

# Bath & North East Somerset Council

MEETING: **Development Management Committee**

MEETING DATE: **13th March 2019**

AGENDA  
ITEM  
NUMBER

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RESPONSIBLE OFFICER: Simon de Beer – Head of Planning

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 Head of Planning 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.

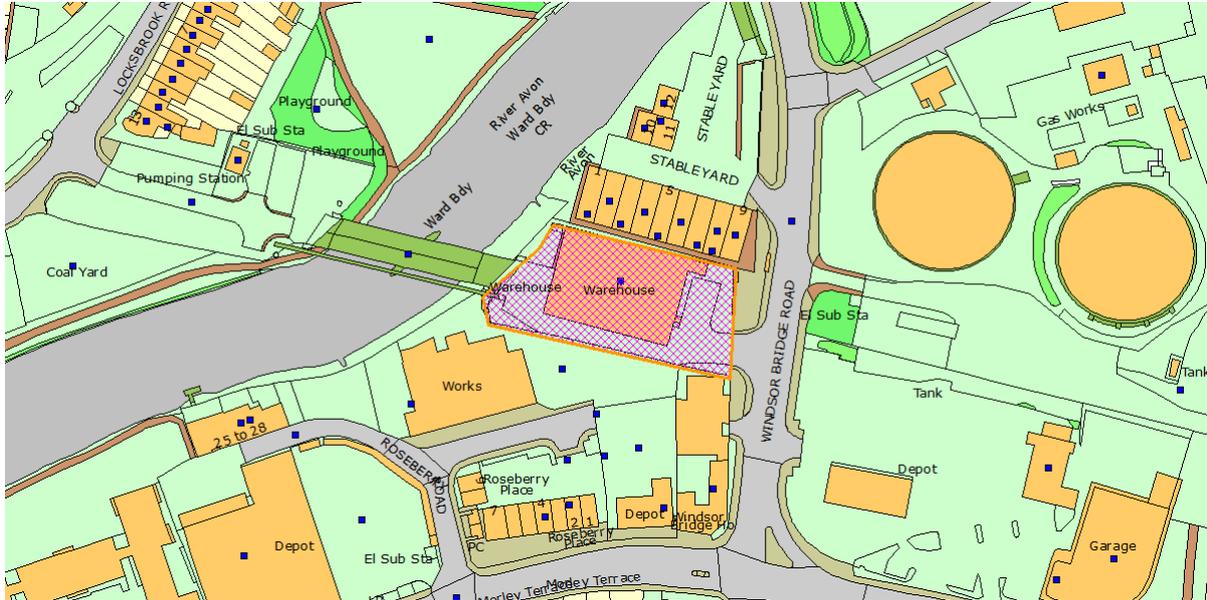
- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting 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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## REPORT OF THE HEAD OF PLANNING ON APPLICATIONS FOR DEVELOPMENT

**Item No:** 01  
**Application No:** 18/03797/FUL  
**Site Location:** Chivers House Windsor Bridge Road Twerton Bath BA2 3DT



**Ward:** Westmoreland      **Parish:** N/A      **LB Grade:** N/A  
**Ward Members:** Councillor Colin Blackburn Councillor June Player

**Application Type:** Full Application

**Proposal:** Demolition of existing building and redevelopment of the site to provide 95no. dwellings across two separate buildings. External works including hard and soft landscaping and site clearance works with land set aside for the future facilitation of a Sustainable Transport Route. Proposed vehicular access to Windsor Bridge Road and provision of 26no. vehicular parking spaces and cycle parking.

**Constraints:** Article 4 HMO, Agric Land Class 3b,4,5, Air Quality Management Area, Policy B1 Bath Enterprise Zone, Policy B3 Twerton and Newbridge Riversid, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, British Waterways Major and EIA, British Waterways Minor and Householders, Contaminated Land, Policy CP9 Affordable Housing Zones, District Heating Priority Area, Flood Zone 2, Flood Zone 3, HMO Stage 1 Test Area (Stage 2 Test Req), Policy LCR5 Safeguarded existg sport & R, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE2A Landscapes and the green set, Policy NE5 Ecological Networks, Railway, Railway, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones, Policy ST2 Sustainable Transport Routes,

**Applicant:** C G WBR (Ltd)  
**Expiry Date:** 15th March 2019  
**Case Officer:** Chris Griggs-Trevarthen

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

## **REPORT**

The application site is located immediately off the west side of Windsor Bridge Road adjacent to the River Avon. The site is approximately 0.27ha in size and currently houses a large commercial warehouse building which is currently being used as a storage facility. The site slopes gently from east to west with an approximate ground level of 17.63 metres AOD (at Windsor Bridge Road) rising to 18.60 at the west. The west of the site is currently terminated by means of a palisade fence beyond which sits a redundant railway bridge over the River Avon.

The site falls within the Bath World Heritage Site, is part of the Bath Enterprise Zone and is within the Twerton Riverside Area as defined in the Core Strategy (Policy B3). It is also identified as a site of potential concern in respect of contaminative historical uses and is almost entirely within flood zone 2 with 3% of the site area falling inside flood zone 3. A designated sustainable transport route (Policy ST2) runs through the site. The boundary of the Bath Conservation Area runs along the bank of the river adjacent to the site.

The application proposal is for the demolition of the existing warehouse (1,498sqm) and redevelopment of the site for a residential scheme comprising 95no. dwellings across two separate buildings, external works including hard and soft landscaping, parking and access.

