

Bath & North East Somerset Council

MEETING: **Development Management Committee**

MEETING DATE: **21st November 2018**

AGENDA
ITEM
NUMBER

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RESPONSIBLE OFFICER: Mark Reynolds – Group Manager (Development Management) (Telephone: 01225 477079)

TITLE: **APPLICATIONS FOR PLANNING PERMISSION**

WARDS: ALL

BACKGROUND PAPERS:

AN OPEN PUBLIC ITEM

BACKGROUND PAPERS

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

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

The following notes are for information only:-

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

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

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ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	18/02898/FUL 22 November 2018	Bellway Homes Ltd (South West) Horseworld, Staunton Lane, Whitchurch, Bristol, Bath And North East Somerset Erection of 5no. residential units (including affordable housing) together with associated parking, highways and landscaping works.	Publow And Whitchurch	Chloe Buckingham	Delegate to PERMIT
02	18/01999/FUL 12 December 2018	Mr J. Morgan on behalf 40 Bloomfield Park, Bloomfield, Bath, Bath And North East Somerset, BA2 2BX Erection of 8 no. apartments with associated parking and landscaping following demolition of existing detached house and garage (Resubmission).	Lyncombe	Chris Griggs- Trevarthen	Delegate to PERMIT
03	18/04233/FUL 16 November 2018	Mr Daniel McIntyre 14 The Beeches, Odd Down, Bath, Bath And North East Somerset, BA2 2UX Installation of rear and side dormer windows with two front roof lights. (Resubmission)	Odd Down	Edward Allsop	REFUSE

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

Item No:	01
Application No:	18/02898/FUL
Site Location:	Horseworld Staunton Lane Whitchurch Bristol Bath And North East Somerset



Ward: Publow And Whitchurch

Parish: Whitchurch

LB Grade: II

Ward Members: Councillor Paul May

Application Type: Full Application

Proposal: Erection of 5no. residential units (including affordable housing) together with associated parking, highways and landscaping works.

Constraints: Bristol Airport Safeguarding, Agric Land Class 3b,4,5, Coal - Standing Advice Area, Policy CP9 Affordable Housing Zones, Policy GDS1 Site Allocations, Housing Development Boundary, Policy NE1 Green Infrastructure Network, Neighbourhood Plan, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodrome,

Applicant: Bellway Homes Ltd (South West)

Expiry Date: 22nd November 2018

Case Officer: Chloe Buckingham

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

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

Cllr Paul May has called the application into committee for the following reasons;

- o As the local member supporting the village council I wish to request this application be refused for the following reasons;
- o The original core strategy RA5 states that "a new early years facility will also be also need to be provided on site or nearby".
- o the master plan submitted by the three developers identified this site as the one to satisfy the above..
- o a new facility has recently been created a long way away from the site by a private provider and it is too early to say whether this site is going to meet the needs of 200 plus homes and residents of the new estate.

- o the private facility is across a dangerous main road and no safe routes from the estate have been provided for such young children to access it.
- o the new facility is not within reasonable walking distance and is therefore not sustainable the master plan and approved full planning approvals have satisfied the 200 dwellings requirement for the site and the extra homes will result in over development.
- o the route to the private facility needs a safeguarding survey to prove it is viable.
- o the approved neighbourhood plan has identified a complex set of needs for the village and this site is the only area left within the development which could meet any opportunities for community provision of pre-school, library, youth etc facilities.
- o In simple terms the application is premature because the off-site facility will not serve this 200 plus dwellings and further work in real terms is required to prove the viability of the new private provision and that it can be accessed effectively by foot by residents of the horseworld site.
- o In addition the provision is in an area of considerable pollution whereas the allocated site is safe.

Whitchurch Village Council have also objected to this application on the grounds that it was originally designated as an area for 'a new early years facility'. They have explained that a new facility has been provided by private provider in the village but it is situated on a busy road and a considerable walk from the development site with no safe walking route provided, also there is no guarantee that it will be sufficient to meet the needs of the 200 homes and residents of the new development sites. If this area is not used as an early years facility it should be reserved for a community provision or as a social amenity area as identified in the Whitchurch Village Neighbourhood Development Plan.

The chair of committee has decided to take the application to committee for the following reasons;

The Officer has assessed the application in line with relevant planning policy however, as a result of the comments raised linked to whether this is too early to seek a change from the original plans or could be used for a different community use, I recommend should be debated & therefore I recommend the application is determined by the DMC.

DEFERRED FOR SITE VISIT AND ADDITIONAL INFORMATION:

The application was deferred at the last committee meeting by Members for further legal advice regarding the Section 106 agreement. Members will be updated at the next committee meeting on 21st November 2018.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation responses:

Cllr Paul May: Call in request if minded to approve the application.

Whitchurch Village Council: Objection.

Public Right of Way: no objection.

Drainage: no objection.

Highways: no objection subject to the 5 previous highways conditions.

Contaminated Land: no objection subject to one condition.

Arboriculture: no objection subject to one condition.

Ecology: no objection subject to four conditions.

Landscape: not acceptable in current form.

Archaeology: No objection

Housing Services: no objection- affordable housing requirements within B&NES SPD 2015 needs to be secured by legal agreement.

Education: no objection subject to a S106 contribution which will be required to contribute to the creation of additional primary school capacity at Whitchurch Primary School.

Parks and Gardens: No objection subject to one condition.

Economic Development: response explains 'no comment'.

Third party comments: one objection comment received. The main points being;

- o The reliance on a nursery which is situated outside of the development will create highway safety implications for pedestrians as well as unacceptable levels of traffic.
- o Doctor's surgery is already overloaded. The site would be good for a new surgery.

POLICIES/LEGISLATION

POLICIES:

On 13th July the Council adopted the B&NES Placemaking Plan. It now becomes part of the statutory Development Plan for the district, against which planning applications are determined. The statutory Development Plan for B&NES now comprises:

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

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

- DW1 - District Wide Spatial Strategy
- SD1 - Sustainable Development
- RA5 - Land at Whitchurch Strategic Site Allocation
- CP2 - Sustainable Construction
- CP3 - Renewable Energy
- CP5 - Flood Risk Management

CP6 - Environmental Quality
CP7 - Green Infrastructure
CP9 - Affordable Housing
CP10 - Housing Mix
CP13 - Infrastructure Provision
RA5 - Land at Whitchurch Strategic Allocation

The relevant Placemaking Plan policies should be considered:

SD1 - Presumption in favour of sustainable development
RA5 - Land at Whitchurch Strategic Site Allocation
CP2 - Sustainable Construction
CP3 - Renewable Energy
SCR5 - Water Efficiency
CP7 - Green Infrastructure
CP9 - Affordable Housing
CP10 - Housing Mix
PCS5 - Contamination
PCS7A - Foul sewage infrastructure
SRC1 - On site renewable energy requirement
SU1 - Sustainable drainage
D1 - General urban design principles
D2 - Local character and distinctiveness
D3 - Urban Fabric
D4 - Streets and Spaces
D5 - Building Design
D6 - Amenity
D7 - Infill and backland development
HE1 - Historic environment
NE2 and NE2A - Landscape character and setting
NE3 - Protected Species
NE5 - Ecological networks
NE6 - Trees and woodlands
PCS1 - Pollution and nuisance
PCS2 - Noise and vibration
PCS3 - Air Quality
LCR2 - New or replacement community facilities
LRC3A - Primary School Capacity
ST1 - Sustainable Travel
ST7 - Transport requirements for development
LCR9 - Increasing the provision of Local Food Growing
H7 - Housing Accessibility

Relevant policies from the Whitchurch Village Neighbourhood Plan (2015);

WV1.1 Village Design
WV1.2 Housing Mix
WV1.4 Heritage Assets
WV3.1 New Housing
WV4.2 Traffic

WV4.4 Pedestrian and cycle links
WV4.5 Highway safety

Planning Obligation Supplementary Planning Document (SPD) (2015)

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

There is also duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant planning permission for development which affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

OFFICER ASSESSMENT

PRINCIPLE OF PROPOSED USE:

The site forms part of the previously approved application 16/04615/FUL which was allocated for a nursery. However, an existing nursery has expanded and the provision is no longer required.

The site is allocated under Policy RA5 of the Core Strategy as a housing site and therefore the proposed use of the site for residential housing is acceptable in principle.

Policy RA5 sets out a number of different placemaking principles that need to be met to comply with the overall policy and which are considered throughout this report.

Furthermore, in line with Policy RA5 the application proposes an addition of 5 dwellings to the previous total of 97 dwellings which, in conjunction with the two other applications on the Horseworld site, means that the site is on course to achieve around 200 dwellings as required. This increase in number will increase density within the site to approximately 39 dph, which is within the required 35-40 dph and is acceptable. The provision of affordable housing as well as the education contribution is explained later in this report.

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

The overall layout and density is considered to be in-keeping with the existing design of the area. Furthermore, the design and siting of the detached and semi-detached properties and the proposed use of matching materials is acceptable.

Overall the development is considered broadly in accordance with Policies D1, D2, D3, D4 and D5 of the Placemaking Plan (2017).

IMPACT ON LISTED BUILDINGS:

The proposed development is adjacent to the historic Staunton Manor Farm that consists of the Grade II listed farmhouse that has C17 origins, and agricultural buildings most of which are historic dating from the C17, C18, C19 and C20. These buildings form the Whitecroft development and are proposed to be converted into dwelling houses.

