the existing building within the Conservation Area. The proposed extension is not considered to result in harm to the amenity of nearby residential occupiers.

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 and block plan S1 050
Existing floor plans S1 101
Existing elevations S1 201
Proposed floor plans P1 101
Proposed elevations P1 201

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.

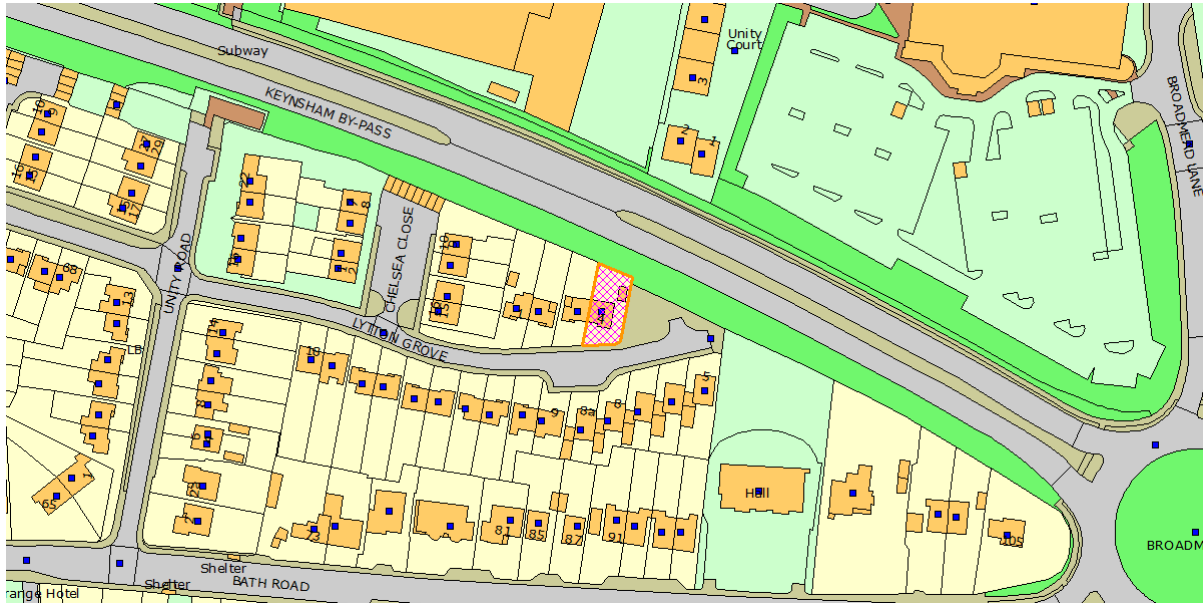
Community Infrastructure Levy

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. **Before** commencing any development on site you should ensure you are familiar with the CIL process. If the development approved by this permission is CIL liable there are requirements to assume liability and notify the Council before development commences, failure to comply with the regulations can result in surcharges and additional payments. 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.

Application No: 18/01224/FUL

Site Location: 4 Lytton Grove Keynsham Bristol Bath And North East Somerset BS31 1NE



Ward: Keynsham East

Parish: Keynsham Town Council

LB Grade: N/A

Ward Members: Councillor Marie Longstaff Councillor Bryan Organ

Application Type: Full Application

Proposal: Change of use from dwelling house (Use Class C3) to 9 bed HMO (House in Multiple Occupation) (Use class sui generis) and the erection of a single storey rear extension.

Constraints: Saltford Airfield 3km buffer, Agric Land Class 3b,4,5, Policy CP9 Affordable Housing Zones, Housing Development Boundary, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodrome,

Applicant: Mr Ciprian Rosca

Expiry Date: 8th June 2018

Case Officer: Rae Mephram

To view the case click on the link [here](#).

REPORT

Reason application being referred to committee

Objection from Keynsham Town Council contrary to officer recommendation.

Details of location and proposal

4 Lytton Grove is a semi-detached property located within Keynsham. This application is for the change of use from dwelling house (Use Class C3) to 9 bed HMO (House in Multiple Occupation) (Use class sui generis) and the erection of a single storey rear extension.

Relevant history

17/04816/FUL - PERMIT - 29 November 2017 - Single storey side extension and erection of two small utility sheds in the rear garden.

17/05277/FUL - WD - 16 February 2018 - Conversion of existing C3 dwelling into 1no. self-contained C3 dwelling and 1no. C4 HMO. Erection of single storey side extension and single storey rear extension, erection of two utility sheds.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation responses

Environmental protection - no comment

Third party representations

14 objection comments have been received, summarised as:

- Parking of commercial vehicles
- Parking insufficient for 9 people
- Noise from occupants
- HMO out of character with surrounding dwellings
- Development for profit
- More waste
- Pressure on utilities and school places
- Dwelling not of sufficient size
- Applicant housing workforce
- Safety of open space
- Setting a precedent
- Study will be turned into a kitchen
- Cooking and washing arrangements inadequate
- Nearly all properties owner occupied
- Overdevelopment of the site
- Assurances from applicant are irrelevant
- Men currently congregate at the front of the property
- Impact on value of properties

POLICIES/LEGISLATION

The Council's Development Plan 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

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
KE1 - Keynsham Spatial Strategy
SD1 - 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:

D2 - Local Character & Distinctiveness
D3 - Urban Fabric
D4 - Streets and Spaces
D6 - Amenity
H2 - Houses in Multiple Occupation
H3 - Residential uses in existing buildings
ST1 - Promoting sustainable travel
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).