There are two proposed buildings arranged in a tandem formation with the western building (7 storeys) facing onto the River Avon and the eastern building (6 storeys) fronting Windsor Bridge Road. Separate cycle storage would be provided within an external covered shed adjacent to the southern boundary. The proposal includes a pedestrian and cycle link along the northern edge of the site.

## **RELEVANT PLANNING HISTORY**

Planning permission 18/00770/FUL

Demolition of existing building. Redevelopment of the site for a mixed use scheme comprising the erection of one 9 storey building and one 7 storey building to provide student accommodation (Sui Generis), comprising 199 studio bed spaces and communal facilities together with 8no. affordable studio dwellings; and 570sqm of office space (Class B1) with associated external works, access, landscaping and parking.

Application status - WITHDRAWN - 9th May 2018

Planning permission 15/03084/FUL

Subdivision of existing warehouse to form two units and associated elevation changes, partial change of use to allow storage, distribution and sale of hard wall and floor coverings and associated products and/or Class B8 and associated car parking and infrastructure.

Application status - PERMITTED - 7th January 2016

Officer note: This permission is currently extant, but has not been implemented.

Planning permission 09/00307/ERE03

Expansion of existing Newbridge Park and Ride facility to provide 500 spaces construction of a central amenity building, the construction of a bus transit system along with associated landscape and engineering works

Application status - PERMITTED - 9th November 2009

Officer note: The site was along the route of the bus transit system. This permission has not been implemented and has lapsed.

The following planning applications for other sites are also relevant:

Address: Roseberry Place

Planning permission 15/01932/EOUT

Mixed-use regeneration comprising the erection of six buildings to accommodate up to 175 flats, flexible business employment floorspace (Use Class B1) (up to 4,500 sq m gross), local needs shopping (up to 1,350 sq m gross) together with all associated development including demolition of existing buildings, site remediation, construction of new access roads and riverside walkway/cycle path, landscaping and tree planting

Application status - PERMITTED - 10th August 2016

Planning permission 16/03114/ERES

Approval of Reserved Matters in relation to outline application 15/01932/EOUT (Phase 1 of the development comprising 171 flats, local needs shopping unit, and associated development)

Application status - APPROVED - 30th November 2016

Address: Bath Western Riverside (BWR)

Planning permission 06/01733/EOUT

A new residential quarter including up to 2281 residential homes and apartments (Class C3); up to 675 student bedrooms and associated communal areas (Class C3) (or alternatively up to 345 student bedrooms (Class C3) and a primary school (Class D1)); local shops, restaurants, and other community services and facilities (within Classes A1, A2, A3, A4, A5, D1); construction of new bridges, roads, footways and cycleways; associated infrastructure and facilities; accommodation works; and landscaping

Application status - APPROVED - 20th December 2010

## **ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS**

The Council have adopted an EIA screening opinion in respect of the proposals. It is considered that, having regard to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, that the application does not represent EIA development.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

A summary of consultation responses to the application have been provided below.

ENVIRONMENTAL PROTECTION: No objection, subject to condition.

ENVIRONMENTAL MONITORING: No objection, subject to condition

DRAINAGE AND FLOOD RISK: No objection

CONTAMINATED LAND: No objection

WASTE SERVICES: No objection

ARCHAEOLOGY: No objection

ECOLOGY: No objection, subject to conditions

PARKS DEPARTMENT: No objection, subject to s106 agreement

CANAL AND RIVER TRUST: No comment

ENVIRONMENT AGENCY: No objection, subject to conditions

PLANNING POLICY: Objection

As submitted the proposed redevelopment of Chivers House is contrary to Development Plan Policies B1, B3, B5, ED2B, CP5 and ST7, and should be refused. The principle of the proposed safeguarding and enabling of the sustainable transport route (Policy ST2) is supported, but the applicants need to go further to ensure it is implemented.

ECONOMIC DEVELOPMENT: Objection

Overall the scheme is not able to demonstrate why the loss of an employment site that is in high demand can be justified in economic development terms.

HOUSING: Objection

This application triggers Planning Policy CP9 thus a 30% affordable housing contribution is required. Based upon the number of dwellings (95) within this application the affordable contribution equates to 29 dwellings.

VIABILITY ASSESSOR: Comments

The assessor analysis shows the development to have a viability deficit at a policy compliant level of Affordable Housing (30%). The assessors are therefore of the opinion that 30% Affordable Housing is not viable, but based on the appraisal undertaken on behalf of the council, it is considered that the scheme is viable at 18% affordable housing delivery.

HIGHWAYS: Objection

The application has failed to demonstrate that the Sustainable Transport Route can be appropriately safeguarded and would be deliverable along the proposed route. The proposal is therefore considered to be contrary to Policy ST2 of the Bath & North East

Somerset Placemaking Plan and the National Planning Policy Framework, which seek to secure opportunities to promote sustainable transport modes.

The proposed development would not provide an appropriate level of on-site parking spaces which would exacerbate highways safety and residential amenity issues associated with additional on-street parking, and is therefore contrary to policy ST7 of the Bath and North East Somerset Placemaking Plan.

#### URBAN DESIGN (First comment): Objection

1. The ground level consists of blank frontages and uses that create a poor quality public realm and poor connectivity. The service uses located here raise the building up a storey, and the relationship with Roseberry Place is limited to a car park proposed adjacent to a service yard, which is hostile public realm for pedestrians and a poor placemaking as the setting for a large residential building.