The development site is also in close proximity to Manor Farm and Grey House to the north of the site both of which also have C17 origins.

There is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant planning permission for development which affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The application is considered below in light of this duty:

Within the previously approved planning application from 2016 a heritage statement was included and it was considered by the conservation officer that, subject to the agreement of final details, the previous revisions have resulted in an improved relationship between the proposed development and the existing historic farm buildings. It was acknowledged that they do not go as far as the Conservation Officer had requested but they are nevertheless an improvement. Therefore, as the scheme is proposing five more houses of a similar design and layout which will be positioned within the current site there are not considered to be any significant negative impacts on the surrounding listed buildings.

Therefore whilst having regard to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and paras 193 of the NPPF, it is considered that the development would preserve the setting of the listed building and its curtilage farm complex. The application is broadly compliant with Policy HE.1 of the Placemaking Plan (2017).

IMPACT ON ECOLOGY:

The proposal results in the loss of an area of wildflower planting, which is regrettable. However, the hedgerow to the east, which forms a north-south ecological corridor, is unaffected by the proposals. The Planning Statement confirms that the scheme will be implemented in accordance with the site-wide LEMP to ensure protection and enhancement of existing landscape and ecological features.

The proposal specifically excludes public realm lighting as part of the development, to protect the important ecological corridor to the east. However, it is considered necessary to attach a condition to ensure that the development shall be constructed and maintained in accordance with the approved lighting scheme and predicted light levels as shown on drawing B621/62 Rev H dated 09-01-17.

As a precaution, and as recommended by the submitted Ecological Impact Assessment Addendum, it will be necessary to undertake a further badger survey for this application to ensure that no badger setts will be affected.

GREEN INFRASTRUCTURE, LANDSCAPE AND TREES:

The Parks and Gardens team have explained that the revised landscape scheme for this development and associated planting plans etc. will need to be incorporated into a single site wide Landscape Scheme Management Plan (LSMP). The revised LSMP will also need to be resubmitted as an amendment to 17/03579/D6A, to ensure future management companies are working to the same single plan. However, such a condition is not

considered necessary in this case as the proposed addition of five extra houses is not considered to have any significant impacts on the previous LSMP and the agreed LSMP is not going to be significantly affected by this development.

Comments from the landscape officer have explained that by comparing the original Planting Plan for the 5 additional units (SLR Consulting 416.001578.00063.29.017 Rev 1) with that which was previously submitted in the permitted application in 2016, the proposals would result in a reduction in the number of trees planted from 22No to 13No. However, it is considered that there is sufficient space within the site to include the previously planned number of trees. Revised plans (416.01578.00063.29.017 Rev 2) were submitted on 11th September 2018 to show that the plan has incorporated 9 additional trees, with two additional Oaks along the site boundary and smaller species within tree groups in the grassed area between the hedgerow and the housing. As this is now consistent with the previously permitted landscape plan this is considered satisfactory and in compliance with policy NE6 of the Placemaking Plan (2017).

IMPACT ON RESIDENTIAL AMENITY:

The proposed dwellings have been laid out so that they would not have a harmful impact on the residential amenity of the occupiers of the neighbouring development sites, existing neighbouring residents or residents within the development itself.

Overall the development is considered broadly in accordance with Policy D6 of the Placemaking Plan (2017).

PLANNING OFFICER ASSESSMENT OF HIGHWAY ISSUES:

The proposed access arrangements and parking levels are considered to be appropriate, and also reflect the surrounding development that was approved as application 16/04615/FUL. It is recommended that the relevant conditions and obligations that were applied to the earlier application are also attached to this permission.

Part of the site includes the footway that runs along the proposed estate road. This would be subject to a Section 38 agreement (as part of the Highways Act). The applicant will need to ensure that this is being delivered in accordance with the rest of the development site. It is assumed that the proposed footpath that runs through the site would remain private and be managed as per the private drive that forms part of the development.

Overall the development is considered broadly in accordance with Policies ST1 and ST7 of the Placemaking Plan (2017).

DRAINAGE AND FLOODING:

An Impermeable area of up to 0.071 ha from this development plot was allowed for in the site masterplan. The current submission shows 0.068 ha of impermeable area which is acceptable. Should the proposal change such that the impermeable area is increased to above 0.071 ha a revised submission will be required.

Overall the development is considered in accordance with Policy CP5 of the Core Strategy (2013) and Policy SU1 of the Placemaking Plan (2017).

PROVISION OF SCHOOL PLACES AND EDUCATION CONTRIBUTION:

Whitchurch has been identified as an area of childcare insufficiency and as such the provision of an additional Early Years facility on the Horseworld site was included within Policy RA5 of the Core Strategy in order to accommodate the children generated by this development. However, it is apparent that the provision of an early years facility is not needed as there is an existing nursery within the local area which has the required capacity.

This development will be required to make a pro-rata financial contribution towards the cost of construction of this expansion and also a contribution towards the other costs related to the acquisition of the additional area of land required for the expansion.

The Primary School capital contribution for the expansion of the school buildings and facilities at Whitchurch Primary school (off site) is calculated on the basis of £12,754.80 per pupil x 1.98 pupils generated = £25,254.50 contribution required.

The Other Costs associated with the acquisition of the additional land required to expand the schools site, which include legal and other fees, site investigation costs and any costs that may be required for ground works, remediation and clearing etc. to bring the land up to the required standard suitable for use as school Playing Field land (land in the open air used for education or recreation) = £1,874.95.

Total contribution due £27,129.45

Subject to amendments to the s106 agreement the development is considered in accordance with Policy RA5 of the Core Strategy (2013) and Policy LCR2 of the Placemaking Plan (2017).

AFFORDABLE HOUSING AND ACCESSIBILITY:

The application proposed 5 dwellings overall and Policy CP9 of the Core Strategy (2013) requires a 40% affordable housing contribution and as the application proposes 2no. 3-bed (plots 101 and 102) affordable dwellings this is considered acceptable.

1no. social rent and 1no. intermediate as Shared Ownership are proposed and this is considered acceptable. However, section 04 of the Design and Access Statement 2 proposes affordable rent whilst the Planning Statement at table 3.3 proposes Social Rent. It therefore must be highlighted that the council requires Social Rent.

The dwelling layout is acceptable as per plan 7850 EYPL26 Rev B and the parking layout is acceptable as per plan no. 7850 EYPL03 Rev G.

Revised plans submitted 4th September 2018 show the Wroughton housetype, plot 98 to comply with the M4(2) standard. The clear opening width of the external doors (entrance door and the two rear double doors) have been enlarged to 850mm both on plans and elevations. The driveway parking area has also been increased and a 1200x1200 level external landing has also been added on the site layout. The proposal therefore satisfies policy H7 of the Placemaking Plan.

The affordable housing plan has also been produced to clarify the affordable tenure mix as 1 x social rent and 1 x shared ownership unit.

The affordable housing contribution requirements within the BANES Supplementary Planning Document (2015) will be secured by a legal agreement.

SUSTAINABILITY AND RENEWABLE ENERGY:

The proposal incorporates many of the sustainable design features as within the previously approved application to which this application is a part of such as:

- Sustainable Urban Drainage System and attenuation pond
- Internal specifications to achieve reduced water use
- Passive design and orientation of many dwellings to achieve solar gain
- Double glazing
- Low impact construction materials

These are considered acceptable and broadly in accordance with Policy CP2 of the Core Strategy (2013) and Policies SU1 and SCR5 of the Placemaking Plan (2017).

LOCAL FOOD GROWING, WATER EFFICIENCY AND BROADBAND:

It is noted that there is a garden area for the dwelling which would be suitable for growing food and the location of the property would be adequate for appropriate broadband. Therefore, it is considered that the proposal would comply with policies LCR.9 and LCR.7 B.

Policy SCR5 explains that all dwellings will be expected to meet the national optional Building Regulations requirement for water efficiency being 110 litres per person per day. Rainwater harvesting or other methods of capturing rainwater for use by residents eg) water butts will be required for all residential development. This will be secured by condition.

REFUSE COLLECTION:

A waste management plan was submitted as part of the original application and which was revised to address the initial concerns of the Waste Management Team. The addition of five extra dwellings set within the layout of the previously permitted site is not considered to have any significant impacts regarding waste and recycling provision and collection.

CONCLUSION:

For the reasons set out above, it is recommended that this application is granted permission subject to conditions.

There is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant planning permission for development which affects a listed building or its setting to have special regard to the desirability of

preserving the building or its setting or any features of special architectural or historic interest which it possesses. Here it is considered that the proposal preserves the setting of the listed building.

RECOMMENDATION

Delegate to PERMIT

CONDITIONS

0 A Authorise the Director, Legal and Democratic Services to enter into a Section 106 Agreement to secure the following:

1) 40% affordable housing on-site.

2) Education contribution;

The Primary School capital contribution for the expansion of the school buildings and facilities at Whitchurch Primary school (off site) is calculated on the basis of £12,754.80 per pupil x 1.98 pupils generated = £25,254.50 contribution required.

The Other Costs associated with the acquisition of the additional land required to expand the schools site, which include legal and other fees, site investigation costs and any costs that may be required for ground works, remediation and clearing etc. to bring the land up to the required standard suitable for use as school Playing Field land (land in the open air used for education or recreation) = £1,874.95.