OFFICER ASSESSMENT

Application 17/04816/FUL was granted permission under delegated powers in November 2017. This application was for the erection of a single storey side extension and two utility sheds.

Application 17/05277/FUL was withdrawn in February 2018. This application was for the conversion of existing C3 dwelling into 1no. self-contained C3 dwelling and 1no. C4 HMO. Erection of single storey side extension and single storey rear extension, erection of two utility sheds.

This application is for the same side extension and utility sheds, with an additional single storey rear extension, addition of 2no. parking spaces (4 in total), and for the conversion of the property to a large HMO for 9no. people.

The utility sheds have been constructed, and work on the side extension has commenced.

The change of use of a residential property to a large HMO is determined by policy H2 of the Placemaking Plan, providing it complies with certain criteria:

- i. If the site is within Bath, and within an area with an high concentration of existing HMO (as defined in the Houses in Multiple Occupation in Bath Supplementary Planning Document, or successor document), further changes of use to HMO use will not be supported as they will be contrary to supporting a balanced community;*
- ii. The HMO use is incompatible with the character and amenity of established adjacent uses;*

- iii. The HMO use significantly harms the amenity of adjoining residents through a loss of privacy, visual and noise intrusion;*
- iv. The HMO use creates a severe transport impact;*
- v. The HMO use results in the unacceptable loss of accommodation in a locality, in terms of mix, size and type;*
- vi. The development prejudices the continued commercial use of ground/ lower floors.*

The proliferation of HMO dwellings can significantly alter the character of an area due to lifestyle and occupancy changes. The change of use of one single property is unlikely to alter the character of an existing residential area. Large HMO's would typically be located within existing residential areas, so the use itself is unlikely to be incompatible with other residential units.

The cumulative impact of HMOs could impact upon the residential amenity of other properties. C3 dwellinghouses are occupied by single households which typically have co-ordinated routines, lifestyles, visitors and comings and times and patterns of movement. Conversely, HMOs are occupied by unrelated individuals, each possibly acting as a separate household, with their own friends, lifestyles, and patterns and times of movements. The comings and goings of the occupiers of a HMO are likely to be less regimented and occur at earlier and later times in the day than a C3 family home, and may well consist of groups engaging in evening or night time recreational activity. Such a change of use can therefore be expected to increase comings and goings, noise and other disturbance compared to a C3 use.

Individually, HMOs are not generally considered to result in demonstrable harm to residential amenity as it is only a concentration of HMOs that creates significant effect. The change of use of this property is not considered to cause significant harm to amenity due to a loss of privacy, visual or noise intrusion.

The provision of laundry facilities within the outbuildings is no more harmful than an existing family dwelling choosing to have their facilities in an outbuilding or garage.

The site is located within a residential cul-de-sac where there is currently space to park up to 2 no. vehicles within the driveway. The proposal includes the provision of 4 no. spaces to the front of the property which will result in the loss of garden space and require the dropping of kerbs to accommodate ease of access.

It is likely that there would be an increase in parking demand as a result of the increase in occupancy. However, there is evidence from surveys carried out by Dept. for Communities and Local Govt. which states that non-owner occupied houses with 4 bedrooms will have an average of 0.6 cars and vans per household.

The sites sustainable location, close to employment and public transport links means that the need to own a car should be less intense than less sustainable areas. Storage for bicycles can easily be provided on site, serving to promote this sustainable mode of transport.

Given the statistics produced by the Dept. for Communities and Local Govt. regarding parking demand for non-owner occupied houses, the sites sustainable location, and the

provision of 4no. spaces, it is not considered that there would not be a significant impact on the local highway.

There is no commercial use on the ground/lower floors.

The proposed side extension is located on the east elevation, and covers the full depth of the proposed dwelling. The pitched roof creates a subservient extension that is considered to both respect and compliment the host dwelling. The proposal will use matching materials to the main house. The proposal is adjacent to an on-street parking area and green verge, and the property backs onto the Keynsham Bypass. Given that the single storey extension is not located adjacent to another property it is not considered that the proposal will cause harm to residential amenity.

The proposed rear extension is small-scale when seen in context, and is considered acceptable in terms of character and appearance.

The two sheds located in the rear garden are not of a substantial size, and are not considered unusual additions to a residential area.

The fact that potential occupiers may work for the same employer is not a planning matter, and would not result in a change of use of the property.

The facilities provided are considered to be adequate for the proposed number of occupiers. As of October 2018, the property will require an HMO licence which regulates the provision of adequate facilities in HMOs.