2. The height proposed competes with the 'palazzo' buildings at BWR that were designed to be the only buildings that rise above the skyline in the BWR masterplan. The images of the consented BWR scheme are misleading as they are of planning parameters, not buildings. The actual and perceived heights of the proposed buildings on this site are still too high for the context and cityscape/skyline. This is at odds with the world heritage site attributes.

3. Pedestrian routes though the site, should be designed as part of the public realm of this scheme. Connections to adjacent sites need to be designed in. Movement between different levels needs to be resolved. It is poor practice to leave the whole setting of such a large and high impact building to the design of others - permission should be sought for a comprehensive scheme even if it is to be delivered separately.

4. If there was a further reduction in overall height, scale and massing, the architectural approach to buildings with the massing broken up at upper levels would be positive.

5. Views need to be verifiable. They do not appear to detail whether best practice guidelines have been followed e.g. use of 50mm lens, with site in the centre of a cylindrical view. Visualisations are misleading if not produced to appear as they would actually be seen.

6. Sustainable construction policies appear to have been addressed.

#### URBAN DESIGN (Second comment): Objection

1. Pedestrian routes appear to have improved, but the relationship of difference in heights between this and adjacent site appears to remain unresolved. The shed increases separation and creates poor environment.

2. A further reduction in overall height, scale and massing would assist the scheme fitting the cityscape. The broken up massing at upper levels is positive, but does not sufficiently address the bulk of buildings proposed.

3. Materials should reflect local vernacular or present a departure that is appropriate to the site and city. Ashlar buildings of this scale would have an increased presence in the cityscape, and buff brick is not typical of the city for buildings of this scale.

#### LANDSCAPE: Objection

While a further reduction in height of both buildings would be beneficial it is not considered that an objection to the proposed development in its current form on the grounds of its likely impact on local landscape character, features local distinctiveness or views can be justified.

Similarly, it is considered that the proposed development would not result in significant harm to the Outstanding Universal Value of the Bath World Heritage Site.

However, it is considered that the development proposals are not acceptable in their current form because the external areas:

- do not provide a safe, comfortable varied and attractive environment
- do not make sufficient connections to their surroundings for pedestrians and cyclists
- are not designed for ease of walking and cycling
- do not consider the needs of pedestrians first, then cyclists then vehicles
- are dominated by car parking and highways
- surfaces are neither safe nor legible
- street trees and green spaces are not adequately sited
- do not allow for the provision of adequate and useable communal-amenity space

#### ARBORICULTURE: Objection

The proposal compromised the retention of T2 and does not demonstrate that it makes a positive contribution to the Green Infrastructure (GI) network through the creation, enhancement and management of new and existing GI assets.

#### CONSERVATION: Objection

The height of the buildings has been reduced (since the previous application) which does reduce the overall level of harm. Nevertheless the scheme is still for tall buildings, which in the context of other redevelopment in the area will harm the views and experience of the World Heritage Site and conservation area.

#### HISTORIC ENGLAND (First comments): Comments

Chivers House is situated just outside the Bath Conservation Area and within the Bath World Heritage Site. Historically the area was an industrial site along the river's edge, dominated by a number of oil storage containers. The site sits directly on the riverside and plays a part in views out of the Conservation Area from the tow path as well as in longer views across the World Heritage Site from higher ground. Current views across the river

are dominated by foliage with an awareness of the industrial nature of the development beyond. However, the approval of recent applications, including the Western Riverside Development and that at Roseberry Place, will see significant changes to this character.

We acknowledge that this application has significantly decreased the overall height of the proposed development; however we continue to have some concerns regarding the impact that the height and scale of the development in this area is having on views into and out of the Conservation area and the World Heritage Site. While the harm of this particular building is lessened through the changes made, the over dominance of an accumulation of tall buildings in this area will have a detrimental impact on views and the experience of the wider World Heritage Site.

As outlined in our previous advice, we are aware that the Western Riverside development includes a number of 'landmark' buildings that are 8 or 9 storeys at their tallest, however, these 'landmark' buildings were heavily debated at the time of approval and been accepted as unusual breaks within the skyline at this location. They should not, therefore be seen as a ceiling benchmark for all developments in the vicinity. Instead, schemes should work to limit the overall effects of dominance, and be mindful and sympathetic to views into the historic core from further afield. A more appropriate response would be to acknowledge the transition that this makes between Industrial and domestic scale and provide articulation.

We therefore continue to advise that, when considered alongside the previous permissions given, the potential for harm to the wider historic environment is considered to be less than substantial, but to approve would be to risk setting a precedent for continual height increase that will negatively impact on views across the World Heritage Site and out from the Conservation Area.

It is also worth noting that the NPPF in paragraph 132 reminds us that 'great weight' should be given to the conservation of a designated heritage asset, and that the more important the asset, the greater the weight should be. In this context, we remind you of the City of Bath's World Heritage Site status; which denotes its townscape as a heritage asset of the very highest significance.

#### HISTORIC ENGLAND (Second comments): Comments

The amended information submitted in relation to Chivers House do not alter the design, height or massing upon which the previous advice from Historic England was provided. As such, our earlier comments provided in the letter dated 27th September remain relevant.

