

# Bath & North East Somerset Council

MEETING: **Development Management Committee**

MEETING DATE: **29th August 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.

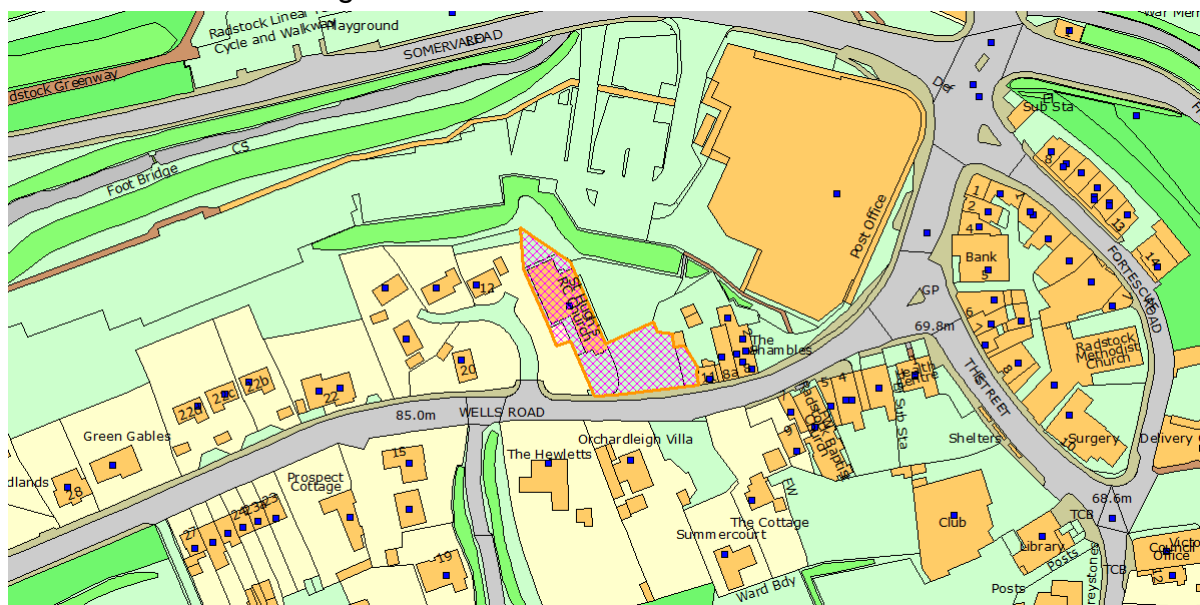
## INDEX

ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	18/01744/FUL 2 July 2018	Bainesbury Developments Limited St Hugh's Rc Church, Wells Road, Westfield, , Conversion of former Mass Centre to provide 8 No. residential units with associated car parking and incidental works of demolition	Westfield	Samantha Mason	PERMIT
02	18/03034/FUL 3 September 2018	Mr & Mrs Mallon Dryleaze, Bath Road, Saltford, Bristol, Bath And North East Somerset Erection of two storey side extension and loft conversion with front dormer window following removal of existing conservatory (resubmission following withdrawal of 18/00679/FUL)	Farmborough	Rae Mepham	REFUSE
03	18/01240/FUL 31 August 2018	Mrs Amanda Ridings Stables, Access Road To Weston Reservoir, Upper Weston, Bath, Conversion of stables to 2no. bedroom single storey dwelling house (Class C3) and associated works.	Bathavon North	Rae Mepham	PERMIT
04	18/02507/FUL 2 August 2018	Mrs Josephine Vercoe 97 Sheridan Road, Whiteway, Bath, Bath And North East Somerset, BA2 1RA Change of use from dwelling house (use class C3) to HMO (use class C4)	Twerton	Christine Moorfield	PERMIT
05	18/02256/FUL 31 August 2018	Mr Dan McGauley 99 Sheridan Road, Whiteway, Bath, Bath And North East Somerset, BA2 1RA Change of use from a 4 bed dwelling house (Use Class C3) to a 4 bed House in Multiple Occupation (Use Class C4) (Retrospective)	Twerton	Thomas Boyle	PERMIT

06	18/02432/FUL 1 August 2018	Mr P Collins 56 Brook Road, Twerton, Bath, Bath And North East Somerset, BA2 3RS Change of Use from 6no. bedroom house in multiple occupation (use class C4) to 7no. bedroom house in multiple occupation (sui generis use).	Westmoreland	Dominic Battrick	PERMIT
07	18/01994/FUL 31 August 2018	Mrs Deborah Phillips Rose Cottage, Church Lane, Chew Stoke, Bristol, Bath And North East Somerset Erection of a rear two storey extension.	Chew Valley North	Dominic Battrick	REFUSE

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

**Item No:** 01  
**Application No:** 18/01744/FUL  
**Site Location:** St Hugh's Rc Church Wells Road Westfield



<b>Ward:</b> Westfield	<b>Parish:</b> Westfield	<b>LB Grade:</b> N/A
<b>Ward Members:</b> Councillor Eleanor Jackson	Councillor Robin Moss	
<b>Application Type:</b> Full Application		
<b>Proposal:</b>	Conversion of former Mass Centre to provide 8 No. residential units with associated car parking and incidental works of demolition	
<b>Constraints:</b>	Agric Land Class 3b,4,5, Coal - Standing Advice Area, Conservation Area, Policy CP9 Affordable Housing Zones, Housing Development Boundary, Policy NE1 Green Infrastructure Network, SSSI - Impact Risk Zones,	
<b>Applicant:</b>	Bainesbury Developments Limited	
<b>Expiry Date:</b>	2nd July 2018	
<b>Case Officer:</b>	Samantha Mason	

To view the case click on the link <a href="#">here</a> .
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## **REPORT**

### Reasons for Reporting Application to Committee:

Westfield Parish Council has objected to the scheme. The case Officer is minded to permit. As per the Council's scheme of delegation the application has been referred to the Chair of the Committee. The Chair of the committee stated the following in her decision; 'I have studied the application & related information including comments & suggested conditions from statutory consultees, I also note the objection reasons from WPC. The points raised have been addressed by the Officer as the application has been assessed against relevant planning policy however I feel this site is within a prominent area of Radstock & the points raised should be debated in the public arena therefore I recommend the application be determined by the DMC.'

### Site Description and Proposal:

The application refers to a site in Westfield on the northern side of Wells Road that is currently the site of a redundant church. The site is within the Conservation Area and is considered to be an Undesignated Heritage Asset.

Planning permission is sought for the conversion of the former church to provide eight residential units with associated car parking and incidental works of demolition.

### Relevant Planning History:

There is no relevant planning history on this site.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

### Consultation Responses:

Westfield Parish Council: The Committee referred to the Westfield Submission Draft Neighbourhood Plan and, whilst this Plan has not yet been to referendum, it requested that the principles within it are taken into consideration in the Parish Council's objection to this planning application. The Committee drew attention to the unacceptably high density of housing which will have an impact on the volume of traffic accessing the site from the steep, narrow and curved part of Wells Road. For this reason it draws attention to Policy 1 items 1, 2 and 3 of the Submission Draft Neighbourhood Plan.

Conservation: No objection subject to amendment and conditions.

### Amendment to secure;

- o Retention of the existing stained glass window (upper north west gable).
- o Retention of the recessed arched opening (south west wall) at ground and first floor (currently only showing on the ground floor plan).
- o Use of aluminium frames only to the north east facing windows (i.e. no timber subframe)
- o Omit timber cladding to north east facing windows and instead incorporate a recessed matching stone band across all four north east facing openings sufficient in

height to mask the first floor line and for the remaining areas of window (above and below the band) to be glazed with minimal frame sections.

Conditions to secure;

- o all external materials (including landscaped area), all external colours and finishes, details of rooflights (conservation type i.e. slim line/low profile), window details (to include frames, stone band, glazing and typical sections), schedule of existing fixtures and fittings to be retained together with detail of any necessary repair and a hard and soft landscaping scheme to the front and south west side of the building.

Conservation Update: no objection subject to conditions.

Highways: No objection subject to conditions

Ecology: No objections subject to conditions.

Representations Received:

One comment of support has been received from a resident as follows; a good use of what could potentially become a derelict site. Design proposed does not change the character of the building. Perhaps consideration should be given to making these retirement apartments for people to downsize to and free up other local housing stock for young families in the area.

Parking is likely to require a permit system as the space is currently used by more than those entitled to, as such a similar system may need to be considered for our own private road next door to prevent that becoming the overflow parking for the town.

## **POLICIES/LEGISLATION**

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

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

Core Strategy:

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

CP2: Sustainable Construction  
CP6: Environmental Quality  
DW1: District Wide 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  
D.3: Urban Fabric  
D.5: Building Design  
D.6: Amenity  
HE1: Historic Environment  
ST7: Transport requirements for managing development

H7: Housing Accessibility  
SCR1: On-site Renewable Energy Requirement  
STR5: Water Efficiency  
SU1: Sustainable Drainage Policy

The amended National Planning Policy Framework (NPPF) was published in July 2018 and is a material consideration. Due consideration has been given to the provisions of the National Planning Practice Guidance (NPPG).

Conservation Areas

In addition, there is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character of the surrounding Conservation Area.

## **OFFICER ASSESSMENT**

The main issues to consider are:

- Principle of development
- Loss of community facility
- Design and Heritage
- Residential amenity
- Highways parking
- Ecology
- Any other matters

Principle of Residential Development:

The proposal site is located within the Westfield Housing development boundary and as such the principle of residential development exists subject to other planning considerations as addressed below.

Policy H3 supports the subdivision of existing buildings unless the use would create a severe transport impact, prejudice commercial ground floor use, or harm a listed building. The property is not listed and the property is not in commercial use, therefore these two criteria are met. Highways issues are discussed below.

#### Loss of Community Facility:

The council has adopted the Placemaking Plan for Bath and North East Somerset. Policy LCR1 of the Placemaking Plan has regard to the safeguarding of local community facilities, it states that;

'Development involving the loss of land and/ or buildings valued as a community facility will only be permitted provided:

1. There is adequate local provision of facilities of equivalent community value; or
2. Alternative facilities of equivalent local community value will be provided in the locality; or
3. The proposed loss is an integral part of changes by a public service provider which will improve the overall quality or accessibility of public services in the locality.'

The church is considered to be a community facility. The scheme would therefore result in loss of an existing, albeit vacant, community facility. The wording of the policy is such that only one of the criteria must be met in order to satisfy the policy. In this instance it is not proposed to provide an alternative facility elsewhere, nor is the loss of the facility an integral change by a public service provider, therefore criteria 2 and 3 will not/ do not need to be met. Criteria 1 however must be satisfied in this case.

The agent has provided a planning statement setting out information in regards to local provision and marketing of the property.

The decision to discontinue the use of the Mass Centre was due to a fall in the number of available clergy, decreasing congregation and the need to consolidate services elsewhere. The community of Radstock is well served by a large number of places for Christian Worship and for assembly. The circumstances underlying the decision to close St Hugh's as a Mass Centre therefore reflects the fact that there is adequate existing local provision of facilities of equivalent community value elsewhere.

Additional to this a marketing exercise undertaken by Colliers International has confirmed that there is no community demand for the building. A report of the marketing exercise compiled by Colliers is included with the application. The building was marketed as suitable for a number of uses subject to necessary consents. A guide price was not identified to ensure that prospective community groups were not deterred from making inquiries and/or expressing an interest in the building. Notwithstanding the foregoing, no offers to purchase the property were received from any community group during the marketing campaign. This indicates that the building is either not 'valued' as a community building, and/or there is no community demand for it.

Overall it is considered that the proposal satisfies Policy LCR1 of the Placemaking Plan and the loss of the mass centre as a community facility is acceptable.

#### Design and Heritage:

The application site is located within Radstock conservation area; the significance of the conservation area results primarily from its industrial (mining) past and incorporates the main coalmining areas, buildings and associated features which contribute to the historical form and character of Radstock. The site falls within 2 character areas identified in the Conservation Area Assessment of Radstock (1999). The assessment emphasises the need for enhancement objectives to conserve built structures and renovate for appropriate uses, retain the organic form of the centre (including maintaining and re-defining historic boundaries and routes) and seek to maintain the historical integrity of the area.

St. Hugh's RC Church is not on the statutory list of listed buildings. However, to place the application site in its historical context it is noted that in close proximity to the site there is a small 'L' shaped cluster of non-designated historic buildings. To the front and east side of the Church is a hard surfaced car park and to the west, a modern housing development. Stone walls feature to the front and west side of the site.

The Church would fall within the definition of 'heritage asset' as defined in Annex 2 of the NPPF, which describes a 'heritage asset' as a building identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. 'Heritage asset' includes assets identified by the local planning authority (including local listing). Under paragraph 197 of the NPPF the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

'The Buildings of England Somerset: North and Bristol' by A. Foyle & N. Pevsner (2011) makes reference to St. Hugh RC Church as a plain stone barn, perhaps C17-C18 opened 1929 as a mission from Downside Abbey. Much repaired after a fire in 1991. Information submitted with this application states that the building originated as a printing works, and was subsequently converted to Church use in 1929, which continued until 2015. This former Church building has been altered over time mainly due to its various uses and extension. Each elevation of the original building contains features of some interest and the building stone would appear to be White Lias. A modern single storey extension attaches to the rear and south west side of the building and is of little architectural merit/interest.

The proposed conversion would result in the complete remodelling of the building's interior. Of the original building the existing nave, presbytery, store and entrance lobby would be subdivided, some existing openings blocked up, new openings formed and former opening reinstated. Subdivision of the modern single storey extension is also proposed.