Overall, the proposals are acceptable in principle, on highways grounds, and in terms of character and appearance and would not cause significant impact upon residential amenity, and as such are 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 Parking (Compliance)

The area allocated for parking on the submitted plan 17-0907-PSP01 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 is 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.

3 Bound/Compacted Parking Space (Compliance)

Prior to use hereby permitted, the parking area shown on drawing number 17- 0907-PSP01 shall be constructed with a bound and compacted surface (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.

4 Ancillary Use (Compliance)

The utility sheds hereby approved shall be retained for ancillary domestic use as shown on drawing 17- 0907-PSP01 and for no other purpose.

Reason: The sheds hereby approved are not capable of independent occupation or commercial use without adverse impact on the amenities of existing or future residential occupiers contrary to Policy D6 of the Bath and North East Somerset Placemaking Plan

5 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:

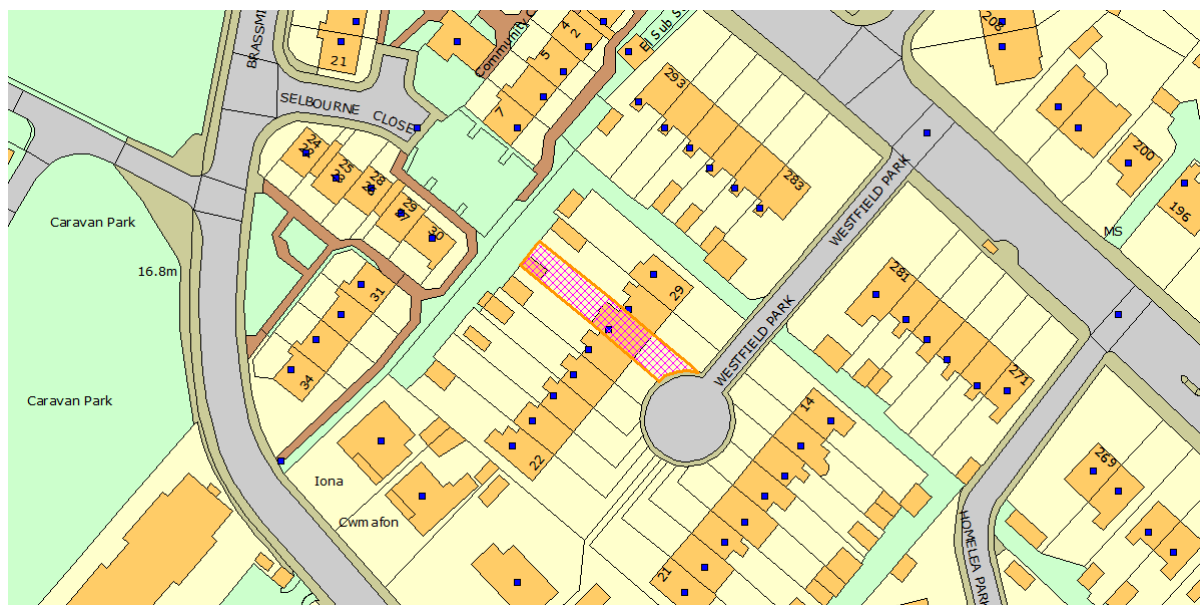
This decision relates to:

17-0907-PE01 D PROPOSED ELEVATIONS
17-0907-PP01 F PROPOSED GROUND FLOOR PLAN
17-0907-PP02 D PROPOSED FIRST FLOOR PLAN
17-0907-PSP01 E PROPOSED SITE PLAN
17-0907-SLP01 A LOCATION PLAN

all received 16th March 2018

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: 08
Application No: 18/01435/FUL
Site Location: 27 Westfield Park Newbridge Bath Bath And North East Somerset
BA1 3HS



Ward: Newbridge **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Michelle O'Doherty Councillor Caroline Roberts
Application Type: Full Application
Proposal: Change of use from residential (Class C3) to a HMO (Class C4)
Constraints: Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Policy CP9 Affordable Housing Zones, Flood Zone 2, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,
Applicant: Mr Andrew Lapham
Expiry Date: 8th June 2018
Case Officer: Christine Moorfield
To view the case click on the link [here](#).

REPORT

This application has been brought to the committee as both Cllr O Docherty and Cllr Roberts requested that the application is heard by committee should the officer be minded to approve the application. The Chair of the Planning Committee considers due to high number of objections and the Ward Cllrs request it is felt this application should be debated by committee.

This property is a terraced property within a cul de sac of similar two storey dwellings.

The site is located within the World Heritage Site, Flood zone 2 and Article 4 HMO area.

The plans indicate that the three bedroomed house will provide four bed spaces within four bedrooms of accommodation. Three bedrooms at first floor level and one at ground floor level (existing lounge).

The occupiers will share a kitchen, dining room, conservatory, bathroom and utility.

HISTORY

There is no recent relevant Planning History on this property.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Cllr O Docherty and Cllr Roberts request that the application is heard by committee should the officer be minded to approve the application.