Total contribution due £27,129.45

B Subject to the prior completion of the above agreement, authorise the Group Manager, Development Management to PERMIT subject to the following 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 Roofing Materials (Bespoke Trigger)

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

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

3 Sample Panel - Walling (Bespoke Trigger)

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

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

4 Garages (Compliance)

The garage hereby approved shall be retained for the garaging of private motor vehicles associated with the dwelling and ancillary domestic storage and for no other purpose.

Reason: To ensure adequate off-street parking provision is retained in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

5 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.

6 Residents Welcome Pack (Pre-occupation)

No occupation of the approved development shall commence until a new resident's welcome pack has been issued to the first occupier/purchaser of each residential unit of accommodation. The new resident's welcome pack shall have previously been submitted to and approved in writing by the Local Planning Authority and shall include information of bus and train timetable information, information giving examples of fares/ticket options, information on cycle routes, a copy of the Travel Smarter publication, car share, car club information etc., to encourage residents to try public transport.

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

7 Construction Management Plan (Pre-commencement)

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

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

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

8 Dwelling Access (Compliance)

Each dwelling shall not be occupied until it is served by a properly bound and compacted footpath and carriageway to at least base course level between the dwelling and the existing adopted highway

Reason: To ensure that the development is served by an adequate means of access in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan

9 Contaminated Land - Unexpected Contamination (Compliance)

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

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

10 Arboricultural Method Statement and Tree Protection Plan (Pre-commencement)

No development shall commence until a Detailed Arboricultural Method Statement with Tree Protection Plan following the recommendations contained within BS 5837:2012 has been submitted to and approved in writing by the Local Planning Authority. The arboricultural method statement shall incorporate a provisional programme of works; supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and certificates of completion to the local planning authority. The statement should include the control of potentially harmful operations such as site preparation (including demolition, clearance and level changes); the storage, handling and mixing of materials on site, burning, location of site office, service run locations including soakaway locations and movement of people and machinery. No development or other operations shall thereafter take place except in complete accordance with the approved details.

Reason: To ensure that trees to be retained are not adversely affected by the development proposals in accordance with Policy NE6 of the Bath and North East Somerset Placemaking Plan. This is a condition precedent because the works comprising the development have the potential to harm retained trees. Therefore these details need to be agreed before work commences.

11 Arboriculture - Compliance with Arb Method Statement (Pre-occupation)

The approved development shall be carried out in accordance with the approved Arboricultural Method Statement and Tree Protection Plan. No occupation of the

approved development shall commence until a signed certificate of compliance by the appointed Arboriculturalist has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that trees to be retained are not adversely affected by the development proposals in accordance with Policy NE6 of the Bath and North East Somerset Placemaking Plan. To ensure that the approved method statement is complied with for the duration of the development.

12 Water Efficiency - Rainwater Harvesting (Pre-occupation)

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

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

13 Water Efficiency (Compliance)

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

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

14 Badger Survey (Pre-commencement)

No development shall take place until an updated badger survey has been submitted to and approved in writing by the local planning authority.

All works within the scheme shall be carried out in accordance with the approved details prior to the occupation of the development.

Reason: To prevent ecological harm and to provide biodiversity gain in accordance with policy CP6 of the Bath and North East Somerset Core Strategy and policy NE.3 of the Bath and North East Somerset Placemaking Plan.

15 Wildlife Protection and Enhancement Scheme (Compliance)

The development hereby permitted shall be built in accordance with the approved Wildlife Protection and Enhancement Scheme.

Reason: To ensure the visual amenities of the site in accordance with policy CP6 of the Bath and North East Somerset Core Strategy (2013) and policies NE3 and NE5 of the Bath and North East Somerset Placemaking Plan (2017).

16 External Lighting (Bespoke Trigger)

The development shall be constructed and maintained in accordance with the approved lighting scheme and predicted light levels as shown on drawing B621/62 Rev H dated 09-01-17.

Reason: To avoid harm to bats and wildlife in accordance with policy CP6 of the Bath and North East Somerset Core Strategy and policy NE.3 of the Bath and North East Somerset Placemaking Plan.

17 Hard and Soft Landscaping (Compliance)

All hard and/or soft landscape works shall be carried out in accordance with the landscape plan (416.01578.00063.29.017 Rev 2). The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme (phasing) agreed in writing with the Local Planning Authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details.

Reason: To ensure that the landscape scheme is implemented and maintained in accordance with Policies D1, D2 and NE2 of the Bath and North East Somerset Placemaking Plan.

18 Plans List (Compliance)

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

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

PLANS LIST:

1 This decision relates to plan references;

7850-EYPL01B, 7850-EYPL28B, 7850-EYPL27B, 7850-EYPL26B, 7850-EYPL25B, 7850-EYPL24B, 7850-EYPL23B, 7850-EYPL22B, 7850-EYPL15B, 7850-EYPL12B, 7850-EYPL05B, 7850-EYPL04B, 7850-EYPL02B received 4th July 2018.

478-8301-3B received 29th June 2018.

7850-EYPL03H, 7850-EYPL06, 7850-EYPL20C and 7850-EYPL21C received 4th September 2018.

416.01578.00063.29.017 Rev 2 received 11th September 2018.

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

3 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

4 Condition Categories

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

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

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

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

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

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

Where approval of further information is required you will need to submit an application to Discharge Conditions and pay the relevant fee via the Planning Portal at www.planningportal.co.uk or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

Item No:	02
Application No:	18/01999/FUL
Site Location:	40 Bloomfield Park Bloomfield Bath Bath And North East Somerset BA2 2BX



Ward: Lyncombe

Parish: N/A

LB Grade: N/A

Ward Members: Councillor Michael Norton Councillor Mark Shelford

Application Type: Full Application

Proposal: Erection of 8 no. apartments with associated parking and landscaping following demolition of existing detached house and garage (Resubmission).

Constraints: Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP9 Affordable Housing Zones, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, SSSI - Impact Risk Zones,

Applicant: Mr J. Morgan on behalf

Expiry Date: 12th December 2018

Case Officer: Chris Griggs-Trevarthen

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

REPORT

REASON FOR REPORTING TO COMMITTEE

Councillor Mark Shelford has requested that the application be brought before the Development Management Committee if the application is recommended for approval. Councillor Shelford's comments are summarised in the representations section below. The chair has decided that the application should be determined by committee for the following reason:

As the report explains this application has been assessed against relevant planning policies and comments from Inspectors following both appeal decisions. It is a site the Development Management Committee have been involved in previously, so due to its continuing controversy linked to design and parking it is recommended the decision should be taken by the Development Management Committee.

DESCRIPTION

The application site lies in a mainly residential area and comprises a detached two storey house with stone elevations. The site frontage is relatively large and there is a belt of mature trees between the house and the road of Bloomfield Park from where access is obtained to a single detached garage. There are other mature trees around the site which lies in the Bath Conservation Area and World Heritage Site. The trees on site are not covered by a Tree Preservation Order but are protected by their location in the Conservation Area. The land slopes gradually away from the road down to the north.

The proposal is to demolish the existing house and erect a new building with four levels of accommodation containing 8 apartments and a 'lower ground floor' area of parking which would be partly located within the base of the building and partly under a raised terrace. The application is a resubmission of the previously refused application 16/05772/FUL.

The main changes since the last application are:

1. The layout and internal arrangement of the flats has been reconfigured to provide a higher number of larger one bedroom units and fewer two bedroom units. The revised scheme includes 5 no. two bed units and 3 no. one bed unit;
2. The basement parking arrangement has been reconfigured and extended so that it can accommodate 12 spaces in total, 6 of which are in a tandem arrangement. The entrance to the basement has also been slightly enlarged;
3. As a result of the enlarged basement, the raised terrace to side and rear of the proposed building extends approximately 0.5m further to the west;
4. An additional three surface level parking spaces are proposed at the front of the property bringing the total number of parking spaces to 15;
5. One additional tree is proposed for removal to accommodate the additional parking (T14: category C cedar tree);
6. An accessibility assessment has been submitted seeking to demonstrate a 10% to 25% discount to the minimum parking standards would be justified;
7. Additional tracking diagrams have been submitted to demonstrate the accessibility of the spaces in the basement car park.
8. There are three new windows on the rear elevation of the proposed building;

For the sake of clarity, the following elements remain the same as the previous proposal:

1. The height, massing and scale of the proposed building;
2. The siting of the proposed building on the plot (with the exception of the increased width of the terrace mentioned above);
3. The design, fenestration, materials and external appearance of the building (with the exception of the three new windows mentioned above);

4. The length and gradient of the access ramp to the basement car park;

PLANNING HISTORY

Planning reference: 15/04347/FUL

Erection of eight apartments with associated parking and landscaping following demolition of existing detached house and garage

Application status - REFUSED - 25th May 2016

Appeal status - DISMISSED - 22nd December 2016

Inspector's conclusion: *The siting and scale of the proposed building would have a direct affect and also be likely to have a subsequent indirect effect, on the retention of the existing trees on the site. These trees contribute to the attractive character and appearance of the Bloomfield Park part of the Conservation Area and their loss or substantial change would materially harm and would not preserve or enhance the character and appearance of this sensitive area. The statutory test is therefore not met and the proposal would not accord with saved policies BH6 or NE4.*

Planning reference: 16/05772/FUL

Erection of 8 no. apartments with associated parking and landscaping following demolition of existing detached house and garage (Resubmission)

Application status - Refused - 4th May 2017

Appeal status - DIMISSED - 20th October 2017

Inspector's conclusion: *I have found that the proposal would have a neutral effect on the conservation area and would not result in material harm to neighbours' living conditions. The proposal would also bring with it benefits in terms of helping to meet the housing needs to the district, and would make an efficient use of land. There would also be modest economic benefits arising from the construction and occupation of the apartments. Set against this is the harm that I have found which would result to highway safety, which I find clearly outweighs the benefits. There are no other considerations of sufficient weight to outweigh the conflict with the development plan. Accordingly, for the reasons given above, I conclude that the appeal should be dismissed.*

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

A summary of consultation responses to the application have been provided below. Full details of all comments received can be found on the planning pages of the Council's website.