No objection is raised to the proposed subdivision of the modern extension on the basis that it is of no particular architectural interest and is lacking in significance (as identified above). During the course of the application revised plans were received addressing



comments made by the conservation officer, this included the retention of the recessed arched opening (south west wall) and incorporation of a recessed matching stone band across all four north east facing openings.

The proposed alterations to the main nave would have most impact on the significance of the building due to loss of the currently undivided space. At ground floor the sense of openness would be lost. At first floor the ceiling void and rafters would remain largely exposed and partitions have, where practical, been placed where they would correspond with the rafters. A majority of existing openings would be retained and it is expected that they be sensitively and appropriately detailed on the external face (a condition will be attached requiring a schedule of existing fixtures and fittings to be retained, together with full details of any necessary repair). Roof light details and joinery details were received during the course of the application and found acceptable removing the need for pre-commencement conditions on these two aspects.

The ecclesiastical items attached to the front south east facing elevation of the building would be retained. This elevation would remain unchanged with the exception of the entrance door to the modern extension, which would be improved by way of the introduction of an arched head. External alterations would include infill of an existing window opening/removal of stained glass window on the north west facing gable and the formation of a variety of new openings on the north west and south west elevations. Following negotiations with the agent the stained glass window will be incorporated into the south elevation of the scheme.

On balance, and in accordance with paragraph 197 of the NPPF, it is considered that the significance of the non-designated heritage asset would not be unduly affected; the external envelope of the building would result in visual improvement and although the openness of the single space nave would be impacted upon, its interest as it currently stands is not sufficient to merit its retention; openings would be retained around its perimeter and it is recommended that the stained glass window be incorporated within the scheme. The scale of harm/loss to the building would be commensurate with its setting and significance.

In this case it is concluded that no harm would be caused to the Radstock Conservation Area (or its setting), as designated heritage asset. The proposal would preserve and enhance the Area returning a vacant building back to active use and resulting in visual improvements to its exterior and setting. The proposal would be consistent with maintaining the vitality, viability and historic character of the area. Landscaping of the area to the front and south west side of the building has the potential to enhance the character and appearance of the conservation area.

The Westfield Draft Neighbourhood Plan is now at submission stage. The plan can currently be given little weight given the stage at which it is at. However it is noted that Policy 1 of the draft plan has regard to residential infill and backland development and Policy 3 to Housing Design. It is considered that the proposal is in conformity with these policies as it is not infill or backland development, but conversion; it is not considered to be overdevelopment of the site; and given the sympathetic minimal external alterations to the existing building the proposal responds to the character of the surrounding area in line with policies 1 and 3.

### Accessibility Standards:

Placemaking Plan Policy H7 requires 19% of all new market housing to be provided to enhanced accessibility standards meeting the optional technical standard 4(2) in the Building Regulations Approved Document M. The 19% is based on a 'rounded up' figure. Therefore 2 of the 8 proposed dwellings must meet enhanced accessibility standards.

The internal access will comply with Approved Document M of the Building Regulations, including level entry where possible, appropriate door widths and other detailed requirements. The proposal meets with the above requirements.

It is noted that the Draft Neighbourhood Plan's Policy 2 refers to housing accessibility standards. It states that for market housing, new dwellings should be built to the 'accessible and adaptable' standard in Part M4(2) of the Building Regulations, unless specific site conditions make this impracticable. In this case the neighbourhood plan is at draft stage and can be given little weight. The need to comply with policy H7 is considered sufficient and will achieve 2 dwellings at the enhanced standards therefore meeting the neighbourhood plan policy in part. This is considered to be satisfactory.

### Residential Amenity:

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

The site is located in the town centre, with car parking bounding the site to the east and north, the road bounding the site to the south and some residential development to the west. The proposal site is sloping. Given the design, scale, massing and siting of the proposed development the proposal would not cause significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, noise, smell, traffic or other disturbance. The proposal accords with policy D6 of the Placemaking Plan for Bath and North East Somerset (2017). The proposal is also considered to accord with the residential amenity element of policy 1 of the draft Westfield Neighbourhood Plan.

### Highways Safety and Parking:

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

Policy ST7 sets out the parking standards required for new residential development. The proposal is seeking permission for 6 two-bedroom flats and 2 one-bedroom flats. The parking standards require 1 space per one bed dwelling and 2 spaces per 2 bed dwelling. Therefore 14 spaces would be required with this application. Provision is made in the application for a total of 12 parking spaces to serve the proposed development. This is less than the minimum standard set out in the Schedule 2 to Policy ST7. A flexible approach is taken to applying the policy, the pre-ambles to policy ST7 states that any departure from the prescribed standards will need to be fully justified by an assessment.

The application is supported by a parking review, and this considers how appropriate the proposed parking levels are in support of the residential development. This has reviewed the adopted Placemaking Plan parking standards and how the minimum standards could be adjusted to reflect the site location. There is no objection to this approach and it is agreed that the proposed parking levels would be appropriate for this scale of development. The submission notes that there are opportunities for short stay visitor parking nearby. The site plan also shows that secure bicycle parking would be available. Furthermore it is noted that the site is located in a sustainable location.

Having reviewed the planning application and considered the type of use proposed, the highway authority raises no objection to the principle of the development at this location. The site access is well established and there is adequate visibility provided in both directions along the Wells Road from the access point.

It was requested that a planning condition requiring a Construction Management Plan, to be agreed before commencement of the development, was attached to any planning consent. The applicant has now submitted a Construction Management Plan. The highway authority is satisfied that the Plan is appropriate for the scale and type of development at this location. As such this overcomes the need for a further Plan to be submitted at a later date, and the planning condition is no longer required.

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

#### Ecology:

Bat surveys have been completed of the building, and confirms a brown long-eared bat roost present in the roof.

The proposal will require a European Protected Species (EPS) Licence. The LPA must be satisfied, prior to issuing a planning consent, that the "three tests" of the Habitats Regulations would be met by the proposal i.e. that the conservation status of the affected species will not be harmed; that there is no alternative solution; and that there are "imperative reasons of overriding public interest" ("IROPI") - and that an EPS licence would be granted.

Test 1 - Does the development meet a purpose of preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance to the environment?

The public benefits should be commensurate with the level of impact. The current building is currently vacant and could fall into disrepair if remaining this way over time. The proposed works will provide public benefit through enhancing the street scene and Conservation Area - for example through the provision of an appropriate parking area and landscaping which is considered to be an improvement to the current site setting - and through re-establishing the non-designated heritage asset. There are sustainability benefits in converting an existing disused building into a dwelling. Furthermore, although modest in size, the level of conversion will provide jobs in the construction phase, albeit only for a short period of time. The test can be said to be passed.

Test 2 - There is no satisfactory alternative.

The development proposes conversion works to the non-designated heritage asset which is currently vacant. This property has been extensively marketed over a period of 10 months, during which no proceedable interest came forward from a party interested in the building for its current use or an alternative community use. Other alternatives such as a complete demolition would not be a suitable alternative as this would result in the loss of the building. If the building remains vacant it is likely to fall into disrepair. Therefore it is considered that there is no satisfactory alternative other than what is put forward as these works are necessary to protect the non-designated heritage asset and the Conservation Area setting.

Test 3 - The action authorised will not be detrimental to the maintenance of the population of the species.

The submitted bat report (Crossman Associates, 4th June 2018) recommends:

- Retention of roof void being used by bats
- Installation of bat tubes
- Implementation of bat license and precautionary approach to works

The scheme now incorporates the recommendations and provision of a bat loft within part of the roof space is shown. Written confirmation has also now been received of the dimensions of the roof roost space which will have a lockable hatch for access by licenced personnel only. Subject to this, and conditions to secure the implementation of the bat mitigation scheme, it is considered that the third test of the habitats regulations is met i.e. that conservation status of the affected species will not be harmed. Furthermore the council ecologist has not objected to the scheme.

Landscaping:

Apart from a triangle of grass to the north of the building, the surrounding land within the plot is tarmacked. It is proposed to create an area of hard landscaping to the south of the building. It is considered this will provide an acceptable level of amenity space to occupiers of the building, creating a semi-private space, as well as enhance the general setting of the building. This is in keeping with surrounding landscaping.

Policy LCR9 states that all residential development will be expected to incorporate opportunities for local food growing (e.g border planting, window boxes, vertical planting, raised beds etc.).

A number of stone planters have been proposed with the application which will allow for food growing opportunities for future occupiers. This is considered to satisfy policy LCR9.

Other Matters:

Policy SCR5 states that all dwellings will be expected to meet the national optional buildings regulations requirements for water efficiency of 110L per person per day. This can be secured by compliance condition.

The policy also states that rainwater harvesting or other methods of capturing rainwater for the use by residents will be required for all residential development. In this case water butts have been proposed with the scheme. This is considered to satisfy policy SCR5.

It is noted that policy 3 of the Draft Westfield Neighbourhood Plan has regard to energy efficient design and climatic resilience. Two electric charging points have been provided with the scheme which meets with the requirements of this policy. This is welcomed considering that at its current stage the Neighbourhood Plan holds little weight.

Conclusion:

It is therefore considered that the proposal complies with the relevant planning policies as outlined above and it is recommended for permission.

## **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 Fixture and Fittings Schedule (Pre-commencement)**

Prior to commencement of works a schedule of existing fixtures and fittings to be retained together with full details of any necessary repair shall be submitted to and approved in writing by the Local Planning Authority. Existing fixtures and fittings scheduled for retention shall remain in place for the lifetime of the development. Any repairs shall only be carried out in accordance with the approved details.

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

### **3 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. 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.

#### **4 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.

#### **5 Water Efficiency (Compliance)**

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

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

#### **6 Water Efficiency - Rainwater Harvesting (Pre-occupation)**

No occupation of the approved dwellings shall commence until a Water Butt as shown on the approved plans is installed.

Reason: In the interests of water efficiency in accordance with Policy SCR5 of the Placemaking Plan.

#### **7 Plans List (Compliance)**

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

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

#### **PLANS LIST:**

This decision relates to the following plans:

20 Apr 2018 P03 Block Plan  
20 Apr 2018 Location Plan  
16 Aug 2018 1789 P02G Plans and Elevations  
13 Aug 2018 Construction Management Site Plan

#### **Condition Categories**

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

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

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

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

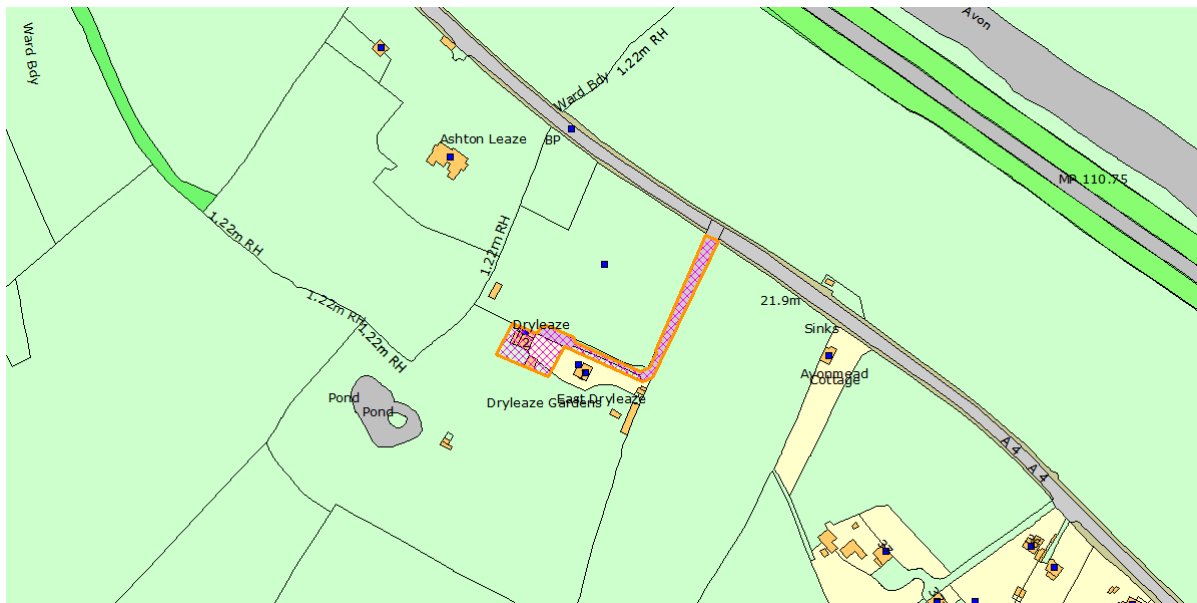
Bespoke Trigger - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

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

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

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Framework.

**Item No:** 02  
**Application No:** 18/03034/FUL  
**Site Location:** Dryleaze Bath Road Saltford Bristol Bath And North East Somerset



**Ward:** Farmborough      **Parish:** Corston      **LB Grade:** N/A

**Ward Members:** Councillor S Davis

**Application Type:** Full Application

**Proposal:** Erection of two storey side extension and loft conversion with front dormer window following removal of existing conservatory (resubmission following withdrawal of 18/00679/FUL)

**Constraints:** Saltford Airfield 3km buffer, Agric Land Class 1,2,3a, Policy B4 WHS - Indicative Extent, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Greenbelt, Hazards & Pipelines, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE2A Landscapes and the green set, Policy NE5 Ecological Networks, Public Right of Way, SSSI - Impact Risk Zones,

**Applicant:** Mr & Mrs Mallon

**Expiry Date:** 3rd September 2018

**Case Officer:** Rae Mephram

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

## REPORT

### Reason application being referred to committee

Request from Cllr Davis that the application be referred to committee if the officer is minded to refuse as the proposals respond to and improve the host dwelling and leads to lower percentage increase in the Green Belt than permitted development rights.

As Cllr Davis is the current Chair of the Development Management Committee, there is no requirement to complete a Chairmans Delegated Decision Report.