The additional verified views are helpful in understanding the visual relationship that the building will have in the immediate and wider surroundings, however our original concerns that the over dominance of and accumulation of tall buildings in this area will have a detrimental impact on views and the experience of the wider World Heritage Site. We therefore continue to advise that, when considered alongside the previous permissions given, the potential for harm to the wider historic environment is considered to be less than substantial, but to approve would be to risk setting a precedent for continual height increase that will negatively impact on views across the World Heritage Site and out from the Conservation Area.

## TWO TUNNELS GROUP: Support

Greatly encouraged by the positive proposals incorporated within the site design which incorporates potential access to the former Midland Railway Bridge (aka the Locksbrook Bridge) via shared use walking and cycle paths to and from the Two Tunnels Greenway and Bath Western Riverside. These will help in fulfilling the Council's Enterprise Area aspiration to create a walking and cycle path to the north of the current riverside path and eventually Newbridge and beyond included in the Place Making Plan.

We also acknowledge the developer's willingness to consider refining proposals following discussions with TTG representatives including the potential for a push up/down ramp adjacent to the southern access point to connect the bridge and the Two Tunnels Greenway.

## BATH HERITAGE WATCHDOG: Objection

This proposal seems at odds with a number of the Council's own Policies and Planning Documents especially the World Heritage Site Management Plan, the Building Heights Strategy and the Bath Western Riverside SPD. It has the potential by virtue of its height, scale, mass and design to put Bath's World Heritage Status at risk by causing more severe detrimental impact and harm to the Character and Setting of the World Heritage Site, and will have an adverse impact on views in/out and across the World Heritage Site and the setting of numerous heritage assets. It would fail to preserve or conserve the character of the Conservation Area. In its current form the scheme is contrary to Policies B1, B4, B5 and CP6 of the BANES Core Strategy and Policies D1, D2, D4, D5 of the Local Placemaking Plan and therefore should be refused.

We also consider that an application for 95 households should not be approved unless there is a reasonable proportion that is "affordable". There will be a developer who will propose a scheme with that as a pre-condition, even if the current applicant won't.

## BATH PRESERVATION TRUST: Objection

Whilst the Trust recognises that the revisions to the scheme do go some way to reducing the impact of this scheme on the character of the conservation area and riverscape, we maintain our objection to this scheme on the basis of the harmful impact of the height and bulk of the buildings, and the fact that the proposed scheme does not include any affordable housing.

COUNCILLOR JUNE PLAYER: Requests that the application be taken to committee if officers are minded to approve the application.

In view of the fact that this development is not providing any Affordable Housing when it should be 30%, it is contrary to Policy CP9 of the Bath & North East Somerset Core Strategy 2014.

It is also not offering any employment space even though it is in an Enterprise Zone at a location that is most suitable for it as well as not providing sufficient On-Site parking which is contrary to Policy ST7 of the Placemaking Plan 2017.

**COUNCILLOR PAUL CROSSLEY:** Requests that the application be taken to committee if officers are minded to refuse the application.

It is a very interesting application and that the changes from the previous application are considerable. It is considered there are no height issues and there are no student dormitory issues. The opening up access to the cycleway is a considerable gain. It's position on major bus routes and the cycle way and footpaths make this is a very sustainable location. The emphasis on starter accommodation is to be welcome.

**THIRD PARTIES/NEIGHBOURS:** 4 letters of OBJECTION have been received. The main points raised were:

All of the comments referenced concerns about the lack of on-site parking provision within the scheme. They considered that this would result in an increase in off-street parking, particularly in Hungerford Road, and cause in an increase in traffic and road safety issues.

Several comments objected to the loss of the existing business premises on the site and considered that the proposed housing did not outweigh the loss of local jobs. It was asserted that the site once employed 100 staff.

Several concerns were raised about the high density of the proposals and the pressure this would place upon local services.

One comment indicated that there was a need for affordable family homes in the area.

## **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  
B3 Strategic Policy for Twerton and Newbridge Riversides  
B4 World Heritage Site  
CP2 Sustainable Construction  
CP3 Renewable Energy  
CP4 District Heating  
CP5 Flood Risk Management  
CP6 Environmental Quality  
CP7 Green Infrastructure  
CP10 Housing Mix  
CP12 Centres and Retailing  
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 General Urban Design Principles  
D2 Local Character and Distinctiveness  
D3 Urban Fabric  
D4 Streets and Spaces  
D5 Building Design  
D6 Amenity  
D8 Lighting  
D10 Public Realm  
HE1 Historic Environment  
NE1 Development and Green Infrastructure  
NE2 Conserving and enhancing the landscape and landscape character  
NE2A Landscape Setting of Settlements  
NE3 Sites, species and habitats  
NE6 Trees and woodland conservation  
PCS1 Pollution and Nuisance  
PCS2 Noise and Vibration  
PSC3 Air Quality  
PCS5 Contamination  
PCS7A Foul Sewage Infrastructure  
H7 Housing accessibility  
ED2B Non-strategic Industrial Premise  
ST1 Promoting sustainable travel  
ST2 Sustainable Transport Routes  
ST7 Transport requirements for managing development

National Planning Policy Framework (February 2019) and the National Planning Practice Guidance (March 2014) can be awarded significant weight.