ARBORICULTURE: No objection, subject to conditions

ECOLOGY: No objection, subject to conditions

HIGHWAYS: No objection, subject to conditions

DRAINAGE AND FLOOD RISK: No objection, subject to conditions

CONTAMINATED LAND: No objection, subject to condition

COUNCILLOR MARK SHELFORD: Objection

Firstly, the design shows the building will be closer to the near neighbours, taking yet more light.

Secondly, previously the Inspector rejected the appeal because of the lack of car parking. These plans see cars parked one behind another and we all know that this will result in the second car often being parked on the street, due to human nature.

Finally, the community has asked to meet the developer with an alternative suggestion which would see town houses built on the plot and in keeping with the rest of the street. At the time of writing the developer has not taken up the offer to meet and discuss the alternative which would be supported by the local community.

BLOOMFIELD PARK RESIDENTS ASSOCIATION: Objection

The Bloomfield Park Residents Association consider that the sheer number of objections relating to this application and its previous versions over the past 3 years demonstrate that it is not just NIMBYism and that there is genuine concern. They query whether decision makers can be 100% sure that this will not have a detrimental effect on those living in close proximity. They also make the following points:

- o This application is even closer to 39 Bloomfield Park than the previous one and the parking is not realistically going to be used by the number of cars suggested by the developer.
- o The impact on parking and road safety would be irreversible.
- o This is a 5 storey (including semi-submerged carpark) 1,100 square metre building.
- o The site development density would be about double that of the average in Bloomfield Park.
- o There has been no solution proposed for the huge resulting refuse collection problem.
- o The back of the building extends 12m beyond the rear of 41.
- o The elevated two-storey extension is only 4.5m away from 39 Bloomfield Park - even closer than before
- o The elevated terrace (above the basement car park) is only 2.5m away from 39 Bloomfield Park creating clear privacy and/or light issues.

Policy D.2 f) of the Local Plan requires that 'the proposed development will not cause significant harm to the amenities of existing or proposed occupiers of, or visitors to,

residential or other sensitive premises by reason of loss of light, or increased overlooking, noise, smell, traffic or other disturbance.'

THIRD PARTIES/NEIGHBOURS: Letters of OBJECTION have been received from 51 third parties. The main points raised were:

Many comments considered that the proposed building is too big, too tall and too dense and represents overdevelopment of the site. They also considered that the proposed building appears squat, does not sit well within the street scene and would not be in keeping with the rest of the Conservation Area. There was specific concern about the proposed use of double roman tiles instead of slates for the roof and the appearance of the underground parking in the street scene.

A significant number of comments received were concerned that the development lacked sufficient off-street parking and that the parking provided in the basement would be tight and many of the spaces would be difficult to use. There was particular concern about the tandem parking spaces in the basement. It was considered that this would result in potential occupiers parking on-street which would contribute towards a worsening highways safety situation along Bloomfield Park and may potentially block emergency vehicles.

Several comments considered that various factors within the accessibility assessment had been overvalued and that a 25% discount on the parking standards was therefore not justified.

There was concern about what was considered to be the excessive incline of the proposed ramp to the basement car park. There was also concern that this could not be accessed by emergency vehicles and that it would become difficult to navigate if the ramp was covered in leaf debris, snow or ice. It was also considered that there would be difficulty if vehicles attempted to enter or leave the site at the same time as each other.

Concerns were raised about the intensification of the use of the access and which is considered to be on a blind bend in the road. It was also commented that the street was frequently used by pedestrians as a route to nearby schools and a gym.

Concerns were raised about the amount of rubbish and recycling receptacles generated by the development and that the proposed refuse/recycling facilities were inadequate to meet the needs of the development.

Many felt that the current proposals would result in harm to the significant trees along the site's frontage due to the position of the surface level parking and the extended extent of the basement excavation. There was also concern that the existing trees would block light to the ground floor flats and this would result in pressure from future occupiers for pruning or removal works to the trees.

Concerns were raised about the impacts upon adjoining residential properties, in particular 39, 41 and 42 Bloomfield Park and properties immediately to the north of Henley Road. It was considered that the proposals would result in a loss of light, outlook and privacy from these properties and their gardens. Particular concern was raised about the proximity of

the proposed terrace to the kitchen window of 39 Bloomfield Park, which is 0.5m closer than the previous application. It was considered that this terrace would allow direct line of sight into this kitchen window and any hedge or fence erected along the boundary in mitigation would block light.

Several comments considered that the rear extension to the main proposed building was considered to excessively project beyond the rear of adjoining properties, would encroach into the garden and would dominate the landscape.

There was concern that the proposals would generate additional noise from a variety of sources including the electrical/mechanical ventilation of the basement car park, the revving of car engines navigating the ramped access and the additional refuse collections. It was considered that 41 Bloomfield Park would be worst affected by this noise and that the curved walls of the ramp would amplify the impact.

Several concerns were raised about the impacts of the construction of the proposed building. It was considered that excavation and piling required would generate excessive noise and vibration for adjoining neighbours and may possibly compromise the integrity of the foundations of 39 Bloomfield as well as causing land slippage that could affect the retained trees. There was also concern about the amount of construction traffic generated by the proposal, the potential disruption and damage to the road and the impacts of the additional traffic upon air quality.

Several comments considered that there was nothing wrong with the existing building and that it was unsustainable to demolish it.

There was concern raised about the potential for surface water flooding from the site, both during construction and afterwards. It was queried as to how water was going to be drained from the site and it was considered that the proposals represented an increase impermeable footprint over the existing dwelling.

One comment considered the failure to show any solar PV on the roof as unsustainable.

Some comments considered that the changes shown to the number of bedrooms within the proposed units did not reduce the overall potential occupancy of the building. Others felt that the proposed rooms were too small.

Many considered that the proposal was not significantly different from the previous two proposals and that the current application did not address the reasons given by the Inspector for dismissing the most recent appeal.

Several concerns were raised about the impact upon ecology resulting from the loss of trees and pointed to the lack of an ecology assessment.

Several comments stated that they considered the plans and drawings inaccurate and misleading.

Several felt that the developer had failed to listen to the community and the residents association regarding the design and layout of the proposal. Many stated that they would be in favour of a smaller, less intensive form of development on this site.

One comment was received outlining the personal circumstances of the occupiers of 39 Bloomfield Park.

POLICIES/LEGISLATION

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:
 - o Policy GDS.1 Site allocations and development requirements (policy framework)
 - o Policy GDS.1/K2: South West Keynsham (site)
 - o Policy GDS.1/NR2: Radstock Railway Land (site)
 - o Policy GDS.1/V3: Paulton Printing Factory (site)
 - o Policy GDS.1/V8: Former Radford Retail System's Site, Chew Stoke (site)

RELEVANT CORE STRATEGY POLICIES

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

- SD1 Presumption in favour of sustainable development
- DW1 District wide Spatial Strategy
- B1 Bath Spatial Strategy
- B4 City of Bath World Heritage Site
- CP2 Sustainable Construction
- CP3 Renewable Energy
- CP5 Flood Risk Management
- CP6 Environmental Quality
- CP7 Green Infrastructure
- CP9 Affordable Housing
- CP10 Housing Mix
- CP13 Infrastructure Provision

RELEVANT PLACEMAKING PLAN POLICIES

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

- SCR1 On-site renewable energy requirement
- SCR2 Roof mounted/building integrated scale solar pv
- SCR5 Water Efficiency
- SU1 Sustainable Drainage
- D1 Urban Design Principles
- D2 Local Character & Distinctiveness
- D3 Urban Fabric
- D5 Building Design
- D6 Amenity

D7 Infill and Backland development
D8 Lighting
D10 Public Realm
HE1 Historic Environment
NE1 Development and Green Infrastructure
NE2 Conserving and Enhancing the Landscape and Landscape Character
NE3 Sites, species and habitats
NE6 Trees and woodland conservation
PCS2 Noise and vibration
PCS5 Contamination
PCS7A Foul sewage infrastructure
H5 Retention of Existing Housing Stock
H7 Housing accessibility
LCR7A Broadband
LCR9 Increasing the Provision of Local Food Growing
ST1 Promoting sustainable travel
ST7 Transport requirements for managing development

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

There is also 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.