## **Details of location and proposal**

Dryleaze is a semi-detached dwelling located within the Bristol/Bath Green Belt. This application is for the erection of a two storey side extension and loft conversion with front dormer window following the removal of existing conservatory.

## **Relevant history**

18/00679/FUL - WD - 5 June 2018 - Erection of two storey side extension and loft conversion with front dormer window following removal of existing conservatory.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

### Consultation responses

#### **Corston Parish Council - Comment:**

*Having reviewed the papers concerning this application and the guidance documents related to permitted development, CPC notes that the proposed development appears to be in excess of the SPD policy for increased volume in the green belt.*

*Equally, we recognise that if the application is refused then an even larger volume development could be undertaken within the applicant's Permitted Development Rights.*

*Given the conflict between the two development policies, and the technical nature of the interpretation, Corston PC recommends that the Development Management Committee considers the application and decides which policy should take precedence on this occasion.*

### Third party representations

None received.

## **POLICIES/LEGISLATION**

On 13th July 2017 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 Core Strategy policies are applicable:

CP8 - Green Belt

DW1 - District Wide Spatial Strategy

The following B&NES Placemaking Plan policies have been considered:

D2 - Local character and distinctiveness  
D3 - Urban fabric  
D5 - Building design  
D6 - Amenity  
GB1 - Visual amenities of the Green Belt  
GB3 - Extensions and alterations buildings in the Green Belt

Consideration has been given to the National Planning Policy Framework and the National Planning Practice Guidance.

Existing dwellings in the Green Belt SPD 2008

## **OFFICER ASSESSMENT**

/ul Principle of development

The property is sited within the Green Belt and as such Section 9 of the NPPF applies. Para 89 allows for the extension of a building within the Green Belt, providing it does not result in disproportionate additions over and above the size of the original building.

The Council has produced the "Existing Dwellings in the Green Belt" SPD, which clarifies a proportionate extension as being a volumetric increase of around a third, or 33%.

Historic maps indicate that the large rear extension was in place in 1885 and the lean to was in place in 1903. "Original dwelling" is taken from the property as it was in 1948, so these can be included within the calculations. A smaller garage structure also seems to be in place in a 1960's map extract.

The original house volume is calculated to be around 763m<sup>3</sup>. The garage increase resulted in around 112m<sup>3</sup>, and the proposed extensions to the dwelling will result in an additional 315m<sup>3</sup>. Cumulatively, this would result in an increase of 55%, which is considered to be a disproportionate increase. The proposal replaces an existing conservatory, however is considered significantly larger than the existing structure. The combination of the increase in volume and the introduction of a large two storey element all contribute to the fact that the proposal is a disproportionate addition.

The applicant has come forward with very special circumstances by means of a fall back position of implementing permitted development rights. A permitted development scheme has been put forward as part of the application documents, and this does form a material consideration.

In examples where permitted development has been used as the fall-back position, and therefore able to be used as a very special circumstance, there has been a strong likelihood that the fall-back position would be implemented. The court judgement referred to (Mansell v Tonbridge and Malling BC [2017] EWCA Civ 1314) gives a detailed explanation of this, and makes it clear that the fall-back position must be truly realistic, not merely a theoretical or legal entitlement.

The previous application statement stated the following in regards to the permitted development scheme:

*After some consideration the applicants felt that this would not benefit their needs in terms of re-configuring the internal space within the dwelling.*

This has now been updated to state:

*Should planning permission not be forthcoming for this proposed development the applicants would seek to implement the permitted development rights. This represents a realistic fall-back option for development on this site.*

There is no requirement for Certificates of Lawfulness to be submitted in order to demonstrate a fallback position, however the existence of such, or an extant planning permission, allow more weight to be given due to the higher likelihood of that fallback position being carried out.

The PD scheme submitted within the application appears to be a demonstration of the extent of the property's PD rights rather than a true alternative of the proposed scheme. The majority of properties within the Green Belt benefit from permitted development rights, and the fact that this legal entitlement exists does not necessarily mean that this is a strong fall back position. The previous application already states that the PD alternatives would not suit the applicant's needs, and thus would be unlikely to realistically be carried out.

In this case it is not considered that the existence of permitted development rights are a very special circumstance which would outweigh the harm set out within the NPPF from inappropriate development. The proposal is harmful by definition, and therefore recommended for refusal.

#### Character and appearance

The two storey extension has been set down from the ridgeline and eaves line of the host property, with a staggered first floor to incorporate a balcony over the ground floor. Although large, the extension is capable of being subservient to the existing building. The proposed extension would use matching stone on the ground floor and dark cladding on the upper floor, which assists in breaking up the bulk of the proposal.

The dormer window is fairly large and concerns were raised regarding this within the previous application. The dormer is set down from the ridge, up from the eaves and centrally within the roofline. On balance, the proposed dormer would not justify a reason for refusal in itself, and on this occasion is considered to be acceptable.

Overall, subject to a condition requiring the submission of materials being added to any approval, the overall character and appearance of the proposal is considered acceptable.

#### Residential amenity

The proposal is sited within a large plot of land, and at some distance to it's nearest neighbour. It is not considered that the proposal would cause harm by either overlooking or by causing an overbearing impact.

### **RECOMMENDATION**

REFUSE

**REASON(S) FOR REFUSAL**

1 The proposed development, due to the size, scale and siting of the extension would result in a disproportionate addition over and above the size of the original dwelling which would be harmful to openness and would be harmful to the rural character of the area. The proposal represents inappropriate development within the Green Belt, which is, by definition, harmful. No very special circumstances have been submitted which would be sufficient to outweigh the presumption against inappropriate development in the Green Belt. The proposal is contrary to policy CP8 of the Bath and North East Somerset Core Strategy and policies GB1 and GB3 of the Placemaking Plan.

**PLANS LIST:**

This decision relates to:

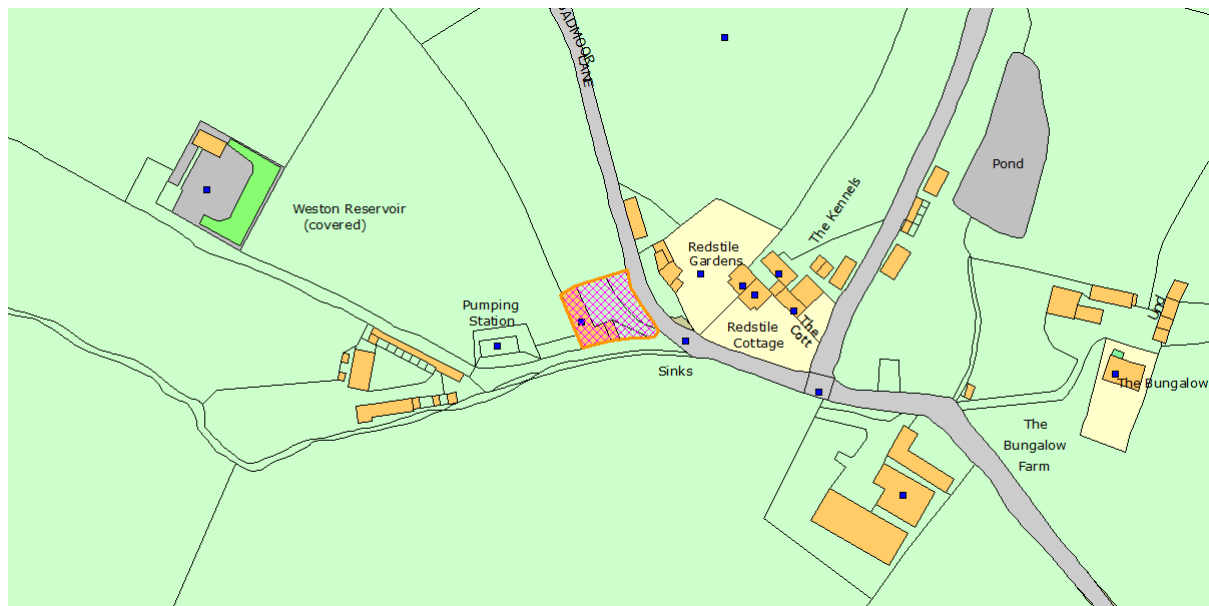
13109/001 SITE LOCATION PLAN  
13109/005 E PROPOSED PLANS  
13109/006 E PROPOSED ELEVATIONS 1 OF 2  
13109/007 E PROPOSED ELEVATIONS 2 OF 2  
13109/009 A PROPOSED SECOND FLOOR PLANS  
13109/010 A PROPOSED SITE PLAN

all received 9th July 2018

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Framework. The Local Planning Authority acknowledges the approach outlined in paragraphs 39-43 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.

**Application No:** 18/01240/FUL

**Site Location:** Stables Access Road To Weston Reservoir Upper Weston Bath



**Ward:** Bathavon North

**Parish:** Charlcombe

**LB Grade:** N/A

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

**Application Type:** Full Application

**Proposal:** Conversion of stables to 2no. bedroom single storey dwelling house (Class C3) and associated works.

**Constraints:** Saltford Airfield 3km buffer, Agric Land Class 1,2,3a, Policy B4 WHS - Indicative Extent, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE2 AONB, Policy NE2A Landscapes and the green set, Policy NE5 Ecological Networks, Policy NE5 Strategic Nature Areas, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodrome,

**Applicant:** Mrs Amanda Ridings

**Expiry Date:** 31st August 2018

**Case Officer:** Rae Mephram

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

## REPORT

### Reason application being referred to committee

Application referred to Chair following objection from Charlcombe Parish Council and request from Cllr Veal. Chair recommended application be referred to committee:

*I have studied this application carefully & all related information including comments from Ward Cllr, statutory consultees & third party, all raising concerns.*

*The report has assessed the application in line with relevant planning policies & it is clear the principle of development is recognised & Highways are happy with height of hedges to*

*remain however the impact on the area remains controversial & for this reason I recommend the application be determined by the DMC*

## **Details of location and proposal**

The application site is located to the west of Upper Weston, sited within the Cotswolds AONB and Bristol/Bath Green Belt. This application is for the conversion and extension of the existing stable building to facilitate the conversion to a 2no. bedroom dwellinghouse.

## **Relevant history**

None.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

### Consultation responses

#### **Charlcombe Parish Council - Objection:**

- Principle of conversion accepted
- Concern regarding additional shelter for livestock
- Detrimental impact to residential amenity
- Exposed development site
- Hay stores could be used to increase volume of dwelling

#### **Highways** - No objection subject to condition retaining parking

#### **Wessex Water** - No objection

**Drainage and flooding** - No objection subject to submission of detailed drainage drawings

**Ecology** - No objection subject to conditions regarding protection of nesting birds and bats and restricting external lighting

**Landscape** - No objection subject to conditions requiring the submission of hard and soft landscaping scheme including a detailed specification of the wildflower meadow.

## **Third party representations**

Three objection comments have been received, summarised as:

- Proposal would change character of area
- Improvements could be carried out without development
- Sympathetic materials
- Field shelters would require construction
- Conversion will be overlooked
- Crowded
- Proposed is within AONB
- Agricultural buildings should not be allowed to convert
- Further extensions could be erected

- Planning document factually inaccurate and uses Planning Consultant spin
- Harm from noise
- Invasion of privacy
- Light pollution

### **Cllr call in**

Request from Cllr Veal:

- Site overlooked
- Site within AONB
- Flooding problems
- Proposed structure not in-keeping with Cotswolds or immediate area

### **POLICIES/LEGISLATION**

On 13th July 2017 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 Core Strategy policies would be applicable:

CP5 - Flood risk management  
 CP8 - Green Belt  
 DW1 - District Wide Spatial Strategy

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

D1 - General Urban Design Principles  
 D2 - Local Character & Distinctiveness  
 D3 - Urban Fabric  
 D4 - Streets and Spaces  
 D5 - Building Design  
 D6 - Amenity  
 D8 - Lighting  
 D10 - Public Realm  
 GB1 - Visual amenities of the Green Belt  
 H7 - Housing Accessibility  
 LCR9 - Increasing the Provision of Local Food Growing  
 NE2 - Conserving and enhancing the landscape character  
 NE3 - Sites, species and habitats  
 SCR5 - Water Efficiency  
 ST1 - Promoting sustainable travel

## ST7 - Transport requirements for managing development

Consideration has been given to the National Planning Policy Framework (Revised July 18) and the National Planning Practice Guidance.

### **OFFICER ASSESSMENT**

#### **Principle of development**

##### Conversion of building

The proposal is located within the Green Belt, and as such Section 13 of the Revised National Planning Policy Framework applies. Paragraphs 145 and 146 define development that can be considered as appropriate within the Green Belt. The re-use of a building, providing that the buildings are of a permanent and substantial construction, can be considered as appropriate.

Policy RE6 in the Placemaking Plan allows for the re-use of rural buildings, providing the conversion falls within certain parameters.

*1. It's form, bulk and general design is in keeping with its surroundings and respects the style and materials of the existing building*

The existing building is mainly constructed from natural stone, with some blockwork additions in places. The majority of the structure is to remain as existing, with some replacement of blocks to match the existing stonework. Dark stained cedar cladding is to be used sparingly in order to break up the facades of the building. The existing garage building will be replaced with a natural stone and clad extension, and the roof will be replaced with metal standing seam. The overall appearance will be more modern than the building's current appearance, however still retains the character of the existing building and is in keeping. A full set of material samples would be required by condition.

*2. The building is not of temporary or insubstantial construction and not capable of conversion without substantial or complete reconstruction or requires major extension*

The building is of a solid stone construction, and in a good state of repair. The submitted structural report confirms that although some repairs would need to be made, the building is capable of being converted without substantial or complete reconstruction. Some blockwork is to be replaced with natural stone and cladding, this is largely for cosmetic reasons, and would still not be considered to be substantial. A replacement extension is to be constructed on the east elevation; however this is not considered to be major. Further consideration of the extension is provided below.