#### SUPPLEMENTARY PLANNING DOCUMENTS AND ADDITIONAL GUIDANCE

City of Bath World Heritage Site Setting SPD (2013)

Bath City-wide Character Appraisal SPD

Planning Obligations SPD (2015)

Draft Brassmill Lane, Locksbrook and Western Riverside Character Appraisal: Bath Conservation Area (2015)

Strategic Flood Risk Assessment (SFRA) of Bath and North East Somerset (2009)

Green Infrastructure Strategy (2013)

West of England Sustainable Drainage Developer Guide (2015)

Bath Building Heights Strategy (2010)

Waterspace Study (2017)

#### LEGISLATION

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

There is 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. Principle of development
2. Affordable Housing
3. Character and appearance
4. Highways and parking
5. Sustainable Transport Route
6. Flood Risk
7. Residential amenity
8. Ecology
9. Trees and Green Infrastructure
10. Archaeology
11. Contaminated land
12. Surface water drainage
13. Planning Obligations
14. Community Infrastructure Levy and New Homes Bonus
15. Sustainable design, construction and energy
16. Air Quality
17. Planning balance
18. Conclusion

#### 1. PRINCIPLE OF DEVELOPMENT

### *Policy context*

The relevant policies to consider in respect of the principle of development are B1 and B3 of the Core Strategy and policy ED2.B of the Placemaking Plan.

Policy B1 seeks to enable the development of about 7,020 new homes in Bath including 3,300 through large sites in the central area and Enterprise Zone and 1,150 through small scale intensification throughout the existing urban area. It also states that, subject to compliance with all other policy considerations, residential development will be acceptable in principle provided the proposal lies within the existing urban area of Bath as defined by the Green Belt.

Policy B1 also sets the strategic context for economic development in the city of Bath and plans for a contraction in the demand of industrial floor space from about 167,000sqm in 2011, to about 127,000sqm in 2029, but to also sustain a mixed economy to support Bath's multi-skilled workforce and multifaceted economic base by retaining a presumption of favour of industrial land in the Newbridge Riverside area.

Policy B3 refers to both the Newbridge and Twerton Riverside areas. The site falls within the Twerton Riverside Area which the policy states has contracted as an industrial location in recent decades. It also states that this area is suitable for a broader range of uses and there is scope to redevelop the area to provide new business (B1a, b and c) premises and housing. It also states that it will be necessary to maintain an appropriate level of land in this area for B1c uses alongside office uses and housing. It also identifies one of the risks to these areas as being an excessive loss of industrial space which would harm Bath's mixed economic profile.

Policy ED2.B outlines that applications involving the loss of non-strategic industrial sites for other uses will normally be approved unless there is a strong economic reason why this would be inappropriate.

### *Loss of industrial floorspace*

The building is presently in short term storage use, having been a warehouse and offices for BBC Audio Books. It has a recent (2015) permission for division into two B8 units with ancillary A1 use.

The loss of this B8 floorspace is subject to the provisions of policy ED2.B. The presumption is that an alternative use should normally be approved unless there is a strong economic reason why this would be inappropriate. It is therefore necessary to consider whether there is a strong economic reason why the loss of this floorspace for an alternative use would be inappropriate.

The existing premise has 1,498sqm of floor space in use as B8 warehousing. It is currently occupied as a temporary storage facility for a Bristol based retailer employing two full time equivalent staff. The existing premises are therefore providing some productive use, albeit this is a relatively low level of productive activity for the size of the site. The unit has currently been let on a short term basis and is therefore unlikely to have attracted a longer term, potentially more economically productive, use/occupier. However,

it appears to have a history of occupiers and there is no evidence of significant periods of vacancy when it was not in a productive use.

The site represents a purpose built warehousing facility with associated offices and has the potential to host a more productive occupier than the current short term user. Given the history of occupiers, it is therefore considered that a more productive re-use of the premise would be feasible. Furthermore, re-development of the site for a more productive industrial use would also be feasible and this has been demonstrated by the marketing evidence submitted with the previously withdrawn application (ref: 18/00770/FUL) .

A marketing exercise was undertaken by Hartnell Taylor Cook LLP starting in January 2016 and offering the site up on a freehold basis. The marketing report indicates that the response to the marketing exercise was strong with over 150 enquiries leading to 25 viewings of the property. A total of 18 bids were made for the site, details of which were included within the marketing report.

A total of 6 bids were made by self-storage operators seeking to redevelop the site for a self-storage facility (B8 use), 5 of these bids were unconditional. A further 2 bids sought to utilise the existing use in addition to some redevelopment potential. There was open bid from a developer seeking to redevelop the site for a trade counter scheme and one bid from a retailer seeking to adapt the existing building for a tile retail use. The remaining bids, including the winning bid, were made by student accommodation and residential developers.

It is considered that the marketing exercise demonstrates that there is considerable interest in the use or redevelopment of this site for industrial use purposes.

This is reflective of the market signals of demand for industrial floorspace within Bath where there is currently a vacancy rate for industrial space of below 1%, representing less than one year's supply at current take-up rates. The Bath and North East Somerset Industrial Market Review (Nov 2015) identified that there was un-met demand for industrial space in Bath for units between 500 - 2,000sqm. A more recent 2018 Bath "Commercial Edge" report from Carter Jonas reinforces these findings and indicates that the current vacancy rate for industrial space in Bath represents just 4month's supply at current take-up rates and that there is high level of demand. It is therefore considered that there is a clear market demand for this type/size of unit in this location.

The Economic Development and Regeneration Team have indicated that there is little or no industrial land or floorspace available within the city. Furthermore, the Placemaking Plan makes no provision for new industrial sites within Bath and there have been no significant windfall gains in industrial floorspace in recent years.