1. Background
2. Principle of development
3. Character and appearance
4. Residential amenity
5. Trees and woodland
6. Highways and parking
7. Ecology
8. Surface water drainage
9. Contamination
10. Archaeology
11. Community Infrastructure Levy and New Homes Bonus
12. Sustainability
13. Land stability
14. Accessibility
15. Other matters
16. Conclusion

1. BACKGROUND

This application is a revised resubmission of application 16/05772/FUL which was refused in May 2017 and then dismissed at appeal in October 2017. That application was itself a resubmission of an early application, ref: 15/04347/FUL, which was refused in May 2016

and then dismissed at appeal in December 2016. Both of these appeal decisions (ref: 315319 and 3175894) are material considerations which have a significant bearing on the consideration of the current application.

The first application (15/04347/FUL) on this site was refused solely due to the potential impact of the proposals upon the longevity and health of the significant mature trees along the site frontage. At appeal, the Inspector upheld this reason for refusal and dismissed the appeal due to its impact upon trees. However, as part of their decision the Inspector also considered 11 other objections put forward by the Bloomfield Park Residents Association and in doing so made a number of relevant points:

- o The existing building has a neutral effect on the Conservation Area;
- o The proposed building would enhance the character and appearance of the area and not be out of keeping;
- o The development density proposed need not result in a form of inappropriate development;
- o The overall height would be proportional to the adjacent neighbouring buildings;
- o The massing of the building would not be over-bearing for the site, nor would it appear 'squat' in the street scene;
- o The lower level car park would not appear as an alien feature and its use would not give rise to material problems of noise;
- o Some concern about the width and scale of the access and entrance way, but satisfied that this element was not fundamental and could be overcome by condition;

The later application proposed a similar building, but set back further away from the important trees at the front of the site thereby addressing the previous reason for refusal. The application was recommended for approval by officers, but this was overturned by the Development Management Committee and the application was refused for the following reasons:

1. The siting, scale, massing and bulk would have a detrimental impact upon the amenities of the adjoining occupiers;
2. It would not provide an appropriate level of on-site parking spaces and would generate additional traffic which would exacerbate highways safety issues associated with on-street parking on Bloomfield Park;
3. The siting, scale, massing and bulk would result in overdevelopment of the site and extend significantly beyond the rear building line to the detriment of the character and appearance of the Conservation area.

Between the decision to refuse the application and the determination of the appeal, the Placemaking Plan was adopted in July 2017 meaning that its policies began to carry the full statutory force of the development plan. Of particular relevance to the appeal was the

adoption of policy ST7 which required minimum levels of on-site vehicle parking to be provided in accordance with the standards set out in schedule 2 of the policy. The Inspector found that, against these standards, the proposal required 18 parking spaces, but only provided 8 and was therefore contrary to policy ST7. On this basis, the Inspector dismissed the appeal, but did not agree with the Council's two other reasons for refusal; impact upon amenity and harm to the Conservation Area. In making this decision, the Inspector made a number of relevant points:

- o The position of the building would mediate between the more established building line to the north-east and the more set back dwellings on the other side;
- o There would be adequate space at the front, sides and rear of the building, and it would not appear squeezed, discordant or out of character with other properties.
- o The siting of the building would not threaten the health of the trees;
- o The proposal would, at worst, have a neutral effect on the character and appearance of the conservation area;
- o The proposal would not conflict with policies D2, D3 or HE1 of the Placemaking Plan or policy CP6 of the Core Strategy;
- o There is a reasonable likelihood that a 2m high fence would be erected as permitted development along the boundary with 39 Bloomfield Park.
- o Due to the closeness to the boundary, the occupiers of 39 Bloomfield Park cannot reasonably rely on being able to obtain light or an outlook over their neighbour's land (the application site);
- o Having regard to the fallback position (erection of a 2m high fence), the proposals would not result in material harm to 39 Bloomfield Park in terms of sunlight and daylight;
- o The building would not be so close or so high as to seriously damage the living conditions of the occupiers of no. 39 Bloomfield Park;
- o Planting and a boundary enclosure would adequately address privacy concerns relating to 39 Bloomfield Park;
- o The living conditions of 41 Bloomfield Park would not be materially harmed, both in terms of outlook and sunlight;
- o Noise from cars using the undercroft would not be sufficient to materially harm the living conditions of the occupiers of 41 Bloomfield Park.
- o There was a considerable amount of on-street parking along Bloomfield Road when visited during the middle of the day. There is likely to be greater pressure during the evening;
- o The tight configuration of the undercroft parking and access might lead to occupiers with dedicated on-site parking spaces choosing to park on-street in preference, at least for short periods, thereby adding to parking pressure.

The above matters are significant material considerations, particularly in respect of those aspects of the proposal which have not materially changed since the previous application. These matters will be discussed in greater detail in the sections below.

2. PRINCIPLE OF DEVELOPMENT

The site lies within the built up area of Bath where the principle of new residential development is acceptable in accordance with policy B1 of the Core Strategy.

The proposal involves the demolition of the existing dwelling on the site. As concluded by the previous Inspectors, it is considered that the existing building has only a neutral effect on the Conservation Area and its loss will preserve the special character and appearance of the area if an appropriate replacement is provided. The loss of the existing dwelling therefore complies with policy HE1 of the Placemaking Plan.

A number of comments from third parties have raised concerns about the sustainability of demolishing an existing habitable dwelling. The sustainability concerns in terms of the embodied energy in the existing building that will be wasted are acknowledged. However, the NPPF states that planning decisions should promote the effective use of land and should support development which seeks to make efficient use of land. Policy B1 of the Core Strategy plans for an additional 1,150 dwellings to be provided in Bath through small scale intensification distributed throughout the existing urban area. Within this context, the application represents a net increase of 7 dwellings on the site and therefore makes a modest, but welcome contribution towards the Core Strategy target. It is considered that the more efficient use of land and contribution towards the housing supply outweighs the sustainability concerns raised.

As the proposals represent a net increase in residential accommodation, there is no conflict with policy H5 (Retention of Existing Housing Stock) of the Placemaking Plan.

In light of the above, it is considered that the principle of development is acceptable.

3. CHARACTER AND APPEARANCE

The existing site is occupied by a detached two storey 20th century house, set within a relatively large garden. There is a significant belt of mature trees and a hedge to the front of the plot. These substantially screen the front of the house and make a positive contribution to the character of the street. Mature trees also contribute to the character of the rear garden.

The surrounding neighbourhood has a residential character of larger two/three storey villas set within larger plots with large rear gardens and garden space to the sides. There are also later inter-war semi detached houses and some garden infill bungalows.

The application site is significantly wider than many of the other plots within the street and is one of the largest single plots within the street. The only change to the proposed building since the previous appeal, in terms of amount of the site occupied, is the extension of the side/rear terrace by 0.5m to the west. However, this change is unlikely to

be perceivable in public views and does not fundamentally alter the previous Inspector's conclusions that there would be adequate space at the front, sides and rear of the building, and it would not appear squeezed, discordant or out of character with other properties in the area.

As the siting of the proposed building has not changed since the previous appeal, it is considered that the Inspector's conclusions that its location would mediate between the more established building line to the north-east and the more set back dwellings on the other side also remain relevant.

The scale of the building is 4 storeys, with undercroft parking at the rear. This comprises 3 normal storeys and accommodation in the roof. The ground floor is set into the sloping site so that the overall ridge height of the proposed building is broadly similar to the adjacent property, 41 Bloomfield Park. The proposed building also includes a two storey extension to the side and a three storey element to the rear, comprising two normal storeys with roof accommodation. These additional elements add greater bulk to the proposed building, but do so in a manner which ensures that the overall massing is broken up and that there is sufficient articulation. It is therefore considered that the proposed development, although large and at the limits of what the site can accommodate, is not overdeveloped and will not appear cramped when viewed within the street scene.

Concerns have been raised about the density of development. The proposal to replace a single dwelling with a block of 8 apartments will undoubtedly increase the density of development. However, the density of development is not so significantly greater than the surrounding area to warrant an objection to the proposal on design grounds. Matters in relation to the highways, parking and other impacts of the proposed density are considered later in this report.

The proposed replacement building attempts to adopt a character similar to the Victorian villas which dominate this part of Bloomfield Park. The front elevation incorporates a narrow, projecting gable and full height bay windows. The proposal incorporates a mixture of natural bath rubble stone and natural bath stone ashlar and timber windows which are considered appropriate and can achieve a high quality finish.

Concerns were raised about the use of clay double roman tiles rather than slates for the roof. However, the properties surrounding the site comprise a mixture of slates and interlocking roof tiles. Provided that a dark colour is specified for the clay double roman roof tiles, these will not look out of place in the locality. Subject to a condition requiring the submission of samples and the construction of a sample panel, the proposed materials are considered to be acceptable.

The proposed building contains a large element of flat roof which is not a particularly strong characteristic of the immediately surrounding buildings in the area. However, it can be seen from aerial photography that there are a number of large detached buildings within the wider area, including some along Bloomfield Park and a number along Bloomfield Road, which do contain areas of flat roof. The height of the building is such that the flat roof area will not be particularly visible in the street scene and, in longer views from the south, will not appear out of place with other flat roof elements in the area.

The proposed building lacks a main entrance on the front elevation and this does detract from the legibility of the overall design. However, due to the screening provided by the mature vegetation and trees along the front boundary of the site, this omission from the design will not be prominent within the street scene and will not detract from the overall design.