*3. The proposal would enhance visual amenity and not harm ecological function (e.g. bat roost)*

The impact upon visual amenity and ecology is discussed further in the report.

*4. The proposal does not result in the dispersal of activity which prejudices town or village vitality and viability*



This is not applicable to this proposal.

5. *Where the building is isolated from public services and community facilities and unrelated to an established group of buildings the benefits of re-using a redundant or disused building and any enhancement to its immediate setting outweighs the harm arising from the isolated location*

Although the proposal is not located within the urban area of Bath, the site is located around 350m from the edge of Weston, and sited adjacent to a number of dwellinghouses. The proposal therefore cannot be considered to be isolated.

6. *The development would not result, or be likely to result, in replacement agricultural buildings or the outside storage of plant and machinery which would be harmful to visual amenity*

The proposal site is being used for stables, which is not an agricultural use. This is therefore not applicable to this proposal.

7. *In the case of buildings in the Green Belt, does not have a materially greater impact than the present use on the openness of the Green Belt or would conflict with the purposes of including land within the Green Belt.*

As considered above, the re-use of buildings providing that the buildings are of a permanent and substantial construction can be considered as appropriate development. A small extension will be constructed on the east elevation however this is not a disproportionate addition. The existing yard area is already hard surfaced, and a condition will be applied for appropriate soft landscaping which will improve the impact upon openness. Vehicles visiting the site are a common occurrence and the presence of vehicles on site will have no further impact than the existing situation.

8. *The integrity and significance of buildings and farmsteads of architectural and historic interest and of communal, aesthetic and evidential value are safeguarded consistent with Policy HE1.*

The building is not a designated or un-designated heritage asset. Nevertheless, the existing stonework is being retained as well as the replacement of unappealing blockwork, ensuring the aesthetic value of the building is retained.

#### Extension of building

The proposal also incorporates an extension to the existing building. Part of the building, identified as a "lean to shed" appears on historic maps and aerial photographs going back to 1960. The LPA has no information to suggest this structure was not in place from 1946, and this must therefore be considered part of the original building.

Paragraph 145 of the Revised NPPF allows for "*the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.*"

The original building is around 567m<sup>3</sup>, with the proposal measuring around 745m<sup>3</sup>. This is an increase of around 31%. When viewed in context the extension is sited lower than the existing building at both ridge and eaves level, and presents itself as a small subservient extension. The extension is considered to be proportionate, and as such is appropriate development within the Green Belt.

### **Isolated homes in the countryside**

The proposal must also be considered against paragraph 79 of the NPPF, which prevents new isolated homes in the countryside unless there are special circumstances. As discussed under part 5 of policy RE6, the proposal is not considered to be isolated.

In summary, the principle of development is considered to be acceptable.

### **Landscape**

The site is located approximately 250 metres from the western edge of Upper Weston and forms part of a loose cluster of buildings with Redstile Gardens, Redstile Cottage, The Bungalow Farm, The Kennels, Weston Reservoir Pumping Station and various other agricultural and ancillary buildings.

The corrugated metal roofs, bare concrete block construction and the utilitarian wide stable doors give the building a ramshackle/cobbled together appearance that is unsightly but not untypical of edge of settlement privately owned equestrian facilities.

The site lies at approximately 90m AOD within the designated landscape setting of Bath, The Cotswolds Area of Outstanding Natural Beauty (AONB), the World Heritage Site Setting and the Green Belt. These designations underscore the importance of the landscape and visual character and quality of the surrounding countryside.

The Cotswolds Way (PROW BA5/2) lies on higher ground to the south west of the site and a number of other PROWs run up the slopes around the head of the valley close to the site location. The submitted Landscape and Visual Appraisal has taken a number of representative photographs which show that the existing stable block is visible in some but not all views and where visible it is either seen as part of the wider clustering of buildings in this part of the valley or is glimpsed as "tucked down" amongst the undulating landform. Where the buildings are not visible the immediately surrounding boundary vegetation as well as the nature of the landform are important screening factors.

Given that the proposed conversion is single storey and occupies the existing footprint, I consider that the proposed development is acceptable in the local landscape and that it will be likely to have a neutral effect on the landscape character of the AONB, on the WHS setting and on the landscape setting of Bath.

The submitted Landscape and Visual Appraisal makes similar conclusions overall. It should be noted that the appraisal failed to assess effects on the landscape setting of Bath and on the WHS Setting. I am confident that this would not have affected the outcome but it should be noted as an omission. These additional designations serve to emphasize the sensitivity of this landscape and the need for the highest quality development design and implementation.

The existing hedgerow will no longer be reduced to 90cm, and highways have agreed that a retention of around 1.8m would be sufficient. The loss of stabling is noted, however the applicant has stated that suitable accommodation could be found elsewhere if necessary. Should any permanent structures be required they would require further planning permission that would be assessed on its own merits. Subject to conditions requiring hard and soft landscaping schemes, there are no landscape concerns in regards to this proposal.

## **Highways**

The site location has been revised in order to connect with the public highway on Broadmoor Lane. A portion of private lane will need to be crossed to access the development, and the applicant must ensure that all civil responsibilities regarding this access are met.

Having considered the rural nature and geometry of Broadmoor Lane at this location, Highways DC acknowledge that vehicles are more likely to travel in a more cautious manner thus limiting the risk of conflicts at the site access. This accords with page 89 of the Manual for Streets that identifies that carriageway width and forward visibility are the two 'stand out' factors that influence driving speed. In order to alleviate the concerns raised by the BANES Landscape Environment Team in relation to removal/trimming of the hedgerow along the sites eastern boundary, Highways DC recommends that the hedgerow be retained and maintained at a height of 1.8m. Given that the hedgerow being higher than 1.8m will not further obscure visibility and a condition requiring the maintenance of the hedge at a height of exactly 1.8m tall at all times is overly onerous and unenforceable, the condition will require the hedge to be kept at a minimum of 1.8m tall.

There is no objection to the development as currently proposed providing the parking areas are kept clear of obstruction.

## **Drainage**

Drainage are satisfied with the proposed method of permeable paving for the car parking and access area.

Drainage are comfortable with the principle of limiting discharge to 3.4l/s and connection to the watercourse, it is believed that the proposed method of utilising an existing connection to a highway manhole is not viable. The drainage team have recently visited the site area and lifted this manhole. There appears to be no connection to the site, and the manhole itself seems to be abandoned or in very poor condition. Highway gulleys do not utilise this manhole/ pipework and this would not appear to connect onto the watercourse.

The applicant should therefore consider this information carefully and undertake any surveys or otherwise. We would suggest that installing an entirely new connection to the watercourse would be a more viable approach.

Drawings and Micro Drainage models will need to be updated and we suggest a survey of the receiving manhole/ chamber is undertaken and drawings showing the proposed

method of connection to this system - one that will accommodate the new and existing connections and consider any improvements that could be made as part of the works. To note that this chamber also acts as a gully and is designed to capture water from the road and get it into the culverted watercourse.

Normally this type of connection would require Land Drainage Consent from the Lead Local Flood Authority therefore we would expect detailed drawings showing the arrangement and method of works.

We note that the proposed 'option B' connection to the culverted watercourse runs across third party land. Clearly the applicant will need to obtain permission to construct pipe 1.003 or present an alternative route of drainage.

Any works on the highway will need to be organised with the Council's Street Works team.

There may well be services within the road/ access track which will need to be factored into design prior to submission. The proposed drainage scheme must be submitted prior to the commencement of development.

#### Summary of drainage comments

There are concerns that the proposed drainage solution may not be able to be carried out, however this requires further details of the existing and proposed drainage system. The flooding and drainage team are content that the details can be submitted as a condition as the details are unlikely to alter the proposal itself.

#### **Residential amenity**

The property is located near existing residential dwellings, most notably Redstile Gardens which is located opposite the application site.

Having visited the property, the stable building is visible, and there would be some intervisibility between the two. Redstile Gardens is also located on higher ground, so the potential for overlooking is higher than on flat topography. However, the proposed building is located around 40m away from Redstile Gardens, and although it will be visible from the property, the conversion would cause limited harm from overlooking. The windows facing the existing property are not extensive, and new or replacement windows are proposed to be restricted by condition in order to prevent further lightspill from the building. It is therefore not considered that the proposal would cause significant harm to overlooking.

Overall, the proposal is considered acceptable, and is recommended for approval for the above reasons.

#### Increasing the provision of Local Food Growing

Policy LCR9 states that all residential development will be expected to incorporate opportunities for informal food growing where possible. The proposal site benefits from garden areas where future occupiers could grow food if they wished.

#### Water Efficiency

All dwellings will be expected to meet the national optional Building Regulations requirement for water efficiency of 110 litres per person per day.

Rainwater harvesting or other methods of capturing rainwater for use by the residents (e.g. water butts) will be required for all residential development, where technically feasible.

### Conclusion

On balance, the proposals are considered to be acceptable, and the application is recommended for approval.

## **RECOMMENDATION**

PERMIT

## **CONDITIONS**

### **1 Standard Time Limit (Compliance)**

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

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

### **2 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 Removal of Permitted Development Rights - No Windows (Compliance)**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no windows, roof lights or openings, other than those shown on the plans hereby approved, shall be formed in the property at any time unless a further planning permission has been granted.

Reason: To safeguard the amenities of adjoining occupiers from overlooking and loss of privacy in accordance with Policy D6, and to protect the rural character of the landscape in accordance with Policy NE2 of the Bath and North East Somerset Placemaking Plan.

### **4 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, a detailed specification for wildflower meadow seeding including an establishment management programmed for a 5 year period; 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. The submitted Whole Site landscape Masterplan & Biodiversity and Enhancement Strategy to be implemented in full with the addition of the planting of a new native hedgerow to include three hedgerow trees (oak, field maple are suggested species) along the northern boundary of the application site (currently post and wire).

Reason: To ensure the provision of an appropriate landscape setting to the development in accordance with Policies NE2 and NE2A of the Bath and North East Somerset Local Plan.

### **5 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. The wildflower meadow to be assessed for successful establishment in the second year and re-seeded where establishment has resulted in less than 50% of herbaceous species in the original mix surviving. 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 NE2 and NE2A of the Bath and North East Somerset Local Plan.

### **6 Landscape Maintenance/Management (Compliance)**

The existing boundary vegetation along the boundary to Broadmoor Lane and the lane to Weston Reservoir shall be maintained at a mature height of 1.8m or higher to ensure effective screening of the development. Should the existing boundary vegetation, within a period of five years from the date of the development being completed, die, be 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.

Reason: To ensure that the landscape scheme is implemented and maintained in accordance with Policies NE2 and NE2A of the Bath and North East Somerset Local Plan.

### **7 Drainage Strategy (Pre-commencement)**

No development shall commence, except ground investigations and remediation, until detailed drawings showing the proposed connection of the site surface water drainage to the culverted watercourse has been submitted to and approved in writing by the Local Planning Authority and installed prior to the occupation of the development. Proposed designs should be accompanied with a new Micro Drainage model to be reviewed and approved by the Lead Local Flood Authority.

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 that the proposed method of connection to the culverted watercourse is viable prior to any initial construction works which may prejudice the surface water drainage strategy.

### **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 Protection of nesting birds and bats (Compliance)**

The development hereby permitted shall be carried out only in accordance with the recommendations and ecological enhancement measures described on pages 12 and 13 of the approved Bat Survey Report (Stark Ecology, June 2017). No removal of ivy, hedgerow or woody vegetation shall take place between 1st March and 31st August unless a Survey to assess the nesting bird activity on the site during this period and a Scheme to protect the nesting birds has been submitted to and approved in writing by the Local Planning Authority. No ivy, hedgerow or woody vegetation shall be removed between 1st March and 31st August other than in accordance with the approved bird nesting protection scheme.

Reason: To protect nesting birds and bats and prevent ecological harm in accordance with NE3 of the Bath and North East Somerset Placemaking Plan.

### **10 External Lighting (Bespoke Trigger)**

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

Reason: To avoid harm to bats and wildlife in accordance with policies NE3 and D8 of the Bath and North East Somerset Placemaking Plan.

### **11 Water Efficiency - Rainwater Harvesting (Pre-occupation)**

No occupation of the approved dwellings shall commence until a scheme for rainwater harvesting or other methods of capturing rainwater for use by residents (e.g. Water butts) has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: In the interests of water efficiency in accordance with Policy SCR5 of the Placemaking Plan.

## **12 Water Efficiency (Compliance)**

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

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

## **13 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:

08 Jun 2018 002 REVISION E PROPOSED PLAN AND ELEVATIONS  
19 Mar 2018 002 FIGURE 7B PROPOSED LANDSCAPE LAYOUT PLAN

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Framework.