In terms of the strategic context, the Placemaking Plan site specific policy framework makes provision for the required expansion in the stock of office space and the planned contraction of industrial space. In particular, the monitoring of industrial space in Bath between 2011-2017 has shown that, against the B1 policy target of a managed loss of 40,000sqm of industrial space to 2029, to date the actual loss is 23,000sqm. Read in conjunction with the planned losses included in the Placemaking Plan site allocations it is projected that the city could lose over 60,000sqm of industrial floorspace, well in excess of the policy target.

The emerging West of England Joint Spatial Plan has provided an evidence base identifying employment growth performance within the sub region between 2010 and 2016, this identifies employment growth rates in the City and B&NES lacking behind the West of England. In addition, there is evidence that some industrial sectors have experienced employment growth over the period.

The methodology used to derive the loss of 40,000sqm of industrial accommodation in the City is based on an assumed/forecast loss of employment in the relevant sectors. It is therefore important to monitor employment gains and losses as well as floorspace. BRES data for the city shows that between 2011 - 2015, rather than a decline, there was actually an increase of 16% in industrial employment. This is placing a greater premium on retaining the city's stock of industrial space and avoiding any further un-planned losses of useable accommodation.

The above indicates that the lack of employment space in the city is restraining growth and that loss of further industrial space may result in the failure to "sustain a mixed economy to support Bath's multi-skilled workforce and multi-faceted economic base" as required by policy B1 of the Core Strategy.

In respect of the Twerton Riverside area more specifically, Planning Policy have undertaken an analysis which demonstrates that, whilst the percentage of office floorspace in this area has increased from 4% to 16%, the percentage of non-office B class uses has decreased from 96% to just 8%. The area is now dominated by purpose built student housing which represents 52% of all land uses.

This analysis indicates that the further loss of industrial floorspace from Twerton Riverside would be contrary to the objectives of policy B3 of the Core Strategy of preventing an excessive loss of industrial space and seeking to maintain a mixed economic profile.

In summary, the following is clear:

1. The site is currently in a productive use, albeit short term and low level;
2. The site has potential to be used more productively (within the same or other similar industrial use class);
3. There is considerable interest and market demand for an industrial use on this site;
4. There is limited industrial land or floorspace available within the city and no new floorspace planned;
5. The loss of further industrial floorspace (other than that identified in the Placemaking Plan allocations) is contrary to the economic development objectives of policies B1 and B3 of the Core Strategy;

It is considered that the above factors amount to a strong economic reason why the redevelopment of this site for non-industrial floorspace would be inappropriate.

The proposal is therefore considered contrary to the economic development strategy expressed in policies B1 and B3 of the Core Strategy and policy ED2.B of the Placemaking Plan.

*Proposed Housing*

The proposal includes the provision of 95 dwellings across the two proposed buildings comprising a mix of studio, one bedroom and two bedroom units.

The principle of new housing in Bath and within the Twerton Riverside area is acceptable in accordance with policies B1 and B3 of the Core Strategy. The proposals represent a significant number of windfall dwellings which accord with the housing aims of strategy. However, this must also be considered in the aims of policy B3 to prevent an excessive loss of industrial space.

It is considered that, whilst the proposed dwellings are identified as acceptable within the Twerton Riverside Area, the benefits of the providing these dwellings in accordance with the strategy must be balanced against the harm arising from the loss of industrial floorspace contrary to the strategy.

### *Conclusions on the principle of development*

The development plan in Bath (as expressed in policies B1, B3 and ED2B) seeks to encourage the development of new housing within the Enterprise Zone, but also seeks to prevent the excessive loss of industrial floorspace within the city and, in particular, the riverside areas (including Twerton Riverside). The current proposal therefore places these two objectives in tension with one another.

The proposal conflicts with the strategy in respect of the loss of the industrial floorspace on the site. The harm arising from this conflict must be weighed against the benefits of providing dwellings on the site to establish whether the proposal is contrary to the development plan as whole.

This is discussed in the planning balance section at the end of this report.

## 2. AFFORDABLE HOUSING

Policy CP9 of the Core Strategy requires new housing developments within this part of Bath to provide 30% of the proposed dwellings as affordable housing.

The application states that the proposals will not provide any affordable housing. The applicant argues that the provision of any affordable housing on this site would make the development scheme unviable and have submitted a viability appraisal in an effort to demonstrate this.

The Council's own viability assessors have reviewed the submitted appraisal and they have concluded that, whilst some reduction to the 30% policy target is justified, the scheme could viably delivery at least 18% affordable housing. This equates to 17 affordable dwellings.

However, the applicant has maintained that they will not provide any affordable housing as part of the proposal. This position is therefore contrary to policy CP9 of the Core Strategy and would result in a loss of affordable housing which could otherwise be achieved.

### 3. CHARACTER AND APPEARANCE

#### *Context*

The site is currently occupied by a low rise warehouse building. Further low rise industrial units are located immediately to the north of the site.

Along the north side of Lower Bristol Road the buildings heights vary between 3 and 4 storeys before stepping down to the low rise Herman Miller building. The south side of Lower Bristol Road is occupied predominately by 2 storey buildings in a mix of residential and commercial uses.

Immediately to the south of the site is the Roseberry Place redevelopment (15/01932/EOUT) which is currently under construction for a mixed use scheme comprising the erection of six buildings to accommodate up to 175 flats, flexible business employment floorspace (up to 4,500 sq m gross) and local needs shopping (up to 1,350 sq m gross). The building heights vary between 3 and 5 storeys with a small corner of one of the buildings rising up to 6 storeys.