The reasons, as well as the large number of objections from local people, is the president that will be set by allowing an HMO in this location. The loss of much needed family housing, potential noise and impact on parking.

DRAINAGE

No objection. Proposal will have minimal impact on drainage and flood risk.

HIGHWAYS

The change of use may increase the occupancy of the house marginally by independent individuals (i.e. not a family) and this may raise concerns over increased parking demand particularly in a location where on-street parking is unrestricted. It is noted that vehicles park within the turning circle at the end of Westfield Park. However, the sites sustainable location is acknowledged where there is good access to a range of services, facilities and public transport links (on Newbridge Road) and car-use should therefore be less intense. It is noted that there is a single garage to the rear of the site accessed from Selbourne Close, an un adopted lane which serves garages/parking associated with 22 to 29 Westfield Park. Future occupants should be encouraged to use this garage for parking to help ease the demand for on-street parking on Westfield Park.

Furthermore, there is also evidence from surveys carried out by Dept. for Communities and Local Govt. which states that rented accommodation can have up to 0.5 fewer cars than owner occupied households of similar size and type. In this instance car-ownership would be similar to or even less than the current domestic use of the property. Given this, coupled with the sites sustainable location and off street parking available, it is not considered that there would be a significant impact on the local highway.

Highways DC, therefore, have no objection to this application.

NEIGHBOUR CONSULTATIONS

28 letters have been received.

The main issues raised are as follows:

The use is out of character with the area which is a quiet, traditional, well established community of family housing.

Disturbance to neighbours through noise and activity. The residents are likely to come and go at different times to the families in the street. Noise from increased visitors and possible social events.

Elderly residents in both Wesfield Park and Selbourne Close could suffer disturbance.

Waste - no provision has been made for the storage of bins waste etc which could impact on the amenity of neighbours.

The introduction of a transient group of people would have implication on this community in terms of coherence and possible safety.

Traffic and parking issues. Parking is not always possible within this cul de sac and elderly residents at present can not always park near their properties.

An HMO will be likely to generate more traffic and require more parking spaces than a family house.

Approval of this application would set a precedent for other such HMOs in this area where there are very few HMOs.

An HMO will impact on the value of properties and results in the loss of a needed family house.

Not all neighbours notified.

The plans have an incorrect address on them.

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

CP10 - Housing Mix

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

D6 - Amenity

ST1 Promoting Sustainable Travel

ST7 Transport access and development management

HE1 Historic Environment

H2 House in Multiple Use

Supplementary Planning Document: Houses in Multiple Occupation in Bath SPD (November 2017)

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

OFFICER ASSESSMENT

Principle of development

This proposal is for the change of use from C3 to C4 which could ordinarily be implemented under permitted development rights, however an Article 4 Direction has been adopted which applies to the whole City of Bath, and therefore planning permission is required.

Placemaking Plan Policy H2 restricts the sub-division and conversion of existing dwellings to Houses in Multiple Occupation in areas of high concentration of existing HMOs, where it is incompatible with the character and amenity of existing adjacent uses and where the HMO use would significantly harm the amenity of adjoining residents through a loss of privacy, visual and noise intrusion. A supplementary planning document has been adopted alongside policy H2 which seeks to prevent further changes of use to HMOs in areas of high concentration. The SPD has two criteria for the assessment of such applications:

Applications for the change of use from C3 dwellings to C4 or sui generis (Houses in Multiple Occupancy) will not be permitted where:

Criterion 1

It would result in any residential property (C3 use) being 'sandwiched' between two HMOs. According to the data held by the Council, the proposal would not result in a residential property becoming sandwiched between two HMOs. Criterion 1 aims to prevent the potential for negative impacts upon an existing dwelling resulting from the sandwiching effect of an HMO use to both sides of a C3 dwelling. It also aims to ensure that there is a balance of housing types at street level. The SPD recognises that the cumulative impact of HMO's on either side could significantly impact upon the residential amenity of the property as well as character of the area. C3 dwelling houses are occupied by single households which typically have co-ordinated routines, lifestyles, visitors and comings and times and patterns of movement. Conversely, HMOs are occupied by unrelated individuals, each possibly acting as a separate household, with their own friends, lifestyles, and patterns and times of movements. The comings and goings of the occupiers of a HMO are likely to be less regimented and occur at earlier and later times in the day than a C3 family home, and may well consist of groups engaging in evening or night time recreational activity. Such a change of use can therefore be expected to increase comings and goings, noise and other disturbance compared to a C3 use.

Individually, small HMOs are not generally considered to result in demonstrable harm to residential amenity as it is only a concentration of HMOs that creates significant effect. Given that the proposal will not result in sandwiching a C3 property, the proposal is considered to be in compliance with Criterion 1.

Criterion 2

Stage 1 Test: The application property is within or less than 50 metres from a Census Output Area in which HMO properties represent more than 10% of households; and

Stage 2 Test: HMO properties represent more than 10% of households within a 100 metre radius of the application property

The proposal falls outside a Census Output Area in which HMO properties represent more than 10% of households. In this instance the stage 2 test shows that there is only 1 property within 100m radius of the application site that is in HMO use.