### **Condition Categories**

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

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

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

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

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

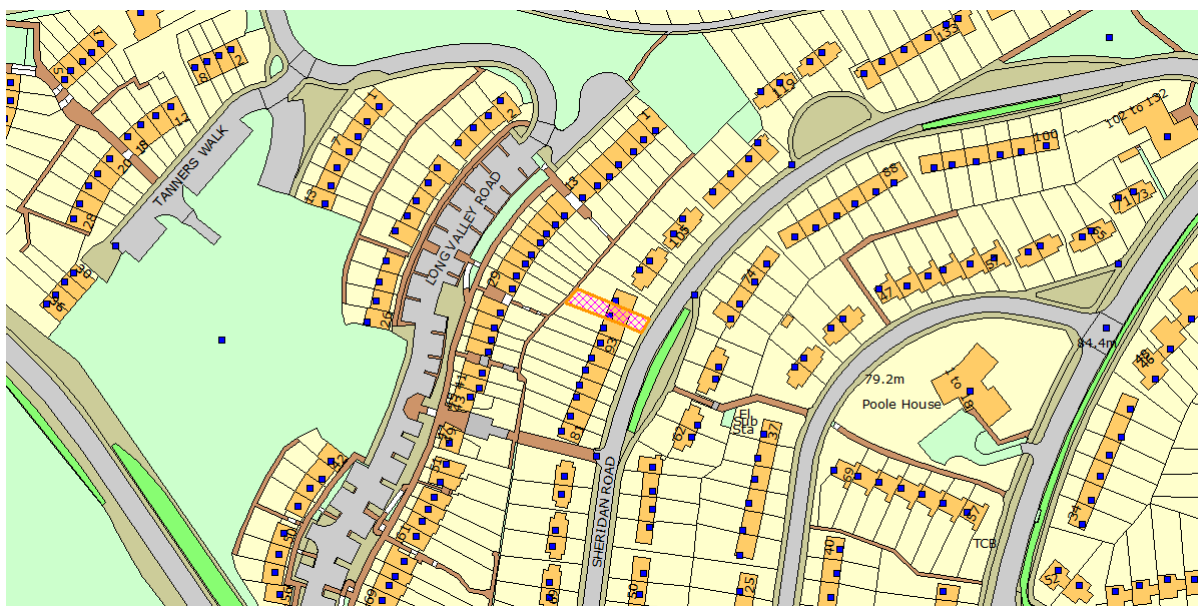
Please note all conditions should be read fully as these headings are intended as a guide only.

Where approval of further information is required you will need to submit a conditions application and pay the relevant fee, details of the fee can be found on the "what happens



after permission" pages of the Council's Website. You can submit your conditions application via the Planning Portal at [www.planningportal.co.uk](http://www.planningportal.co.uk) or send it direct to [planning\\_registration@bathnes.gov.uk](mailto:planning_registration@bathnes.gov.uk). Alternatively this can be sent by post to The Planning Registration Team, Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

**Item No:** 04  
**Application No:** 18/02507/FUL  
**Site Location:** 97 Sheridan Road Whiteway Bath Bath And North East Somerset BA2 1RA



**Ward:** Twerton                      **Parish:** N/A                      **LB Grade:** N/A  
**Ward Members:** Councillor Tim Ball   Councillor Joe Rayment  
**Application Type:** Full Application  
**Proposal:** Change of use from dwelling house (use class C3) to HMO (use class C4)  
**Constraints:** Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Coal - Standing Advice Area, Policy CP9 Affordable Housing Zones, MOD Safeguarded Areas, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,  
**Applicant:** Mrs Josephine Vercoe  
**Expiry Date:** 2nd August 2018  
**Case Officer:** Christine Moorfield  
To view the case click on the link [here](#).

## REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

This application is presented to committee as the Chair of the Planning Committee has noted the Ward Cllrs comments that the adjacent applications should be debated at DMC. There are numerous third party objection comments. The application has been assessed against relevant planning policy which it does not contravene however it is considered that the application should be debated in the public arena so that all views can be expressed fully.

There is a retrospective application at 99 Sheridan Road for an HMO which is also on this committee agenda for discussion.

This property is a terraced property within a street of similar two/three storey dwellings. The site is located within the World Heritage Site and Article 4 HMO area.

The plans indicate that within the house the existing rooms will be subdivided to provide 6 lettable rooms with three bedroom on the top and first floor. The occupiers will share a kitchen, dining/sitting room area at ground floor level.

#### **HISTORY**

There is no recent relevant Planning History on this property.

#### **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

##### **HIGHWAYS**

I refer to the revised floor plans in respect of the above planning application received on 25th June 2018. The following are my comments:

It is now proposed to convert the existing 4 bed dwelling into a 6 bed HMO. Having assessed the data collected during surveys carried out by Dept. for Communities and Local Govt., it is likely that car-ownership would be similar to the current domestic use of the property in this case and thus is unlikely to increase.

Based on this information, Highways DC have no objection to the proposed change of use.

##### **DRAINAGE**

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

CLLR TIM BALL has commented as follows:

This application is the third in this area and there is less than 50 yards between this one and one that has been granted permission at 78 Sheridan Road and next door to a retrospective application at 99 Sheridan Road.

This application is against council policy on proximity of HMOs to each other and should be refused planning permission.

Sheridan already has massive parking problems and this will only add to the matter.

22 letters of objection/comment have been received.

The main issues raised are as follows:

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

The proposal would result in disturbance to neighbours through noise and activity. There has already been disturbance from building works as these have been undertaken in advance of any permission being granted. New residents are likely to come and go at different times to the families in the street.

Elderly residents could suffer due to increased pressure for parking.  
Traffic and parking issues. There is a parking problem in this area at present. Increased traffic movements could be dangerous.  
Increased traffic/need for parking could impact on access for emergency vehicles.  
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.  
An HMO will result in the loss of a needed family house and there is already enough student accommodation in Bath.  
The plans as submitted do not tally with the works that are being carried out.  
The change of use is contrary to policy.  
There are 4 HMOs in the immediate vicinity of this site and an application for the adjacent house is also being considered now.

## **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 Occupation) 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

This proposal falls outside a Census Output Area in which HMO properties represent more than 10% of households.

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

Residents have raised concerns in respect of the impact this proposal will have on parking and highway safety in this location. It is stated by residents that the parking is limited within the area and this change of use will only serve to exacerbate the parking problems in the area. The area is particularly busy in the evening when residents return home. However, the Highway Engineer has confirmed that as surveys carried out by Dept. for Communities and Local Govt. indicate that it is likely that car-ownership would be similar to the current domestic use of the property and is unlikely to increase then Highways DC raise no objection to the proposed change of use.

#### Residential amenity

The property is shown to potentially provide 6 rooms for occupation and as such any permission is restricted to such a level of use as any occupation over six would require planning permission to a 'large HMO'.

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 a few HMOs in the locality, however it should be noted that the house next door number 99 has been used as an HMO and at present a retrospective planning application is being considered by the council.

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, HMOs 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.

The proposal includes the insertion of an additional bathroom window in the rear elevation of the property on the top floor. This window is seen to be acceptable and would not result in any material change to the existing situation in terms of loss of privacy or overbearing impact of the 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.

#### Waste

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.

Drainage- No objection to the proposal has been raised by the Councils Drainage Engineer.

#### Accuracy of plans

As originally submitted the plans did not reflect the works that were being carried out on the site in advance of any permission being granted. Following discussions between officers and the applicant the description of the application was amended and accurate plans submitted which indicate the works that have been carried out and the final layout and alterations to this property.

#### Other matters

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

Residents have commented that there is enough student accommodation within the city. However, this change of use to an HMO may not be occupied by students.

Concerns were raised by residents that disturbance was being caused by work being carried out prior to any permission being granted. Should an applicant decide to carry out work prior to any permission being granted then it is carried out entirely at their own risk.

Taking into account the above assessment it is recommended that the application is granted permission.

## **RECOMMENDATION**

PERMIT

## **CONDITIONS**

### **1 Standard Time Limit (Compliance)**

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

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

### **2 Plans List (Compliance)**

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

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

## **PLANS LIST:**

Location plan 7/06/2018, Elevations and Floor Plans 25/06/2018.

## 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.

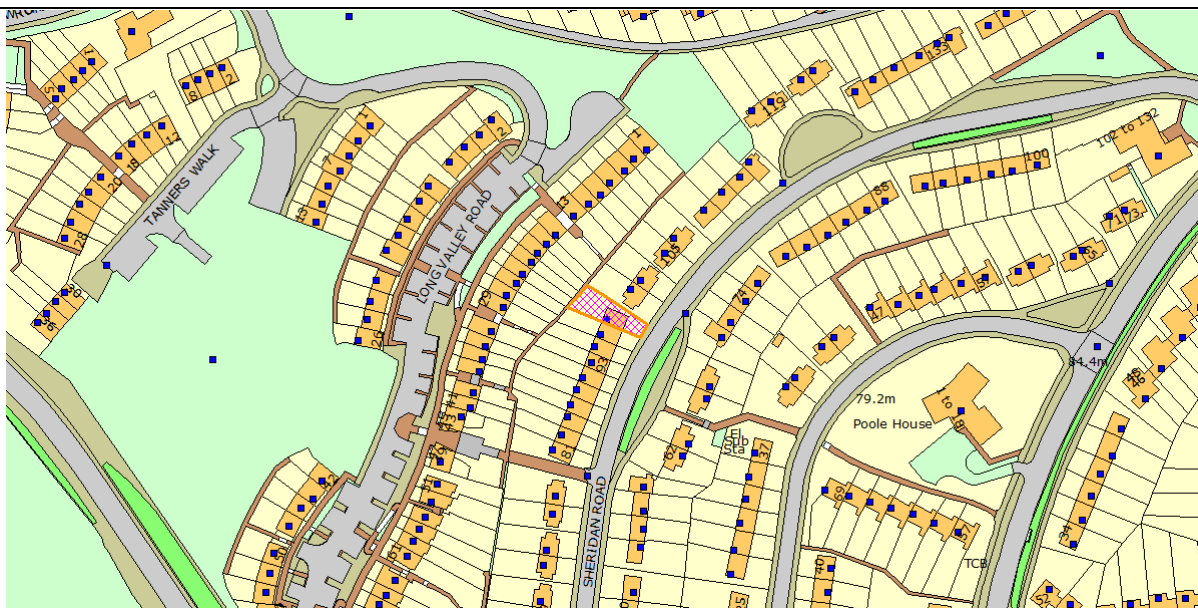
**Bespoke Trigger** - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

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](http://www.planningportal.co.uk) or send it direct to [planning\\_registration@bathnes.gov.uk](mailto:planning_registration@bathnes.gov.uk). Alternatively this can be sent by post to The Planning Registration Team, Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Framework.

<b>Item No:</b>	05
<b>Application No:</b>	18/02256/FUL
<b>Site Location:</b>	99 Sheridan Road Whiteway Bath Bath And North East Somerset BA2 1RA



**Ward:** Twerton

**Parish:** N/A

**LB Grade:** N/A

**Ward Members:** Councillor Tim Ball Councillor Joe Rayment

**Application Type:** Full Application

**Proposal:** Change of use from a 4 bed dwelling house (Use Class C3) to a 4 bed House in Multiple Occupation (Use Class C4) (Retrospective)

**Constraints:** Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Coal - Standing Advice Area, Policy CP9 Affordable Housing Zones, MOD Safeguarded Areas, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,

**Applicant:** Mr Dan McGauley

**Expiry Date:** 31st August 2018

**Case Officer:** Thomas Boyle

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

## REPORT

This retrospective application is presented to committee as the Chairman of the Planning Committee has noted the Ward Cllrs comments that the adjacent applications should be debated at DMC. The Chairman has noted the third party objection comments and stated that the application has been assessed against relevant planning policy which it does not contravene however it is considered that the application should be debated in the public arena so that all views can be expressed fully.

This is an application at 99 Sheridan Road for the change of use of C3 dwellinghouse to C4 HMO. There is a concurrent application for the same proposal at 97 Sheridan Road which is also on this committee agenda for discussion.

This property is a terraced property within a street of similar two/three storey dwellings.

The site is located within the World Heritage Site and HMO Article 4 Direction area restricting C3 to C4 permitted development rights.



There are no external or internal works proposed as part of this application.

### **Relevant Planning History**

There is no planning history relevant to this application

### **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Ward Member - Cllr Tim Ball

Subject: Planning applications 97 & 99 Sheridan Road

"I note that you have two different officers working on these two planning applications for conversion to 4 bed HMO's it would be helpful if these applications were looked at in conjunction with one another.

It would also be helpful as these applications will have knock on effects to each other that they were both dealt with at development control committee".

### Other Comments Received

4 Objections; 1 Representation. Summarised as follows:

Main issues:

- Already insufficient parking and an increase will lead to problems worsening
- Concerns that people already park on the pavements
- Increase in congestions causing potential issues for emergency vehicles
- Potential for increased noise
- Reduction in sense of community
- Concerns that HMOs become untidy properties
- Concerns regarding future over-population and request for restriction to 4no occupants
- Request for permission to be specific to current owner and to cease on any future sale of the property

### **POLICIES/LEGISLATION**

On 13th July 2017 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 Revised National Planning Policy Framework (2018) and the National Planning Practice Guidance (2014).

### **OFFICER ASSESSMENT**

99 Sheridan Road comprises a three storey end of terrace property forming part of a rank of ten other similar properties. This application seeks permission for a change of use of the property from a use within class C3 (dwellinghouse) to a use within class C4 (small HMO). The property has been in use as a HMO since c.2016 and this application is therefore made retrospectively.

This application does not propose to make any changes to the exterior of the building and there is no planning history for the property.

Normally an HMO for up to six people can be implemented under permitted development rights; however a City wide Article 4 Direction was adopted in July 2013 preventing this change without the need for planning permission. The property is located within the boundary of the City and therefore the article 4 direction relating to HMO properties applies.

A supplementary planning document has also been adopted by the Council 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 and 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.

This proposal would not result in a residential property becoming sandwiched between two HMOs.

## 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.

99 Sheridan Road is more than 50 metres from a Census Output Area and therefore in relation to Criterion 2, the Stage 1 test is passed and the Stage 2 test does not apply.

Notwithstanding the above assessment, in the interests of transparency and completeness, whilst the property is located more than 50m from the Census Output Area and there is no requirement to conduct the stage 2 test it is noted that there is a current application for change of use from C3 to C4 pending for the adjacent property (18/02507/FUL). In the event planning permission is granted for the adjacent property, this will not change the outcome of the aforementioned tests.