To the east lies the former gasworks site which is earmarked for redevelopment as part of the Bath Western Riverside (BWR) allocation (SB8). Stage 1 of the development has almost been completed with stages 2, 3 and 4 seeking to move progressive east-west across the site to bring development up to its boundary with Windsor Bridge Road. This nearby development contains a variety of development blocks of differing heights between 4 and 6 storeys. The detailed design of these blocks has not yet been permitted. The outline planning permission (06/01733/EOUT) includes provision for three 'landmark' buildings of between 8 and 9 storeys. One of these larger buildings has already been constructed, with another one also almost completed. The western most of these larger buildings does not yet have reserved matters consent.

The site falls within the wider Brassmill Lane, Locksbrock and Western Riverside Character area (as identified in the Bath City-wide Character Appraisal SPD 2005) where it is stated that there is considerable coherence of building heights despite the diversity of uses. By far the most common is one or two storeys, commercial and residential respectively.

#### *Height, scale and massing*

The proposed building concept is based on continuing the 'Palazzo' typology found within BWR with a building of the height, scale and form as historically found in industrial buildings in Twerton. This is at odds with the use proposed and context of this site.

The Palazzo were intended to punctuate the skyline with unique buildings of high architectural quality. The housing typology of the BWR 'landmarks' allows there to be flexibility and much articulation in the design of elevations and roofs and the scale of those buildings is specifically justified by setting them in generous publicly accessible landscaping that is proportionate to the size of those buildings.

The proposed scheme can never achieve that concept. The buildings have little more than the width of a pavement around every elevation and thus occupy too large a footprint to allow for the design of any meaningful landscape setting or public realm. The height, volume, size, bulk and footprint of buildings appear to be contrived entirely by the quantum of development proposed and not designed according to cues from the context either historic or current.

As noted in the 2008 Mission Report by UNESCO, the acceptance of the heights and masses of the BWR 'landmark' buildings can be understood if account is taken of the former gasometers which occupied the site. It was considered that the new tall buildings at BWR did not have a greater impact than the volume of the gasometers which previously dominated the site. This is expressed in the spatial masterplan found within the BWR SPD (2008) which directly links the acceptability of these 'landmark' buildings to the size and scale of the former gasholders on the site. The SPD does not indicate the current application site as a potential location for a 'landmark'.

The SPD also states any redevelopment must respect the relative proportions and enclosure ratios found within the city to fully reflect the context and that taller structures will need relatively more space to create the suitable balance. This is something which the current scheme does not achieve.

There is recognition in the submitted Design and Access Statement that the site requires built elements of a more human scale and the scheme has attempted to achieve this through the proposed cycle stores. This is not enough to address this concern, and causes the space available in the public realm to diminish further as it is hosting the store structures. The form, height, massing, bulk, footprint and size of the primary buildings proposed are not of a human scale and do not utilise architectural devices to address this.

The Design and Access Statement points to the context of the Roseberry Place development which rises to 6 storeys adjacent to the application site. However, it is important to note that the height of this part of Roseberry Place was considered to be harmful by the officer assessment undertaken at the time of the decision and that the development was ultimately justified on the basis of its benefits outweighing this harm (including the provision of a significant amount of office floorspace). Whilst it is correct to state that Roseberry Place and other developments along the river corridor have had the effect of changing the character of this part of the river corridor, this effect has never been acknowledged as a positive change in terms of townscape. In fact, as expressed in the comments by Historic England, the over dominance and accumulation of tall buildings in this area is considered to have a detrimental impact. The current proposal would not only contribute towards this accumulation and expansion of tall buildings, but would also go further by pushing the envelope of building heights beyond that of its immediate surroundings.

Whilst the redevelopment of BWR has resulted in a number of larger scale buildings now occupying parts of the river corridor, the general character is that the building heights step down as the development moves further away from the centre of BWR. The current proposal would buck this trend and would push buildings heights further upwards to the detriment of the general character of the townscape.

*Setting and public realm*

Very large scale buildings such as those proposed require a generously sized public realm to provide an adequate setting as, for example, in the nearby BWR development. Instead, the space between the buildings is squeezed and currently appears to be dominated by car parking and vehicular access. There is a distinct lack of active uses at ground floor which is dominated by the undercroft parking, plant and store rooms. The areas of landscaping provided are minimal left over spaces which do little to soften or enhance the sense of place.

The entrances to the buildings are tucked behind the main elevation to Windsor Bridge Road and are located away from the pedestrian route through the site too, so lack legibility. Access and egress to the west building involves significant conflicts between pedestrian, cycle and vehicular traffic and has not been satisfactorily resolved. Furthermore, there is no ground level natural surveillance throughout the development at night.

The landscape officer has reviewed the development and considers that the proposals are not acceptable because:

1. They do not provide a safe, comfortable varied and attractive environment or offer opportunities for interaction and delight;
2. They do not make sufficient connections to their surroundings for pedestrians and cyclists;
3. They are not designed for ease of walking and cycling;
4. They do not consider the needs of pedestrians first, then cyclists then public transport users then vehicles;
5. Car parking and highways design dominates the public realm;
6. Shared surfaces are neither safe nor legible;
7. Some of the proposed street trees and green spaces are not adequately sited to promote connectivity for people and wildlife; and,
8. They do not allow for the provision of adequate and useable communal-amenity space.