It is therefore considered that the proposal would not result in an over concentration of HMOs contrary to supporting a balanced community. The proposal therefore complies with policy H2 of the Placemaking Plan and supplementary policy set out in the Houses in Multiple Occupation in Bath (HMO) SPD.

Highways

The change of use is seen to be likely to increase the parking demand particularly in this location where on-street parking is unrestricted. However, the site is seen to be located within a sustainable location where there is good access to a range of services, facilities and public transport links (on Newbridge Road) and car-use should therefore be less intense. It is noted that there is a single garage to the rear of the site accessed from Selbourne Close, an unadopted lane which serves garages/parking associated with 22 to 29 Westfield Park and if used by occupiers it would help to ease the demand for on-street parking on Westfield Park.

Furthermore, it should be noted that there is evidence from surveys carried out by Dept. for Communities and Local Govt. which states that rented accommodation can have up to 0.5 fewer cars than owner occupied households of similar size and type. Therefore, this proposed use could be similar (in terms of car generation) to or even less than the current domestic use of the property. Given this, coupled with the sites sustainable location and off-street parking available, it is not considered that there would be a significant impact on the local highway.

Residential amenity

The property is shown to provide 4 rooms for occupation and as such any permission granted must be restricted to such a level of use. Neighbours have raised concerns in respect of the impact that such a change of use will have on this established community characterised by families and the elderly. There are no other HMOs within the immediate vicinity of this site. Residents have objected to this proposal as they consider the occupation of an HMO is different to that of a family house. They consider it likely that there will be more activity as people come and go at different times from the adjacent residents. Due to the often transient nature of the occupants the property and environment may not be respected and kept to the same standard as the adjacent properties in the street.

It is recognised that HMOs are generally occupied by unrelated individuals who come and go separately resulting in some additional activity in association with the property which is different to the activities associated with a dwelling house (C3). However, a single HMO within a predominantly residential area characterised by C3 dwelling houses would not be expected to result in a level of harm to the residential amenity of the neighbours that would justify refusal of the application.

In addition, the proposed conversion would provide a reasonable living environment for the proposed occupiers and adequate provision of facilities.

No external changes are proposed, ensuring no loss of privacy or overbearing impact of development to adjacent occupiers.

The proposal accords with policy D6 and H2 of the Placemaking Plan for Bath and North East Somerset (2017), paragraph 17 and part 7 of the NPPF and the Houses of Multiple Occupation SPD 2017.

Drainage

The site is just within flood zone 2. The drainage engineer has not raised any objection in respect of this proposal. It is an existing property and therefore it is not considered that this proposed use is any more vulnerable than the existing use on the site.

Waste

Neighbours raised concern in respect of possible litter from this proposed use. The proposed site has a front and rear garden area so it is not considered necessary or justifiable for waste storage details to be specified in relation to this proposed change of use.

Notification

Several neighbours raised concerns that they were not notified of the proposal. The immediate neighbours were consulted in accordance with the council's protocol for neighbour notification. Following the receipt of amended plans 21 objectors were notified of the amendments.

Accuracy of plans

Some of the information submitted mistakenly refers to Westfield Gardens. The agent has been informed of this and correctly labelled information has been submitted.

Other matters

Comments in respect of the value of properties and precedent are not matters that are material to the considerations of this application.

Conclusion

The proposal is acceptable in principle, and 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 Number of Occupants (Compliance)

The development hereby permitted shall not be occupied by more than 4 unrelated occupants unless a further planning permission has been granted.

Reason: An increase in the number of occupants would need further consideration by the Local Planning Authority with regard to residential amenity and highway safety, in accordance with Policies D.6 and ST7 of the Bath and North East Somerset Placemaking Plan

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 and 01 02 03 and 04 all dated 21st May 2018.

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.

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: 09
Application No: 18/01367/FUL
Site Location: 17 Queenwood Avenue Fairfield Park Bath Bath And North East Somerset BA1 6EU



Ward: Walcot **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Fiona Darey Councillor Richard Samuel
Application Type: Full Application
Proposal: Erection of rear pitched roof dormer (Revised proposal).
Constraints: Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Policy CP9 Affordable Housing Zones, MOD Safeguarded Areas, SSSI - Impact Risk Zones,
Applicant: Mr Chris Grew
Expiry Date: 7th June 2018
Case Officer: Chloe Buckingham
To view the case click on the link [here](#).

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

Cllr Patrick Anketell Jones has asked that this application be considered by committee if refusal is to be recommended. In response the chair of committee has stated:

I have looked at this application noting the Ward Cllr DMC request & the history of the site. The D&A statement & photos identify similar but not identical extensions in the area which the Officer has commented in the assessment of the application in relation to relevant planning policy & a recent appeal decision.

The controversy is the impact of the proposal on the area & therefore I recommend the application be determined by the DMC.