There is therefore no in-principle objection to this change of use from C3 to C4.

## Highways

In relation to the objections raised, they are mostly concerned with an increase in parking and the perceived problems that this may cause to the local residents. The Councils Highways Department has been consulted as part of this application and responded as follows:

"The change of use is likely to increase the occupancy of the house marginally by independent individuals (i.e. not a family) and this may raise concerns over increased parking demand in the vicinity. However, the sites sustainable location is acknowledged where there is good access to a range of services, facilities and public transport links and car-use should therefore be less intense. It has also been noted that there is on-site parking for 1 no. vehicle to the front of the dwelling if required.

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. Based on the existing room\* numbers and that proposed, car-ownership would be similar to or even less than the current domestic use of the property in this case. 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.

Based on the above, Highways DC have no grounds to object to this application. While the demand for on-street parking in the immediate vicinity has been noted, there is no policy attached to HMOs with regard to parking requirements. Furthermore, there has been no residential car parking research undertaken for the city of Bath. In this instance, national surveys undertaken by the Dept. for Communities and Local Govt. have been referenced and have demonstrated that a proposal such as this will not have a severe impact on car ownership (and thus onstreet parking)".

Other representations made have voiced concern at the potential for increased noise and the potential for the property to become untidy. Neither of these factors can be attributed to a HMO any more than that of a private dwelling. Furthermore both of these issues can be dealt with under statutory Environmental Protection legislation if deemed necessary.

### Conclusion

Taking into account all matters relating to this application, the proposal is acceptable in principle and therefore it is recommended for approval.

## **RECOMMENDATION**

PERMIT

## **CONDITIONS**

### **1 Standard Time Limit (Compliance)**

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

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

### **2 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 specifically to drawing numbers D161 02 - Existing and Proposed Floor Plans and D161 01 Site and Location Plan received on 22nd 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](http://www.planningportal.co.uk) or send it direct to [planning\\_registration@bathnes.gov.uk](mailto:planning_registration@bathnes.gov.uk). Alternatively this can be sent by post to The Planning Registration Team, Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

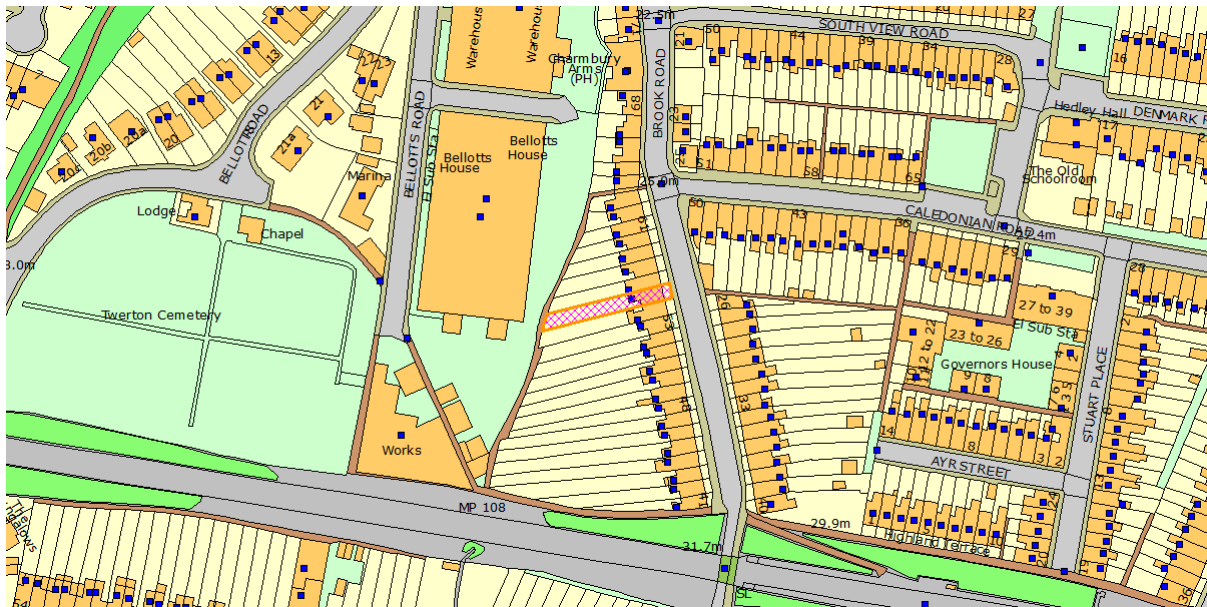
### **Community Infrastructure Levy**

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](http://www.bathnes.gov.uk/cil)

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Framework.

<b>Item No:</b>	06
<b>Application No:</b>	18/02432/FUL

**Site Location:** 56 Brook Road Twerton Bath Bath And North East Somerset BA2 3RS



**Ward:** Westmoreland

**Parish:** N/A

**LB Grade:** N/A

**Ward Members:** Councillor Colin Blackburn Councillor June Player

**Application Type:** Full Application

**Proposal:** Change of Use from 6no. bedroom house in multiple occupation (use class C4) to 7no. bedroom house in multiple occupation (sui generis use).

**Constraints:** Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Policy CP9 Affordable Housing Zones, HMO Stage 1 Test Area (Stage 2 Test Req), LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, SSSI - Impact Risk Zones,

**Applicant:** Mr P Collins

**Expiry Date:** 1st August 2018

**Case Officer:** Dominic Battrick

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

## REPORT

### REASON FOR REPORTING APPLICATION TO COMMITTEE:

The application was referred to the Committee Chair in accordance with the Council's Scheme of Delegation. Cllr June Player, ward councillor for Westmoreland, requested that should officers be minded to recommend approval, consideration be given to determination of the application by Development Management Committee. Planning policy reasons were given by the ward councillor in objection to the application, contrary to officer recommendation. The Chair has considered the application and decided that the application will be determined by the Development Management Committee, commenting as follows:

"I have studied this application carefully & all related information including the third party objections & Ward Cllr DMC request.

The application has been assessed against relevant planning policy as the report explains but I fully understand the concerns & possible implications raised by the change to sui generis & feel the issues should be debated in the public arena as it is becoming more common therefore I recommend this application be determined by the DMC."

#### DESCRIPTION OF SITE AND APPLICATION:

56 Brook Road is a mid-terraced house in operation as a 6-bedroom house in multiple occupation (HMO). While the application site is within the article 4 direction area restricting the permitted change of use of C3 dwellings to C4 houses in multiple occupation, Council data indicates that the HMO use of the property commenced prior to adoption of the article 4 direction.

The site is within the City of Bath World Heritage Site but outside the Bath Conservation Area.

The application is seeking to convert a ground floor sitting room to an additional bedroom, resulting in the property providing a 7 bedroom HMO. As the C4 use class only includes HMOs of 3 to 6 unrelated individuals residing at the property, the conversions would result in the HMO representing a 'larger HMO' under sui generis use.

#### RELEVANT PLANNING HISTORY:

EN - 17/00438/UNDEV - CLOSED - 11 January 2018 - Enforcement Enquiry

#### **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

##### CONSULTATIONS AND REPRESENTATIONS:

Highway Development Officer - No objection:

"The change of use is likely to increase the occupancy of the house marginally by independent individuals (i.e. not a family) and this may raise concerns over increased parking demand in the vicinity particularly as on-street parking is uncontrolled and in very high demand. However, the sites sustainable location is acknowledged where there is good access to a range of services, facilities and public transport links and car-use should therefore be less intense. It is noted that Oldfield Park Railway Station is only located approx. 100m away.

Although there will be an increase in the number of bedrooms, surveys undertaken by Dept. for Communities and Local Govt. suggest that car-ownership would not increase relative to its current use based on room\* numbers (which will remain the same as existing with an existing sitting room being converted to a bedroom).

Given this, coupled with the sites sustainable location, it is not considered that there would be a significant impact on the local highway.

While the demand for on-street parking in the immediate vicinity has been noted, an objection on these grounds will not be sustainable for the reasons quoted above.

Furthermore, there are no parking standards for HMOs included in the policy document and assumptions therefore cannot be made with regard to the number of additional vehicles the change of use may generate. Highways DC, therefore, have no objection to this application."

## OTHER REPRESENTATIONS / THIRD PARTIES

22 representations received from neighbours objecting to the application. The comments raised are summarised as follows:

- o Principle of development: The application fails the Stage 1 and Stage 2 tests within the 'Houses in Multiple Occupation in Bath' SPD and further changes of use are not supported within an area of high concentration as defined by these tests. Lack of clarity over the proposed use under sui generis. It is considered essential that the property remains a HMO under licensing restrictions to restrict the number of occupants.

- o Parking and highway safety:

Increased demand for street parking in a street unable to cope with the demands of residents due to a high concentration of HMOs and non-residents using the street for parking for the nearby Oldfield Park Station. The inadequate street parking creates problems for emergency vehicles. Assessment of street parking at this time outside of academic term time when student accommodation will be vacant will not be indicative of usual high levels of parking demand. Brook Road will be subject to other large new housing developments in the vicinity affecting traffic and street parking, including the Bath Press site. Students are preferred to families and couples occupying the rooms as they are likely to require less parking.

- o Residential amenity:

Intensifying the use of an existing HMO in an area of high concentration of HMOs will increase noise, disturbance and other harm to residential amenity. The use is associated with students of a lifestyle incompatible with neighbouring family homes, including long term residents at adjoining properties. 7 bedrooms inappropriate for a property of this size originally containing 2 or 3 bedrooms. Additional rubbish in the street associated with HMOs and student accommodation. Additional accumulation of waste, increasing the strain on refuse and recycling storage and collection. Overdevelopment of what was originally a 3-bedroom dwelling with poor communal facilities, which will provide inadequate living conditions for occupiers. An application for the conversion to a large HMO, which was refused and dismissed on appeal on the grounds of harm to living conditions of neighbours, has been referred to - application 15/05125/FUL

- o Other issues:

The development would set a precedent for further C4 HMOs in the area to seek expansion to become larger HMOs. The proposed change of use will not address the shortage of family dwellings. Permission was never granted for the change of use from C3 to C4 use. The property would no longer be subject to HMO controls, including limits on occupancy; due to 7 double bedrooms the property could be occupied by 14 people or more with families. Without HMO control the property could be used as an Airbnb holiday accommodation. HMOs up for renewal should be refused. Development works were undertaken prior to applying for planning permission. The works undertaken at basement level raise concern of damage and subsidence to neighbouring properties. Increased demand on sewerage. Students do not contribute to Council Tax.

The matters of objection raised in relation to the principle of the change of use, the parking concerns, the impact on residential amenity and the resulting numbers of occupants were all also supported by the ward councillor, Cllr June Player.

## POLICIES/LEGISLATION



## POLICY CONTEXT:

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

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

### Core Strategy:

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

DW1: District Wide Spatial Strategy  
B1: Bath Spatial Strategy  
B4: The World Heritage Site and its Setting  
CP6: Environmental Quality

### Placemaking Plan:

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

D1: General Urban Design Principles  
D2: Local Character and Distinctiveness  
D5: Building Design  
D6: Amenity  
HE1: Historic Environment  
ST7: Transport requirements for managing development

## **NPPF:**

The adopted National Planning Policy Framework (NPPF) was revised in July 2018 and is a material consideration due significant weight. The following sections of the NPPF are of particular relevance:

Section 2: Achieving Sustainable Development

Section 9: Promoting Sustainable Transport  
Section 12: Achieving well-designed places  
Section 16: Conserving and enhancing the historic environment

Due consideration has also been given to the provisions of the National Planning Practice Guidance (NPPG).

#### *SPDs*

The following supplementary planning documents are also relevant in the determination of this application:

The City of Bath World Heritage Site Setting Supplementary Planning Document (August 2013)

The Bath City-wide Character Appraisal (August 2005)

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

#### **OFFICER ASSESSMENT**

##### **PLANNING ISSUES:**

The main issues to consider are:

- Principle of Development
- Parking and highway safety
- Residential amenity
- Character and appearance
- Other matters

##### **OFFICER'S ASSESSMENT:**

The principle of development:

56 Brook Road is currently in operation as a 6-bedroom house in multiple occupation. The Use Classes Order classifies HMOs with 3 to 6 unrelated occupants as C4 use. Dwellings with a greater number of unrelated occupants do not have a use class and are therefore sui generis use, meaning the change of use to this use will require planning permission.

The application is seeking to provide an additional bedroom, converting a communal living room on the ground floor, to provide a total of 7 bedrooms. This would result in a total number of unrelated occupants in excess of the 6 occupants and therefore beyond the C4 use class.

Bath's article 4 direction for HMOs restricts the change of use of C3 properties (i.e. family dwellings) to C4 HMOs, which are normally permitted under the Use Classes Order. Council records indicate that the property has commenced operation under C4 use prior to the adoption of the article 4 direction in July 2013.

The Council has adopted the 'Houses in Multiple Occupation in Bath' Supplementary Planning Document, updated in November 2017, which supports policy H2 of the B&NES Placemaking Plan. The SPD provides tests to assess over-concentration of HMOs within Bath's article 4 direction area, and other harmful impacts resulting from the change of use of a C3 family dwelling to a HMO. The policy and SPD are in place to support the assessment of planning applications for this change of use from C3 to C4 use, required by virtue of the article 4 direction. This is in order to control against the proliferation of further C4 properties with the loss of C3 properties, and the associated harmful impacts of this imbalance associated with high concentrations of HMOs.

However, the proposed development relates to an existing lawful HMO, recognised as C4 use, which proposes to convert a sitting room to an additional bedroom. This would result in its use class falling within the sui generis classification. The SPD and policy H2 therefore do not apply to this proposal.