The concern that was raised by the Inspector on the first appeal about the width and scale of the access and entranceway was addressed through changes made to the last application. This included reducing the width of the access to 5m (as per the recommendation of the Highways Officer), specifying pavements as the surfacing material for the initial part of the access and introducing stone piers to match the character and appearance of similar stone piers in Bloomfield Park. These changes have been brought forward into the current application and ensure that the access has a softer, more suburban feel, in keeping with the surrounding area.

The proposed surface parking at the front of the site increases the amount of hardstanding near the site entrance. Frontage parking is not uncommon within this area and the existing dwelling on the site has a concrete parking area immediately adjacent to the site access. Views towards these parking spaces will be partially screened by the front boundary wall and will not look overly prominent in the street scene. It is therefore considered that proposed surface level parking would not appear cramped or result in a car dominated development.

In light of the above, it is considered that the proposed development would preserve the special character and appearance of the Conservation Area. This conclusion aligns with the conclusions of the two previous appeal Inspectors who respectively considered that the proposals would 'enhance' or have a 'neutral effect upon' the Conservation Area. The changes to the proposal since these appeals are relatively minor have not resulted in any significant additional impact upon the character or appearance of the Conservation Area.

4. RESIDENTIAL AMENITY

The application site has two immediately adjoining neighbours. To the east is 41 Bloomfield Park, which is a split level 4 storey dwelling. Immediately to the west of the site is 39 Bloomfield Park, which is a linear bungalow situated alongside the boundary behind the established building line.

One of the windows in the side wall of No 39 serves a kitchen, and the other is a smaller high level window which serves a lounge. The windows are very close to the boundary, with the kitchen window overlooking the garden of the application property. There is a line of boundary planting which partly obscures views into and from the window, but there are gaps which provide clear inter-visibility.

The applicant argues that they benefit from a fall-back position which would allow them to erect a 2m high fence along this boundary as permitted development. The previous Inspector considered this argument, concluding that there was a reasonable likelihood of it being carried out and that the occupiers of no 39 could not reasonably be able to rely on being able to obtain light or outlook over the application site due to the closeness of the boundary.

Furthermore, the previous Inspector acknowledged the fact that the kitchen and lounge of no. 39 are also lit by a window in the other side of the property (to the west), and thus have an alternative outlook and source of light. Thus, whilst concluding that the proposals would result in a reduction in the extent of sunlight and daylight reaching the east side elevation of no. 39, having regard to the fall-back position of being able to erect a 2m fence along this boundary and/or carry out screening planting, the Inspector was satisfied that the proposal would not result in any material harm to the amenities of these neighbouring occupiers.

The current application differs from the previous appeal proposal by the fact that, as a result of the enlarged basement, the raised terrace to side and rear of the proposed building extends approximately 0.5m further towards the boundary with no. 39. However, the position and size of the main proposed building (including the side and rear projections) has not changed and neither has the validity of the fall-back which would enable the erection of a 2m high fence along the boundary. In any case, the height of the terrace varies between 0.3m and 1.1m above ground level. It is therefore considered that this change to the proposals will not have any significant affect upon the sunlight or daylight received by no. 39.

In terms of privacy, as there are no windows in the proposed development directly overlooking no. 39, the main concern is in relation to the rear terrace and views to the kitchen and lounge window which could potentially be obtained from it. Access to the northern, eastern and western edges of the proposed terrace is proposed to be restricted by an area of landscaping to prevent direct or harmful overlooking from the terrace into the adjoining window of 39 Bloomfield Park or the garden of 41 Bloomfield Park. The previous Inspector also considered that, taking account of the fall-back position, any privacy concerns could be overcome through the erection of a fence and/or screening planting along this boundary. The increased width of the terrace (0.5m) in the current scheme has only increase the area of inaccessible landscaping and therefore does not increase the potential for overlooking. As with the previous appeal proposal, the nearest useable part of the terrace is approximately 8m away from the side elevation of no. 39. Notwithstanding this, it is considered that the erection of a fence and/or screening planting would prevent any harmful overlooking from occurring towards no. 39.

In terms of the impact upon no. 41, the previous Inspector concluded that the rearward extent of the proposed building would increase over-shadowing of the house and garden, but the combination of distance and angle between the building and the boundary of no 41 would ensure that occupiers' outlook would not be materially harmed, especially taking into account the existing position where large trees along the boundary affect both sunlight and outlook. As there have been no changes to the height, massing, scale or siting of the building since the previous appeal, the Inspector's conclusions in respect of no. 41 remain valid and there is no reason to conclude that the living conditions of no. 41 would be materially harmed as a result of the proposed building.

In respect of the impact of the rear terrace, the nearest useable part of the terrace is 7.5m from the boundary with no. 41, but at this point the terrace is relatively narrow and not particularly suited to sitting out or lingering. Views from the terrace will primarily be drawn towards the rear of the site and the longer views out to the north. Furthermore, the

retained trees and replacement planting proposed along the eastern boundary will help to screen views of the neighbouring garden.

Concern has been raised about the potential noise impacts arising from vehicles using the access ramp to the underground parking. The narrow width of the access ramp will necessitate low speed manoeuvring by vehicles thereby lessen the noise impacts. Furthermore, ignition and start-up of vehicles will take place within the underground car park where noise impacts are more likely to be contained. The narrowness of the access, and the tight bend would require cars to travel slowly. The widened part of the access where cars can pass and may have to wait is on a more level part of the site and therefore won't necessitate significant revving in low gears.

This view is supported by both previous Inspectors on the two previous appeals, who considered that whilst some noise from passing cars may be heard, it would not be sufficient to materially harm occupiers' living conditions. The increased number of parking spaces within the basement of the current proposal, increases the potential number of vehicles using this access over that of the previous appeal proposal. However, it is considered that the increase from 9 to 12 spaces in the basement car park would not represent a significant intensification of the use of the access and, for the same reasons as given above, would not result in any noise impacts which would materially harm the living conditions of no. 41.

The minor changes to the scheme from the previous appeal do not materially alter the assessment made by the previous Inspector in respect of the impacts upon residential amenity. It is therefore concluded that the current proposals would not result in any material harm to the living conditions of the occupiers of 39 and 41 Bloomfield Park or any other surrounding neighbours, with regard to outlook, light, privacy or noise.

5. TREES AND WOODLAND

The original application on this site (ref: 15/04347/FUL) was refused and then dismissed at appeal due to the potential impact upon the tree belt at the front of the site. The subsequent application (ref: 16/05772/FUL) addressed this issue by moving the building footprint to the north and outside of the root protection area of T8 (a large beech tree). This was considered to address the primary arboricultural concerns and there was subsequently no objection on these grounds.

The building footprint of the current proposal is in the same location as the previous application and therefore falls outside of the root protection area of T8.

The new surface parking area is located partially within the root protection area of T8. However, this area is shown as being a no-dig construction and additional drawings and sections have been provided which have reassured the Council's Arboriculturalist that these proposals will not harm the health or longevity of the tree.

The enlarged basement car park also extends close to the root protection area of T8. Concerns were raised about whether the construction of the basement could feasibly be undertaken without impact upon the root protection area. However, additional drawings and a structural engineer's report have been submitted which provide detail and

assurances with regard to the extent of excavations required. This has been reviewed by the Council's Arboriculturalist who considers that this now demonstrates that the development will not harm T8 or any of the other retained trees.

In respect of the other trees on the site, the proposed development will necessitate the removal of 12 No. trees. 11 No. of these trees are classified a 'C' Category and 1 No. is classified as 'B' Category. Of the 'C' Category trees T14, T15, T16 and T17 are visible from Bloomfield Park, but are generally poor specimens and their removal will not impact on the wider visual amenity of the street scene.

Trees T19, T20, G21 are specimens of elderly apple trees of little merit and cannot be seen from the street. Similarly, T22 (Silver Birch) and T23 (Beech), whilst contributing to the internal amenity of the site are not easily seen from the street.

T18 is a mature Walnut which currently makes a limited contribution to the wider visual amenity of the street, but has considerable merit within the rear garden of the property and can be seen easily from neighbouring properties. Its proximity, however, to the existing dwelling is less than 6m so diminishes justification for making a Tree Preservation Order. The retention of this tree cannot be achieved with the current proposed access to the under-croft parking.

The loss of the above trees is therefore justified provided that appropriate replacements are provided.

There is some space on the site for potential replanting, but this is unlikely to be sufficient to provide for the 27 replacement trees requirement in accordance with the Planning Obligations SPD. It is therefore required that a contribution towards off-site tree replacements is secured via a s106 agreement which has been agreed with the applicant.

6. HIGHWAYS AND PARKING

The level and accessibility of the proposed parking spaces was the key highways issues considered by the previous Inspector and the primary reason why the previous appeal was dismissed. The previous Inspector determined that the full weight of the recently adopted Placemaking Plan Policy ST7 should be applied, and this requires a residential development in this location to accord with a minimum level of parking.

The current application proposes a total of eight apartments, five of which are two bedroom flats and three of which are one bedroom flats. The adopted minimum parking standards in policy ST7 require that two parking spaces are provided for the two bedroom units and a single space each for the one bedroom units. There is also a requirement for visitor parking, with 0.2 spaces per unit needed.

A total of 15 spaces would be required (10 spaces for the 2beds, 3 spaces for the 1beds and 2 visitor spaces) to comply with the basic requirements of the adopted Policy ST7. However, policy ST7 also states that it is acceptable to adjust the minimum parking standards based on the outcomes of an Accessibility Assessment exercise for each development proposal.