DESCRIPTION OF SITE AND APPLICATION:

The property in question is a two storey end-of-terrace dwelling, located within the Bath World Heritage Site. This application is for the erection of rear pitched roof dormer window.

Relevant Planning History:

DC - 17/05427/FUL - WD - 18 December 2017 - Conversion of loft with side dormer and rear flat roof dormer

DC - 17/06151/FUL - PERMIT - 7 February 2018 - Hip to gable loft conversion (Resubmission).

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Cllr Anketell-Jones- If minded to refuse this application, it should go to the DMC for determination.

Small home extensions such as this benefit the city and the WHS by increasing the size of the housing stock without having to build more houses. They help people stay in their communities whilst their families grow.

The house is prominent in its location but its location is not prominent within the WHS so a small change will not impact on the character and appearance of Bath. It appears that several neighbouring houses have had dormers added to their back roofs but none of them have the design quality of this one.

Third party representations: 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

Relevant Core Strategy Policies:

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

Relevant Placemaking Plan Policies:

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

LEGAL FRAMEWORK

- o Town and Country Planning Act, 1990

NATIONAL PLANNING POLICY FRAMEWORK, MARCH 2014

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

NATIONAL PLANNING PRACTICE GUIDANCE

Due consideration has been given to the recently published NPPG

OFFICER ASSESSMENT

PRINCIPLE OF PROPOSED USE:

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

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

It is acknowledged that this application is a resubmission of a previously withdrawn application. The rear dormer window has changed from a box dormer window to a pitched dormer window.

It is noted that some adjacent properties have rear dormer windows as well as some having front dormer windows, however, it is noted that many of these examples of dormer windows are positioned further down the terrace and are therefore somewhat screened from view within the streetscene. The rear roof of no.17 is in a much more exposed position being located on an end of terrace and in an elevated position on the corner of the road.

The rear dormer window is considered to be overly large and dominating within the roof of the host dwelling and the pitched element of the roof now further exacerbates and emphasises the dormer window, making it more prominent in the streetscene. Therefore, due to the property's elevated position and the exposed nature of the end-of-terrace dwelling which gives direct views of the rear dormer within the streetscene, the proposal cannot be supported. It is well accepted that the suburbs of Bath are an integral part of the setting of the wider World Heritage Site and in this regard it is considered that the proposed dormer would be harmful by contributing to an erosion of the setting of the designated World Heritage Site. Furthermore, a recent proposal was refused and dismissed on appeal (reference: APP/F0114/D/17/3183083) for a dormer window on Fairfield Park Road and it is considered that the same reasoning also applies to this proposal.

Therefore, on balance it is considered that the dormer window would cause harm to the character and appearance of the host property and the character of the area as well as to the wider World Heritage Site. The proposal does not comply with policies HE1, D2, D4 or D5 of the Placemaking Plan and is recommended for refusal.

IMPACT ON RESIDENTIAL AMENITY:

It is not considered that there will be any significant negative residential amenity impacts for any surrounding occupiers or for the occupiers of no.17 as a result of the proposal. Therefore, the proposal is compliant with policy D6 of the Placemaking Plan (2017). However, this positive impact is not considered to overcome the issues regarding the design as outlined above.

PLANNING OFFICER ASSESSMENT OF HIGHWAY ISSUES:

The proposal intends to create a third bedroom in the loft and the level of parking at the site is considered compliant with policy ST7 of the Placemaking Plan. It is also noted that the site is within a sustainable location close to local shops and public transport. With this in mind, the proposed development is not considered to cause any issues in relation to parking provision or access. However, this positive impact is not considered to overcome the issues regarding the design as outlined above.

CONCLUSION:

The size and scale of the dormer window would create a bulky and awkward appearance that would not constitute good design. This would not be in-keeping with the host dwelling and would be detrimental to the streetscene.

For the reasons set out above, it is recommended that this application is refused permission.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed rear dormer window by virtue of its size, scale, design, massing and height situated in a prominent position would harm the character and appearance of the existing dwelling and contribute to visual harm to the wider area and World Heritage Site. The proposal conflicts with Policies HE1, D2, D4 and D5 of the Bath and North East Somerset Council Placemaking Plan (2017) and Policy B4 of the Core Strategy (2013).

PLANS LIST:

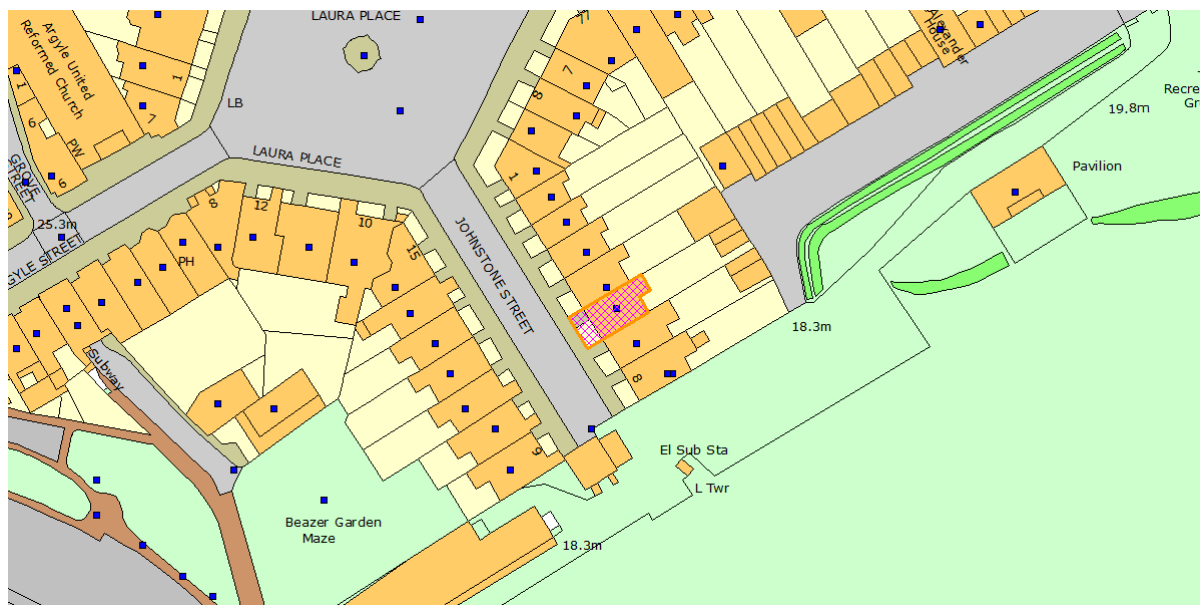
This decision relates to the Location Plan, Block Plan and Existing and Proposed Elevations (AL0670/D) and Existing and Proposed Floor Plans (AL0670/D) received 26th March 2018.

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.

Community Infrastructure Levy

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority please note that CIL applies to all relevant 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: 10
Application No: 18/01253/LBA
Site Location: 6 Johnstone Street Bathwick Bath Bath And North East Somerset
BA2 4DH



Ward: Abbey **Parish:** N/A **LB Grade:** I
Ward Members: Councillor Lizzie Gladwyn Councillor Peter Turner
Application Type: Listed Building Consent (Alts/exts)
Proposal: Internal alterations for the installation of a corner shower unit, 12no recessed ceiling lights and for the retention of ground floor shutters (Regularisation)
Constraints: Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, 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, Flood Zone 2, Flood Zone 3, Listed Building, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE5 Ecological Networks, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones,
Applicant: Ms Mary Barber Fray
Expiry Date: 15th May 2018
Case Officer: Caroline Waldron
To view the case click on the link [here](#).

REPORT

No 6 Johnstone Street is a grade I listed building part of a longer terrace circa 1805 to designs by Thomas Baldwin. The site is within the Bath World Heritage Site and the designated conservation area.

The application has been submitted in retrospect to regularise unauthorised work which does not comply with the drawings approved under

15/02968/LBA

The application falls into three parts; the permanent removal of paint from the ground floor internal shutters leaving the pine exposed, the position of the shower cubicle in the second floor bathroom and the installation of recessed spot lighting in a number of the rooms. The nature of work and its impact on the listed building is considered in more detail under the Officer Assessment.

The Design and Access Statement on the file is the document submitted with the 2015 applications. The justification for the work can be found in the Planning Statement.

Following a request by Cllr Turner the Chair agreed that the application should be considered and determined by the Committee.

Planning History

Comprehensive scheme to convert building back to a dwellinghouse was granted under 15/02968/LBA and 15/02967/FUL. This consent has been implemented but further unauthorised work has also been carried out.

A second listed building consent application reference 18/01271/LBA to regularise other unauthorised work to the listed building comprising replastering, reinstating grates, repairing balconettes, redecorating the front door and installation of a sprinkler system has also been submitted.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Parish Council: NA

Historic England:

6 Johnstone Street is part of a Grade I listed terrace of Georgian houses within the Bath World Heritage Site. The terrace was designed by Thomas Baldwin in 1788 and No. 1 was built in 1784. Numbers 2-8 were built in 1805 and all represent double depth plan forms over three storeys with attics and basements. The houses form part to the Baldwin Scheme for the Bathwick Estate which was not fully completed until later due to the collapse in the development in 1793. John Pinch, Surveyor of the Bathwick Estate oversaw their eventual completion.

The position of the shower cubicle, in front of the original door (ds12) between Bedroom 2 and the Stairwell, is unacceptable. Its current location causes significant harm to the legibility of the historic plan form of this floor, and in turn the overall house (Para 134, NPPF) erasing the relationship between this room and the stairwell. Photographs provided with this application show that the location of the shower removes all traces of this doorway internally within the bathroom and has a negative impact on the ability of future occupants to reverse this change. The location and need for such a unit should be reconsidered.