As initially submitted and registered, the description was unclear as to what the sui generis use would consist of, with concerns raised that, without the licensing controls of HMO use, the property could be occupied by an uncontrolled number of residents in each room, consisting of couples or even families. This was clarified with the applicant and the description was amended to clearly indicate that the proposed development is for a 7 bedroom HMO. The property would still be bound by HMO licensing restrictions, which are not affected by whether the HMO falls within the C4 use class or sui generis use in planning terms. Any other material change of use that falls within the sui generis category would not be permitted by this application.

The Council's Development Plan does not include any policies for the assessment of development for expanding existing HMOs beyond the scope of the C4 use class. Given that the proposed use would be functionally the same use as the existing use, albeit more intensified, there are no policy grounds to refuse the application in principle.

However, the application must be assessed against the material planning considerations outlined below.

#### Parking and highway safety:

Considerable local objection has been raised over the impact of the development on the demand for street parking in Brook Road. Brook Road is subject to heavy demand for parking, due to a lack of off-street parking, the high levels of occupancy in the street (due to the concentration of HMOs) and the proximity to Oldfield Park Station.

The Highways Officer was consulted, who acknowledges that street parking is uncontrolled and in very high demand. However, it is concluded that Highways objection is unsustainable on the grounds of insufficient parking. This is due to the sustainable location of the site, with good access to a range of services, facilities and public transport links. Although there will be an increase in the number of bedrooms, national statistics referred to by the Highways Officer indicate that car ownership at the property will not increase based on room numbers. Without adopted parking standards on HMOs, it is considered difficult to demonstrate that a single additional bedroom at the HMO will result in an unacceptable increased demand for parking, or a demonstrable harmful impact on local highway conditions.

Paragraph 109 of the revised NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Refusal of the application on these grounds would be considered contrary to this policy.

The proposal is therefore considered to be in accordance with policies ST1 and ST7 of the B&NES Placemaking Plan and Section 9 of the NPPF.

Residential amenity:

Representations received outline concerns to residential amenity resulting from intensification of the HMO use, as well as general issues to amenity caused by HMO properties.

Harmful impacts include noise and disturbance from the premises due to high level of occupancy and student occupiers with lifestyles incompatible with elderly and family neighbours. Other impacts associated with this use include rubbish in the highway, poorly maintained gardens and increased demand on waste and recycling storage provision. These are impacts that are mostly pronounced in areas of high concentration.

Within the context of this application, it must be noted that the property is in existing operation as a 6 bedroom HMO. The proposed development will increase the number of bedrooms by 1. Given the use will remain the same, it is considered that an additional occupant will not result in demonstrable harm to the amenities of neighbouring properties or the wider street.

Amenity of occupants has been raised also. While it would be preferable for the ground floor sitting room to remain in communal use, its conversion to a bedroom will not result in unacceptable standards of amenity for occupiers of the property. The lower ground floor will provide a suitably sized communal area for a HMO of this size, with natural light afforded from the rear elevation due to the variation in natural ground levels. Occupiers would also have access to the rear garden. The additional bedroom will not result in a significant increased demand for refuse and recycling storage, and the house has sufficient space for waste storage. Overall, in planning terms the amenities of the development are acceptable for the proposed use on this scale.

A representation made reference to a refused planning application that was dismissed at appeal, for the conversion of a C2 care home to a larger HMO within the city of Bath, under application 15/05125/FUL. The application was refused and dismissed on the grounds of residential amenity. The site is within an established residential area and operated for 20 elderly residents in addition to up to 8 members of staff. The proposed HMO was for 18 bedroom units. Having considered this example, the case is considered to have very different circumstances, due to the considerably larger scale of the proposed HMO. The impacts on neighbouring properties would be expected to be much more pronounced than with a 7 bedroom HMO. Furthermore, the refused application represents a much more significant change in use from its existing C2 use than the proposed additional bedroom at 56 Brook Road. The example therefore carries very limited relevance to this application.

It is noted that the submitted design and access statement argues that the change of use will reduce the number of C4 properties in the area, thereby providing a benefit to the community. This is considered to be erroneous as the resulting property will operate in a functionally identical capacity to the existing use, but with a marginal intensification in occupancy. There will be no material benefits to the community, in terms of residential amenity or other perceivable impacts. However, due to the small incremental increase in the number of bedrooms, it is considered that the development will not result in demonstrable harm. On this basis, the proposal is considered to comply with policy D6.

#### Character and appearance:

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

No external alterations are proposed for this development. Recent works to expand the basement have been noted; however, following an enforcement investigation into the building operations, it was concluded that no planning breach had occurred. The current application is for the conversion of an existing ground floor room to an additional bedroom and the impact on increasing the occupancy of the HMO. The proposal will not materially impact the appearance and character of the building or harm the setting of its surroundings.

The proposed development is located within the Bath World Heritage Site, where policy B4 of the Core Strategy states that consideration must be given to impacts on the heritage asset and its setting. The development will not adversely impact the setting of the surrounding area and will not result in harm to the Outstanding Universal Value of the World Heritage Site, its authenticity or integrity.

#### Other matters:

Concern has been raised that approval of this application would set a precedent for similar proposals to follow for existing HMOs in the area. Every application is assessed on its own merits and based on the circumstances at the time. However, as explained above, there are no policy grounds at present to restrict the development in principle. Any subsequent applications will be assessed against the impact on residential amenity and parking, in line with current policy.

While it is acknowledged the development will not address an imbalance in housing mix and a current over-saturation of HMOs in the area, the proposal will not result in a loss of family housing or otherwise exacerbate this issue, given that the premises is already operating lawfully as a HMO.

The lack of planning history for a change of use from a C3 family dwelling to a C4 house in multiple occupation is indicative that the current use of the HMO predates the July 2013 adoption of the article 4 direction in Bath restricting this change of use. Council data on

HMO licensing supports this and there is no evidence to the contrary that the property is not in lawful use as a HMO.

While the property would no longer constitute C4 use within the Use Classes Order, which specifically relates to HMOs containing 3 to 6 unrelated individuals, the premises resulting from the development would still operate as a HMO and would be subject to the same licensing restrictions, including its restrictions on occupants. The property would remain recognised as a HMO under the Council's GIS data. Therefore, the development will not distort Council data when assessing proposals for new HMOs within the area. The concerns that the property would be taken 'off radar' and no longer subject to HMO controls are therefore unfounded.

It has been suggested that HMOs up for renewal should be refused in areas of high concentration. This relates to renewal of HMO licensing. The continued operation of the premises as a HMO when already lawfully operating as such is not development in planning terms. It is not within the capacity of the planning system to restrict a continued lawful use.

Comments have been raised on the physical works already undertaken prior to the application to expand the accommodation at basement (lower ground floor) level. This would not constitute development requiring planning permission. While the concerns of physical impact to adjoining properties are noted, this is a matter of building regulations. Matters of foul drainage are also dealt with under building regulations. Council data indicates that this work was signed off by Building Control.

Council tax implications of the HMO accommodation being occupied by students is not a material planning consideration.

## **CONCLUSION:**

As the property already operates lawfully as a HMO, the article 4 direction restricting C3 to C4 use, and local policy H2 of the Placemaking Plan, and the supplementary planning document on HMOs are not applicable to this application.

There are no policies restricting the proposed development in principle, which would result in the property continuing to operate as a HMO. The restrictions of the C4 use class relate to permitted development only (whereby such rights in this location have been removed by virtue of the article 4 direction). The proposal can therefore only be assessed against the material impacts resulting from intensification of the use.

As the development will increase the number of bedrooms from 6 to 7, the degree of intensification is considered to be marginal. Having considered the comments raised, it is concluded that the development will not result in demonstrable harm to residential amenity or highway conditions and parking, over and above the existing premises.

The proposed development is therefore considered to be in accordance with relevant design and highways policies and is recommended for approval, subject to a compliance condition restricting occupancy.

## **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 Occupancy (Compliance)**

The development hereby permitted shall not be occupied by more than seven 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, parking and highway safety, in accordance with policies D6 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:**

This decision relates to the following plans:

Site Plan - 001, Layout Plan - 002, Existing Plans - 003, Proposed Plans - 004, Design and Access Statement, all received 4 June 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](http://www.planningportal.co.uk) or send it direct to [planning\\_registration@bathnes.gov.uk](mailto:planning_registration@bathnes.gov.uk). Alternatively this can be sent by post to The Planning Registration Team, Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

### **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](http://www.bathnes.gov.uk/cil)

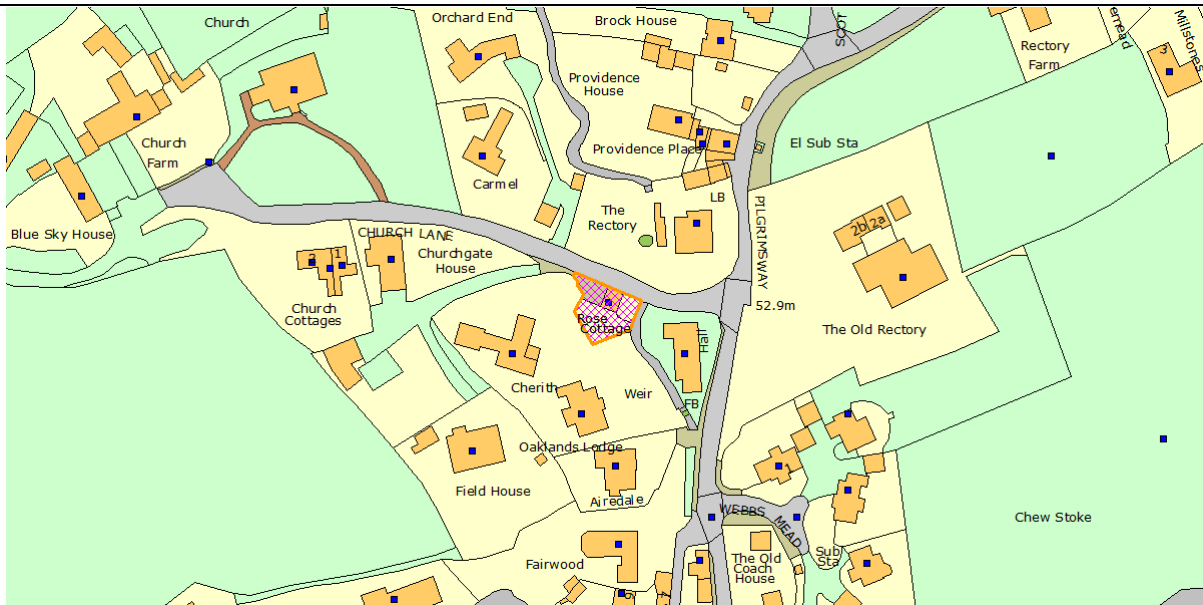
### **HMO Licensing**

Please note that you may also require a HMO Licence for your property to operate as an HMO. Planning and HMO licensing are two separate requirements and it is essential that an HMO licence is obtained, if applicable, after receiving planning permission. Although Planning Permission may be granted without an HMO licence, you may legally not be able to use the property as an HMO. If you have any queries, please contact Housing Services by email at [hmo\\_licensing@bathnes.gov.uk](mailto:hmo_licensing@bathnes.gov.uk) or telephone 01225 396269.

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Framework.

<b>Item No:</b>	07
<b>Application No:</b>	18/01994/FUL
<b>Site Location:</b>	Rose Cottage Church Lane Chew Stoke Bristol Bath And North East Somerset





**Ward:** Chew Valley North

**Parish:** Chew Stoke

**LB Grade:** N/A

**Ward Members:** Councillor Liz Richardson

**Application Type:** Full Application

**Proposal:** Erection of a rear two storey extension.

**Constraints:** Bristol Airport Safeguarding, Agric Land Class 1,2,3a, Conservation Area, Conservation Area, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Greenbelt, Housing Development Boundary, LLFA - Flood Risk Management, Policy NE1 Green Infrastructure Network, Policy NE3 SNCl, Policy NE5 Ecological Networks, Policy NE5 Strategic Nature Areas, Neighbourhood Plan, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,

**Applicant:** Mrs Deborah Phillips

**Expiry Date:** 31st August 2018

**Case Officer:** Dominic Battrick

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

## REPORT

### REASON FOR REPORTING APPLICATION TO COMMITTEE:

The application was referred to the Committee Chair in accordance with the Council's Scheme of Delegation. Cllr Liz Richardson, ward councillor for Chew Valley North, requested that should officers be minded to recommend refusal, consideration be given to determination of the application by Development Management Committee. Planning policy reasons were given by both the ward councillor and Chew Stoke Parish Council in support of the application, contrary to officer recommendation. The Chair has considered the application and decided that the application will be determined by the Development Management Committee, commenting as follows:

"I have looked at the application & associated documents including photos, I note the support from the CSPC & Ward Cllr, who has also requested the application be referred to the DMC.

The application has been assessed against relevant planning policies & the %age increase of this property in the Greenbelt is clearly stated & above the 33% guidance, however the dwelling is small & even with this proposal the dwelling would become a small 2 bed property which the PC feel are lacking in the village.

I am also aware the appearance & impact of the proposal in the Conservation Area has clearly led to different opinions between the CSPC & Officer.

I therefore recommend this application be determined by the DMC so debate on the controversial points can be held in the public arena."

#### DESCRIPTION OF SITE AND APPLICATION:

Rose Cottage is a detached two storey, 1-bedroom dwelling within the village of Chew Stoke. The site falls within the Chew Stoke Conservation Area and Housing Development Boundary. The site is also within the Bath and Bristol Green Belt.

The application is for a two storey and single storey rear extension. Due to the sideways orientation of the dwelling relative to the highway, the north side of the house and the extension adjoins the road of Church Lane.