A comprehensive Accessibility Assessment has been provided as part of the application, and the conclusion of the Assessment confirms that it would be appropriate to apply a reduction of between 10-25% to the proposed parking within the site. This would reduce the parking requirement to between 11 and 13 spaces, depending on how the findings of the Assessment are applied.

The current proposal provide 15 spaces through a combination of 12 spaces in the basement car park and 3 surface level spaces at the front of the site.

When the previous appeal scheme was determined, the Inspector commented on the constrained nature of the proposed parking arrangements, and there was some concern that residents may choose to park elsewhere rather than within the basement parking space that forms part of the scheme. In response to this, the applicant's transport consultant has provided swept path analysis of the proposed basement and external parking spaces. The tracking uses a large vehicle (4.8m x 2m), which equates to the dimensions of a large modern MPV. It is noted that all of the parking spaces that are provided next to basement walls have an additional margin (for opening vehicle doors) and this is a welcomed requirement. The swept path analysis shows that each of the spaces can be accessed, and it should also be acknowledged that many of these manoeuvres are likely to be undertaken by smaller vehicles (as compared to that used within the analysis).

The proposal also includes a tandem "nose to tail" parking arrangement for three of the two bedroom units (shown within the application to serve apartments 2, 4 and 6) within the basement area, and this may be off-putting to some prospective residents. If these rear tandem spaces were not used by future residents, the total parking provision within the site would reduce to 12 spaces.

The most significant issue for the highway authority, and the one raised most commonly by neighbours, is whether prospective residents would avoid using the rear tandem spaces (to be provided for three of the units) and choose to park elsewhere. Having reviewed the layout and swept path analysis, if all of the other spaces were full, it would appear to be still possible for one motorist to vacate a tandem space and wait for another motorist to leave the rear tandem space without a requirement for both vehicles to leave the basement. This would make the potential use of the tandem spaces more of a realistic prospect.

Furthermore, it has to be acknowledged that even without these spaces being used, the development would still provide a total of 12 parking spaces, and this level would accord with the minimum parking requirements stated within the Placemaking Plan Policy ST7. Given this, it is not considered to be appropriate to raise a highway objection relating to the level of parking proposed by the current application.

The site access arrangements were previously agreed as part of an earlier planning application, and the Inspector raised no issue with these arrangements in their earlier decision. It is therefore considered that the proposed access layout is suitable for the type of development proposed.

In summary, the highway authority has no objection to the proposal, although it is considered reasonable to require a construction management plan prior to

commencement of development to ensure the safe operation of the highway and the protection of residential amenity during construction.

7. ECOLOGY

An ecological and protected species survey and assessment has been submitted and reviewed by the Council's Ecologist. No significant constraints are found, but recommendations are made covering a range of issues, which the Council's Ecologist recommends should be implemented alongside further pre-commencement checks/updates to the bat survey. These can be secured by condition. Subject to the above, it is considered that the proposals will not harm biodiversity or ecology.

8. FLOOD RISK AND SURFACE WATER DRAINAGE

The site falls within flood zone 1 which is considered to be the lowest risk flood area.

In terms of surface water drainage, the proposals seek to deal with this through infiltration via soakaways, subject to infiltration testing in accordance with the relevant standards. Should testing show poor infiltration rates, an attenuation chamber with managed infiltration/run off would be utilised instead. Both solutions would cater for a 1 in 30 year rainfall event with a capacity for surcharge and overflow arrangements. This approach has been agreed by the Drainage and Flood Risk team and can be secured by condition.

Some concern was raised about the potential for surface water to flow off the highway down the access ramp. However, the agent has now confirmed that a threshold drain, linked to the surface water system will be provided at the top and bottom of the access ramp to prevent water run-off into the basement parking area.

Subject to the above matters being secured by condition, there is no objection on flood risk or surface water drainage grounds.

9. CONTAMINATION

The Contaminated Land Officer has reviewed the application and has raised no significant concerns about the proposals. However, taking account of the sensitive nature of the development (i.e. residential apartments), it is considered that a condition requiring the reporting of any unexpected contamination found during construction should be applied to any permission granted.

10. ARCHAEOLOGY

There are no known archaeological sites or monuments in the immediate vicinity that are likely to be affected by the proposed development. The Council's Archaeologist is therefore content that no further archaeological investigation or conditions are required.

11. COMMUNITY INFRASTRUCTURE LEVY AND NEW HOMES BONUS

The proposed residential development will be charged at a CIL rate of £100 per square metre. CIL funds can then be spent towards items of infrastructure on the Council's Regulation 123 list.

The proposed dwellings would be subject of the New Homes Bonus which would generate additional council tax receipts for the Local Authority.

12. SUSTAINABILITY

Policy CP2 of the Core Strategy requires sustainable design and construction to be integral to all new developments. A summary of the energy statement for the development has been submitted. This includes the following measures:

- o Materials selected with regard to high thermal mass principle;
- o Fabric first approach, incorporating high performance insulation and low fabric air-permeability;
- o Whole house mechanical ventilation with heat recovery;
- o 100% LED light fittings with intelligent control;
- o High efficiency condensing gas boilers and intelligent heating controls;
- o Robust on-site QA procedures during construction and commissioning.

Additionally, Policy SR5 requires all dwellings meet the national optional Building Regulations requirement for water efficiency of 110 litres per person per day. There is also a requirement for a scheme of rainwater harvesting for the residents to be provided. These matters can be secured by condition.

13. LAND STABILITY

Paragraph 120 of the NPPF states that where a site is affected by land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

Concerns have been raised about the land stability of the site given its sloping nature. The site is not within a coal mining referral or high risk area, but notwithstanding this the applicant has submitted a report by a structural engineering detailing the construction of the proposed structure.

The report is a desk based study and does not include ground investigations. However, it does raise any issues regarding land stability on the site. It is considered that without any evidence to demonstrate that the site is affected by land stability issues, there is no justification for refusal on these grounds or requiring further works by condition.

14. ACCESSIBILITY

Concern was raised by third parties about access to the proposed dwellings for wheelchair users given the sloped nature of the parking to the front of the property. Access to the

proposed dwellings for a wheelchair user or a disabled person may be difficult from these parking spaces as they are located on a slight slope. However, only three of the proposed 15 parking spaces are located at the surface level. The other 12 parking spaces are located in the basement where there is direct access to a lift serving the rest of the building. It is therefore considered that the building is accessible and in all likelihood a disabled resident would be allocated one of the spaces within the basement with easy access to the lift.

15. OTHER MATTERS

Emergency vehicles

Some concerns were raised about the potential for emergency vehicle access to the proposed building. The proposed building is within 45m of the adopted highway and therefore complies with the building regulations requirement for access for fire vehicles. This also provides suitable access for other emergency and service vehicles to the property. There would be no requirement for emergency vehicles to have vehicular access to the basement car park.

Space standards

Concern was also raised that some of the proposed units were too small. However, all of the proposed dwellings meet and exceed the minimum sizes in the nationally described space standards. The two bedroom units range from between 72sqm - 89sqm against a minimum standard of 70sqm and the one bedroom units range from between 51sqm - 52sqm against a minimum standard of 50sqm. The proposed units are therefore considered to be adequately sized.

Waste collection

Concerns were raised about the amount of rubbish and recycling receptacles generated by the development. The proposals include a bin store within the basement level which is sufficiently sized to ensure that bins are not left outside the proposed building in an untidy manner. The proposals will generate 8 individual general waste bins which will be collected once a fortnight via kerbside collection. Recycling will be collected every week. This is consistent with other properties in the street and, whilst it will generate quite a large number of individual bins, the proposed scheme is not large enough to support private management and collection of refuse and recycling.

16. CONCLUSION

The proposed scheme has been amended since the previous appeal to incorporate additional on-site parking and to overcome the previous reasons for refusal. It is considered that the additional on-site parking meets the minimum parking standards given in policy ST7 and that refusing the application on highways or parking grounds would not be justified.

In all other respects the minor changes to the scheme do not materially alter the judgement of the previous appeal Inspector who considered that the proposal was acceptable in terms of its effect upon the Conservation Area and neighbours' living conditions. There have been no changes to the scheme which would justify departing from the previous Inspector's conclusions on these matters.

In light of the above, it is considered that the proposals accord with the above listed relevant policies of the Bath and North East Somerset Core Strategy and the Bath and North East Somerset Placemaking Plan and, in accordance with paragraph 17 of the National Planning Policy Framework, should be approved without delay.

RECOMMENDATION

Delegate to PERMIT

CONDITIONS

0 DELEGATE TO PERMIT

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

a) A financial contribution towards off-site tree replacements in accordance with the Planning Obligations SPD (April 2015)

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

1 Standard Time Limit (Compliance)

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

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

2 Construction Management Plan (Pre-commencement)

No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority and shall include details of the following:

1. Deliveries (including storage arrangements and timings);
2. Contractor parking;
3. Traffic management;
4. Working hours;
5. Site opening times;
6. Wheel wash facilities;
7. Site compound arrangements;

The construction of the development shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure that safe operation of the highway and in the interests of protecting residential amenity in accordance with policies D6 and ST7 of the Bath and North East Somerset Placemaking Plan. This is a pre-commencement condition because any initial construction or demolition works could have a detrimental impact upon highways safety and/or residential amenity.