The notes in the drawing entitled 'Section As Proposed' states the discrete recessed spots have been installed in utility G.05, mezzanine S.05, en-suite S.03, top bathroom T.04, Kitchen G.04 and dining area G.01. Photographs provided show these spotlights in situ and are considered to be uncharacteristic of the building and harmful to the aesthetics of the Georgian spatial and decorative features. This is particularly the case in rooms of 'Polite' architectural dimensions with high ceilings.

More appropriate forms of lighting should be reinstated in these rooms to reflect the historic character of the building.

Other representations:

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
- B4 - The World Heritage Site

Placemaking Plan:

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

HE1 Historic Environment

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

OFFICER ASSESSMENT

The scheme approved under 15/02968/LBA has been implemented. Prior to this the building was a house in multiple occupation and the heritage benefits of converting the

ground/first/second and attic floors back into a dwelling house have been taken into account in considering the current application.

The current application falls into three parts; the permanent removal of paint from the ground floor internal shutters leaving the pine exposed, the position of the shower cubicle in the second floor bathroom and the installation of recessed spot lighting into the ground floor diningroom and kitchen and the second floor bathroom.

Window shutters

A Georgian town house in Bath would have been fitted out with a suite of joinery features which often included internal window shutters. The shutters would typically have been made from pine, a cheap imported timber. In order to disguise the quality of the wood and create an impression of higher status, the shutters were painted to fit in with the decorative scheme in the room. Removing the paint leaving the pine exposed conflicts with the polite aesthetic of a Georgian town house interior.

That possibility that at some times of the day blinds may obscure the shutters from the street has no bearing on their acceptability. Historic England make it clear in their published advice that work inside listed buildings is subject to exactly the same considerations of impact on significance as external visible alterations.

Exposed pine is not a traditional or acceptable finish for shutters in the context of an early 19th century Georgian townhouse and leaving them in this condition harms the character and significance of the listed building.

Second Floor bathroom

The approved layout was for a bathroom in the small front room. Instead the larger rear room has been converted into the bathroom.

The planform of a building is often an integral part of its character and significance. This is reflected in paragraph 45 from the Historic England Advice Note 2 (Making Changes to Heritage Assets) which states that "The planform of a building is frequently one of its most important characteristics Proposals to remove or modify internal arrangements, will be subject to the same considerations of impact on significance as for externally visible alterations"

The principle of using the room as a bathroom is considered acceptable and the conversion is included with application 18/01271/LBA (excluding the shower position).

The key issue is the position in which the shower has been installed effectively blocking what would have been the original doorway from the landing into this room. Although the doorway was already filled in prior to 2015, the position was still evidenced by scarring on the wall and the skirting where a section had been pieced in. The infilling could easily have been reversed and indeed the approved layout in 2015 included reinstating the door. Siting the shower in this corner both obscures the location of the door and renders its reinstatement in the future very unlikely. This alteration compromises the historical planform of the listed building in a way which harms the overall character and significance of this grade I listed building.

Recessed lighting

This type of modern lighting is out of keeping with the aesthetic character and features of a listed Georgian townhouse interior, particularly in the more architecturally sophisticated rooms with high ceilings and decorative plasterwork. For this reason the work harms the character and significance of this grade I listed building.

These elements of work do not provide any public benefit to outweigh the harm to this grade I listed building and for this reason the application is accordingly recommended for refusal.

Due to the high grading of the building consultation was carried out with Historic England. They raised concerns about the same elements of the work and their comments are summarised elsewhere in this report.

This report has had regard for all other matters raised by the applicant and any representations received. These are not of such significance to outweigh the considerations that have led to my conclusions on the main issues.

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. In this case the scheme of work does not preserve the character of the listed building and the application is accordingly recommended for refusal.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The shower cubicle installed in the second floor bathroom blocks the position of the original doorway from the stairwell into the room which compromises the legibility of the historical planform in a way which causes considerable harm to the character and significance of the listed building contrary to the Planning (Listed Buildings and Conservation Areas) Act 1990, the National Planning Policy Framework and published Historic England advice.

2 The recessed spot lighting in architecturally polite rooms is uncharacteristic of a Georgian townhouse and causes considerable harm to the character and significance of the listed building contrary to the Planning (Listed Buildings and Conservation Areas) Act 1990, the National Planning Policy Framework and published Historic England advice.

3 The permanent removal of the paint finish from the traditional internal shutters leaving the pine exposed is not an aesthetically appropriate treatment in the context of an early 19th century Georgian townhouse and causes considerable harm to the character and significance of the listed building contrary to the Planning (Listed Buildings and Conservation Areas) Act 1990, the National Planning Policy Framework and published Historic England advice.

PLANS LIST:

Drawings

0291_A_1101 REV C PROPOSED GROUND FLOOR PLAN

0291_A_1103 REV D PROPOSED SECOND FLOOR PLAN

0291_A_1105 REV D PROPOSED SECTION.

0291_A_1300 SITE LOCATION PLAN

Date stamped: 20th March 2018

Other documents

Planning Statement

Design, Access and Heritage Statement

Personal Statement

Date stamped: 20th March 2018

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. 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 choose 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.