The current application relates to a previous application refused in 2011 under reference number 11/05053/FUL (and associated application for conservation area consent, 11/05054/CA). The application included the two storey rear extension currently proposed, in addition to a garden room on the south side elevation which has been omitted from the current scheme. The application was refused on the grounds that it was contrary to Green Belt policy as a disproportionate addition to the original dwelling.

#### RELEVANT PLANNING HISTORY:

DC - 11/05053/FUL - RF - 23 February 2012 - Erection of a two storey extension and garden room.

DC - 11/05054/CA - APPRET - - Erection of a two storey extension and garden room.

#### **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

##### CONSULTATIONS AND REPRESENTATIONS:

Chew Stoke Parish Council - support:

"The Parish Council would not normally support an application where the volume increase of the proposed development exceeds 35% of the original built property. The parish council considers that adhering to the 35% limit helps to maintain the openness of the green belt within the village. The subject application property is a very compact sized one bedroomed property. The proposed development, although exceeding the 35% recommended limit, is considered to be modest and well proportioned in relation to the existing dwelling with the ridge height of the extension being lower than the existing dwelling and the flank wall of the extension on Church Lane being slightly set back from the current flank wall. The parish council does not consider that the proposed development would unduly affect the openness of the green belt or detract from the current street scene. The combined development would provide more extensive and

flexible accommodation which would better meet the needs of the existing residents and provide the size of dwelling that is currently lacking in the village that would well serve the needs and budgets of first time buyers, single person households or downsizers."

#### OTHER REPRESENTATIONS / THIRD PARTIES:

No third party representations received.

Cllr Liz Richardson (ward councillor for Chew Valley North):

"Rose Cottage is an extremely compact dwelling, currently only 1 bedroomed and less than 47m<sup>2</sup> of floor area. If it were applied for at that size today it would not meet the requirement of the national housing standard for minimum internal floor area (58m<sup>2</sup> for 2 people sharing a 2 1bed 2storey property).

The young applicants wish to stay in the village but need extra space now to accommodate a family, it is their preference to stay put and extend rather than to move house (and indeed with property prices as they are, and so few small size properties in the village they would find it challenging to find a suitable alternative property).

Clearly the proposed extension is greater than the "normally acceptable" third, however, certainly committee have on some occasions been minded to permit some extensions outside the SPD guidance of a third if they felt there was a compelling reason. In this case the extension would bring the floor area up to an acceptable minimum size for a small family, at 77m<sup>2</sup> it would be meet the minimum standard for 3 persons (nearly 4).

Such a small well designed unobtrusive additional dwelling area at the rear of this property and within the housing development boundary would be hard pressed to create a negative impact, at 77m<sup>2</sup> this would still be a very modest property and the total of the proposed extended area is only 20m<sup>2</sup>!"

#### **POLICIES/LEGISLATION**

##### **POLICY CONTEXT:**

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

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

- Policy GDS.1/V8: Former Radford Retail System's Site, Chew Stoke (site)
- o Made Neighbourhood Plans

#### Core Strategy:

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

DW1: District Wide Spatial Strategy  
 CP6: Environmental Quality  
 CP8: Green Belt

#### Placemaking Plan:

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

D1: General Urban Design Principles  
 D2: Local Character and Distinctiveness  
 D3: Urban Fabric  
 D5: Building Design  
 D6: Amenity  
 GB1: Visual Amenities of the Green Belt  
 GB3: Extensions and alterations to buildings in the Green Belt.  
 HE1: Historic Environment  
 ST7: Transport requirements for managing development

#### **Neighbourhood Plan:**

##### Chew Valley:

The Chew Valley Neighbourhood Plan was 'made' in November 2016. The plan contains policies on housing development and environment; business and facilities; and aspiration policies. The following policies are relevant to this application:

Policy HDE2 - Settlement Build Character

#### **NPPF:**

The adopted National Planning Policy Framework (NPPF) was revised in July 2018 and is a material consideration due significant weight. The following sections of the NPPF are of particular relevance:

Section 9: Promoting Sustainable Transport  
 Section 12: Achieving well-designed places  
 Section 13: Protecting Green Belt land  
 Section 15: Conserving and enhancing the natural environment  
 Section 16: Conserving and enhancing the historic environment

Due consideration has also been given to the provisions of the National Planning Practice Guidance (NPPG).

### *Conservation Areas*

In addition, there is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character of the surrounding Conservation Area.

### *Listed Buildings*

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

### *SPDs*

The following supplementary planning documents are also relevant in the determination of this application:

Existing Dwellings in the Green Belt Supplementary Planning Document (October 2008)

## **OFFICER ASSESSMENT PLANNING ISSUES:**

The main issues to consider are:

- o Whether the proposal is appropriate development within the Green Belt.
- o The design impacts on the character and appearance of the site and its surroundings, including Chew Stoke Conservation Area.
- o The impacts on the residential amenity of surrounding properties.
- o Highway safety and parking.

## **OFFICER'S ASSESSMENT:**

### *Development in Green Belt:*

The site is within the Green Belt, where paragraph 145 of the NPPF states that proposals for extensions and alterations to existing buildings are not considered inappropriate in principle provided that the development does not result in a disproportionate addition over and above the size of the original building.

Local policy defines the assessment of a disproportionate addition in the context of existing dwellings as one resulting in an increase in volume in excess of roughly a third of the original building, including associated outbuildings such as garages. This is outlined further in the Existing Dwellings in the Green Belt Supplementary Planning Document (October 2008), which supports policy GB3 of the Placemaking Plan.

The proposed extension is a two storey hipped roof extension on the rear elevation, adjoining the highway due to the sideways orientation of the dwelling, with an adjoining single storey lean-to section. The proposal represents a resubmission of this scheme following a previous application, 11/05053/FUL, which also included a garden room extension on the side elevation of the original dwelling. It was calculated that the proposed development would have resulted in approximately a 74% increase in volume compared to the volume of the original dwelling. This represented a disproportionate addition to the building as defined within the supplementary planning document and adopted policy at the time, and the application was refused on this basis.

While the adopted SPD has not been updated since the previous application, there has since been a substantial change in local and national planning policy, with the adoption of the National Planning Policy Framework and the B&NES Core Strategy and Placemaking Plan.

The current application has omitted the garden room from the scheme, reducing the increase in volume. Calculations submitted by the applicant's agent indicate a 42.64% increase in volume, representing over a third of the volume of the original (and existing) dwelling. Officer's calculations reach a figure of 46.3%. The figures submitted suggest that the calculations are based on internal volumes, and not the overall external measurements as required, resulting in this discrepancy. Regardless, the proposal remains a disproportionate addition based on the volume of the extensions exceeding a third of the volume of the original dwelling.

The NPPF is clear under paragraphs 143 and 144 that inappropriate development (including disproportionate additions to existing buildings) is, by definition, harmful to the Green belt and should not be approved except in very special circumstances. Such circumstances will not exist unless the harm to the Green Belt is clearly outweighed by other considerations.

Arguments for exceptional circumstances have been put forward by the applicant's agent, and have been supported by the parish council and the ward councillor.

The primary argument relates to the constraints of the existing dwelling. A case is made that the dwelling is cramped and with a dysfunctional layout. It is argued that the extensions and alterations would allow the resulting development to better meet the national minimum space standards. The B&NES Development Plan does not include any policies that adopt the space standards. Furthermore, the space standards are designed for new build dwellings and not extensions to existing dwellings. The compliance or non-compliance with the standards therefore carries little policy weight under adopted local policy. The suitability of the existing building to provide a self-contained dwelling would have been assessed when the building was originally converted to a dwelling. This is therefore not a planning consideration outweighing harm to the Green Belt.

It is also argued that it would be unaffordable for the residents, as a growing family, to relocate in the village. This is a matter of private interest and therefore carries little material weight when balanced against harm to the Green Belt.

The application claims that the development will not have a negative impact as it will result in a dwelling of a similar size to surrounding properties. Whilst located on the rear elevation, the dwelling is orientated sideways to the highway, and the side of the extension will almost double the depth of the dwelling, adding substantial bulk to the rear of the dwelling when viewed from the highway. The officers disagree with the PC and ward councillor comments that the extension will not be intrusive and will not harm the openness of the Green Belt. The extension will be visually prominent by virtue of its siting within the street scene, its scale relative to the original building, and its relative isolation from surrounding buildings.

The agent makes reference to an application (17/02709/FUL) within Chew Magna that was refused on the grounds of representing a disproportionate increase in terms of volume. The application was allowed at appeal. While it is acknowledged that an extension that is disproportionate in volume (based on B&NES adopted policy) may be acceptable under very special circumstances, the circumstances of the example bear little resemblance to this application. The stated example is for a two storey rear extension located away from prominent views and sandwiched between properties within a more densely developed residential street. It was concluded that the proposal would not harm openness of the Green Belt or the rural character of the area. This contrasts with the current proposal at Rose Cottage, which is considered to be both disproportionate in volume and harmful to the openness and rural character of the Green Belt.

The proposal therefore represents inappropriate development in the Green Belt in principle, and very special circumstances have not been presented that outweigh the harm to the Green Belt. The proposed development is considered to harm the openness and visual amenities of the Green Belt. The proposal is therefore contrary to policies GB1 and GB3 of the Placemaking Plan, Policy CP8 of the Core Strategy and Section 13 of the NPPF.

#### *Character and Appearance:*

Policy D1, D2, D3 and D5 of the Placemaking Plan require proposals to have regard to the character and appearance of the development and its impact on the character and appearance of the host dwelling and wider area. Development proposals will be supported, if amongst other things they contribute positively to and do not harm local character and distinctiveness. Development will only be supported where, amongst other things, it responds to the local context in terms of appearance, materials, siting, spacing and layout and the appearance of extensions respect and complement their host building. Policy HE1 requires development that has an impact upon a heritage asset, whether designated or non-designated, will be expected to enhance or better reveal its significance and setting.

The site is within the Chew Valley Conservation Area. The street is characterised by its rubble stone and boundary walls, rural cottages constructed in rubble stone and pantile roofs, and the dense coverage of mature trees surrounding the highway. The application site is in close proximity to the Grade II\* listed The Rectory, and is on the approach to the Grade II\* listed Church of St Andrew. While the existing dwelling is small relative to many of the surrounding properties, the side elevation directly adjoins the highway and is therefore prominent in views along Church Lane from the east and west.

No objection to appearance of the development and its impact on the character of the host building and the surrounding heritage assets were raised when the previous application was assessed. However, as the previous application predated current national and local policy, it is considered necessary to reassess these impacts.

The host building has the appearance of a modest sized cottage, with its siting and form suggesting its origins as a coach house or similar ancillary outbuilding. The proposed extension represents a significant addition to the building in terms of footprint and layout, dominating the host building in views from the east.

While the proposed external materials are sympathetic to the host building, the scale, form and massing of the extension will harm the simple historic character of the building. The additional bulk, particularly when viewed from Church Lane, will provide a stark and imposing two storey structure harmful to the rural character of the street scene. The extension will also be harmful to the character of the conservation area.

The proposal is therefore considered contrary to policies D1, D2, D5 and HE1 of the Placemaking Plan and policy CP6 of the Core Strategy.

#### *Residential Amenity:*

Policy D6 sets out to ensure developments provide an appropriate level of amenity space for new and future occupiers relative to their use and that significant harm is avoided to private amenity in terms of privacy, light and outlook/overlooking.

The proposed two storey extension, while close to the boundary of the confined curtilage, is a long distance away from neighbouring dwellings and there will be no opposing windows that may be overlooked. The proposal will not result in a loss of privacy to neighbouring gardens or windows.

The bulk and scale of the dwelling relative to the natural ground levels to the south are such that significant overbearing and loss of light will not occur to neighbouring gardens, whilst distances to neighbouring dwellings ensure that no harmful impacts to neighbouring windows will occur.

The proposal is in accordance with policy D6 of the Placemaking Plan.

#### *Highways Safety and Parking:*

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

The proposed development will not affect the existing parking provision or vehicular access, which provides 2 parking spaces and turning onto Church Lane. This is considered adequate for the resulting 2 bedroom dwelling. The proposal is therefore in accordance with policy ST7 of the Placemaking Plan.

#### **CONCLUSION:**



The proposed development represents a disproportionate addition to the original building is considered to harm the openness and visual amenities of the Green Belt. The proposal therefore constitutes harmful development in the Green Belt and very special circumstances have not been presented that outweigh the harm to the Green Belt. The proposal is therefore contrary to national and local Green Belt policy and it is recommended that the application is refused.

The proposed development will also harm the historic and rural character of the host building and the surrounding conservation area and is contrary to policies on design and impact on the conservation area.

## **RECOMMENDATION**

REFUSE

## **REASON(S) FOR REFUSAL**

1 The proposed extension will increase the volume of the dwelling by over a third of the original dwelling and would result in a disproportionate addition to the original building. The proposal therefore represents inappropriate development in the Green Belt in principle, and very special circumstances have not been presented that outweigh the harm to the Green Belt. The proposed development is considered to harm the openness and visual amenities of the Green Belt. The proposal is therefore contrary to policies GB1 and GB3 of the Placemaking Plan, Policy CP8 of the Core Strategy and Section 13 of the NPPF.

2 The proposed development will harm the historic and rural character of the host building and the surrounding conservation area and is contrary to policies D1, D2, D5 and HE1 of the Placemaking Plan and policy CP6 of the Core Strategy.

## **PLANS LIST:**

This decision relates to the following plans:

Plans and Elevations as Existing - S5794/001A, Plans and Elevations as Proposed - S5794/100D, both received 04/05/2018; Design and Access Statement (May 2018), received 06/06/2018; Green Belt Calculations Email, received 07/06/2018.

## **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](http://www.bathnes.gov.uk/cil)

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Framework.