3 Arboricultural Method Statement (Pre-commencement)

No demolition or development shall take place until a Detailed Arboricultural Method Statement with Tree Protection Plan following the recommendations contained within BS5837:2012 has been submitted to and approved in writing by the Local Planning Authority and details within the approved document implemented as appropriate. The final method statement shall incorporate a provisional programme of works; supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and certificates of completion to the local planning authority. The statement should also include the control of potentially harmful operations such as the storage, handling and mixing of materials on site, burning, location of site office, service run locations including soakaway locations and movement of people and machinery.

Reason: To ensure that trees to be retained are not adversely affected by the development proposals in accordance with policy NE.6 of the Placemaking Plan and CP7 of the Core Strategy. This is a condition precedent because the works comprising the development have the potential to harm retained trees. Therefore these details need to be agreed before work commences.

4 Wildlife Protection and Enhancement (Pre-commencement)

No development shall commence until details of a Wildlife Protection and Enhancement Scheme have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

(i) A method statement for pre-construction, demolition and construction phases to provide full details of all ecological protection and mitigation measures, including but not limited to: proposed pre-commencement checks and update surveys for bats; proposed precautionary working methods and ecological supervisory watching brief for the duration of demolition works with a named ecological consultant (licenced bat worker); proposed reptile mitigation scheme; measures to avoid disturbance or harm to nesting birds; hedgehog and other wildlife,

(ii) Proposed notification of pre-commencement checks and update survey findings to the Council ecologist prior to commencement of works;

(iii) Detailed proposals for implementation of the wildlife mitigation measures and recommendations of the approved ecological report by Crossman Associates dated 24th October, including wildlife friendly planting / landscape details; provision of bat and bird boxes, with proposed models, specifications, numbers and positions to be shown on all relevant plans and drawings;

All works within the scheme shall be carried out in accordance with the approved details and completed in accordance with specified timescales and prior to the occupation of the development.

Reason: To prevent ecological harm and to provide biodiversity gain in accordance with policy NE3 of the Bath and North East Somerset Placemaking Plan. The above condition is required to be pre-commencement as it involves approval of measures to ensure protection of wildlife that would be otherwise harmed during site preparation, demolition and construction phases

5 Drainage Strategy (Pre-commencement)

No development shall commence, except ground investigations and remediation, until viable and sustainable surface water drainage strategy has been submitted to and approved by the Lead Local Flood Authority. The drainage strategy should include the results of infiltration testing and soakaway design in accordance with Building regulations Part H, section 3 (3.30) and will need to demonstrate that the most sustainable method of surface water management is to be employed and that there will be no increase in surface water flood risk to the site or surrounds. The development shall thereafter be undertaken in accordance with the approved details and the surface water drainage strategy implemented prior to the occupation of the development.

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

6 Sample Panel - Materials (Bespoke Trigger)

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

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

7 Landscaping Scheme (Pre-occupation)

No occupation of the development shall commence until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority showing details of the following:

1. All trees, hedgerows and other planting to be retained;
2. A planting specification to include numbers, size, species and positions of all new trees and shrubs;
3. Details of existing and proposed walls, fences, other boundary treatment and surface treatments of the open parts of the site,
4. A programme of implementation for the landscaping scheme.

Reason: To ensure the provision of an appropriate landscape setting to the development in accordance with policies D1, D2, D4 and NE2 of the Bath and North East Somerset Placemaking Plan.

8 Arboricultural Compliance (Pre-occupation)

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

Reason: To ensure that the approved method statement is complied with for the duration of the development to ensure that trees to be retained are not adversely affected by the development proposals in accordance with policy NE.6 of the Placemaking Plan and CP7 of the Core Strategy.

9 Implementation of Wildlife Scheme (Pre-occupation)

No occupation of the development hereby approved shall commence until a report produced by a suitably experienced ecologist confirming and demonstrating, using photographs where appropriate, completion and implementation of the Wildlife Protection and Enhancement Scheme in accordance with approved details, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To demonstrate the completed implementation of the Wildlife Protection and Enhancement Scheme, to prevent ecological harm and to provide biodiversity gain in accordance with policies NE3 of the Bath and North East Somerset Placemaking Plan.

10 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.

11 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 Placemaking Plan.

12 Contaminated Land - Unexpected Contamination (Compliance)

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

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with policy PCS5 of the Bath and North East Somerset Placemaking Plan and chapter 15 of the National Planning Policy Framework.

13 Implementation of Landscaping Scheme (Compliance)

All hard and 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 of implementation agreed in writing with the Local Planning Authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details.

Reason: To ensure that the landscape scheme is implemented and maintained in accordance with policies D1, D2 and NE2 of the Bath and North East Somerset Placemaking Plan.

14 Plans List (Compliance)

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

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

PLANS LIST:

- 1 020 Existing Site Location and Block Plan
- 021 Existing Elevations Sheet 1
- 022 Existing Elevations Sheet 2
- 023 Existing Streetscene
- 051 Proposed Floor Plans
- 055 South East Elevation Alteration
- 056 South West Elevation Alteration
- 057 North West Elevation Alteration
- 058 North East Elevation Alteration
- 060 Proposed Site/Location Plan
- 061 Proposed Floor Plans
- 062 Proposed Elevation Sheet 1
- 063 Proposed Elevation Sheet 2
- 064 Proposed Street Scene
- 065A No-dig Parking Area Sections and Plan

DECISION MAKING STATEMENT

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. For the reasons given, and expanded upon in a related case officer's report, a positive view of the submitted proposals was taken and consent was granted.

2 Condition Categories

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

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

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

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

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

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

Where approval of further information is required you will need to submit an application to Discharge Conditions and pay the relevant fee via the Planning Portal at www.planningportal.co.uk or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

3 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

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

Item No:	03
Application No:	18/04233/FUL
Site Location:	14 The Beeches Odd Down Bath Bath And North East Somerset BA2 2UX



Ward: Odd Down

Parish: N/A

LB Grade: N/A

Ward Members: Councillor Steve Hedges Councillor Nigel Roberts

Application Type: Full Application

Proposal: Installation of rear and side dormer windows with two front roof lights. (Resubmission)

Constraints: Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Policy CP9 Affordable Housing Zones, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,

Applicant: Mr Daniel McIntyre

Expiry Date: 16th November 2018

Case Officer: Edward Allsop

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

REPORT

The application property is a semi-detached property within The Beeches, the application site falls within the Bath World Heritage Site. Planning permission is sought for the installation of side and rear dormers and 2no. roof lights.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation responses:

None.

Third party representations:

One comment has been received from Cllr Steve Hedges requesting the application be considered by Committee if the application is to be recommended for refusal. This comment notes that other properties have been extended within the Beeches, including

the 2 storey extension to the neighbouring property and how this is also pronounced within the street-scene.

Three other support comments have been received.

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:

B1: Bath Spatial Strategy
B4: Bath 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
D.3: Urban Fabric
D.4: Streets and Spaces
D.5: Building Design
D.6: Amenity
HE1: Historic Environment

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

SPD's

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

OFFICER ASSESSMENT

Character and appearance and impact on the World Heritage Site:

The properties within The Beeches; due to their uniform design and appearance, form a distinctive character within this part of the World Heritage Site. It is considered that the introduction of dormer windows would not respond positively to the locality and would be harmful to its setting. The rear of no.14 and those adjacent are open to view and visually prominent, the orientation of No.14 further results in a side dormer being pronounced within the street-scene.

The applicant has identified 2 rear dormer examples found within the Beeches, however, it should be noted that these did not receive planning permission; and in any case, are in a more discrete siting and are located to the rear only. One comment has been received in relation to the 2 storey extension at the neighbouring property and that other properties have undergone extensions that are visually prominent.

It is noted that other properties have been extended, however, due to their siting and design, the character has been preserved and the character of this part of the World Heritage Site has been maintained. The two storey extension adjacent to the site has been significantly set down from the ridge line of the main dwelling, back from the front elevation and retains the hipped roof design and incorporates matching materials. The orientation of this property also enables the extension to appear less dominant within the street-scene.

For these reasons, it is not considered that the extensions within the locality are comparable to an application for 2 dormer windows. Consideration has also been given to the precedent of such development which would result in the significant deterioration of the existing character.

Therefore the application cannot be supported and is recommended for refusal.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed dormer windows; due to their size, scale and prominent siting are considered to cause harm to the character and appearance and setting of this part of the World Heritage Site. The application is therefore contrary to policies D1, D2, D3 and HE1 of the Bath and North East Somerset Placemaking Plan (2017) and policies B4 and CP6 of the adopted Core Strategy (2014).

PLANS LIST:

1 This decision relates to the following plans:

Site location plan-001- 17th September 2018
Existing site plan- 002- 17th September 2018
Existing floor plans- 003- 17th September 2018
Existing loft and roof plan-004- 17th September 2018
Existing elevations-005- 17th September 2018
Proposed site plan-006- 17th September 2018
Proposed floor plans-007- 17th September 2018
Proposed loft and roof plans-008- 17th September 2018
Proposed elevations-009- 17th September 2018

2 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

3 In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework. Notwithstanding informal advice offered by the Local Planning Authority the submitted application was unacceptable for the stated reasons and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision. In considering whether to prepare a further application the applicant's attention is drawn to the original discussion/negotiation.