Similarly, the Urban Design officer has supported these comments stating that the ground level consists of blank frontages and uses that create a poor quality public realm and poor connectivity. They also consider that the relationship with Roseberry Place is limited to a car park proposed adjacent to a service yard, which is considered to be a hostile public realm for pedestrians and poor placemaking as the setting for a large residential building. The south-west corner of the site where the scheme should link in with the Two Tunnels route is not detailed and left as a vague connection. The north-south section drawing through the site shows the retention of a large, blank retaining wall adjacent to the footpath running along the northern side of the Roseberry Place development. The proposed scheme appears to pay no regard to this pedestrian route and it is clearly a missed opportunity for both sites to open up to each other in the interests of creating a coherent well connected public realm.

### *Materials*

The east building is proposed to be constructed in natural bath stone cladding. The west building is proposed in two differing tones of buff brick. Both contain metal standing seam roof forms with light bronze anodised aluminium detailing.

Whilst Bath stone is a material which accords with the local vernacular, its use on such a large scale building adds to the bulk and monolithic character of the design. Buff brick and bronze are not materials generally associated with the character of the city. These materials do not continue the detail and quality of the 'palazzo' at BWR.

The proposed development therefore represents poor design which conflicts with a number of key urban design principles, does not respond appropriately to local character and distinctiveness (particularly in terms of building height) and does not contribute positively towards urban fabric. The proposed development is therefore considered to be contrary to policies D1, D2, D3, D4, D5 and D10 of the Placemaking Plan.

### *Impacts on World Heritage Site*

The Outstanding Universal Value (OUV) of the City of Bath World Heritage is the principle reason why the World Heritage Site was inscribed and is a key part of its heritage significance. The statement of Outstanding Universal Value identifies 6 headline attributes which are:

1. Roman Archaeology
2. The hot springs
3. Georgian town planning
4. Georgian architecture
5. The green setting of the City in a hollow in the hills
6. Georgian architecture reflecting 18th century social ambitions

The effect upon archaeology (1) is discussed in more detail in the archaeology section of this report.

The proposed development is not likely to affect the Hot Springs (2) or the Social Setting (6) OUVs of the World Heritage site.

However, the proposed development has the potential to impact upon the remaining attributes of OUV: Georgian town planning (3), Georgian architecture (4) and the green setting of the City (5).

The Bath Building Heights Strategy provides a useful framework within which decisions can be made about the appropriate height of new buildings to ensure the protection of the OUV of the World Heritage Site. It states that the height and scale of new development should respect and respond and contribute to the character of Bath, building on its heritage and values associated with it

The Placemaking Plan states that the heights of buildings are an important aspect of the visual homogeneity of the city, and new developments need to respond creatively and sensitively to their exceptional context. The World Heritage Site Management Plan expands on this by describing that building heights throughout the city are relatively consistent and low-rise. One of the attributes of OUV of the World Heritage Site is the visual homogeneity of the city due in part to the uniform scale and height of buildings. The key purpose of defining attributes is so that they can be protected and need to be

considered when assessing planning applications. The height of new buildings and the consequent impact upon views and the general character of the World Heritage Site is an acknowledged issue in the Management Plan and potential risk to OUV.

The application site is identified within the Building Height Strategy as falling within 'zone 3 - Valley Floor' where the recommended building heights are given as 4 storeys with one additional setback storey likely to be acceptable. However, it also states that it may be necessary for the building height to be fewer than 4 storeys in response to heritage assets, residential amenity and to prevent intrusion in views. It identifies the objectives of this zone to be:

1. To preserve and/or enhance the landscape setting of the Georgian city in terms of its openness, degree and type of landscape features, siting and orientation of development and visual relationships between built form and landscape;
2. To maintain the visual coherence of the Georgian City by avoiding visually outstanding buildings;
3. To protect, manage and plan appropriately for a green and treed river corridor to support the OUV and SNCI designation of the river and its corridor;
4. To maximise the regeneration potential of the valley floor and support sustainable development.

The strategy also points out that development along the riverside should be subservient to the Georgian City and avoid merging with it to retain legibility of the Georgian city particularly when seen from higher ground.

The application site currently does not play any significant role in contributing towards the OUVs of the World Heritage Site. Its low rise built form means that views over the site are uninterrupted and such that it does not detract from or compete with the Georgian city or adversely affect the appreciation of the green setting of the city.

As acknowledged in the submitted heritage impact assessment, the site is visible from a number of city-wide viewpoints. A landscape and visual impact assessment has been submitted including accurate visual representations (AVRs) of the proposed development within a number of these viewpoints.

The submitted AVRs demonstrate that the proposed development will clearly have a marked effect on the landscape and visual character of close views (Views A, B, C).

Viewpoint C from the riverside towpath is perhaps the best illustration is this where the predominantly riparian physical and visual character would be urbanised to a significant degree by the proposed development. Similarly, the AVRs showing the proposed development from viewpoints A and B on Windsor Bridge Road evidence a significant increase in urban character.

The AVRs also demonstrate that the impact on the nature of more distant views from the surrounding landscape will be more subtle within the context of existing and adjacent recent developments in neighbouring sites to east and west. The proposed development

is discernible within these viewpoints and does rise above the height of the neighbouring development such that it not only contributes towards the accumulation and over dominance of tall buildings in this area, but it runs counter to the general trend of decreasing building heights moving away from BWR.

The proposal would also adversely affect the relationship between the city and its green setting. The landscape officer, although conservative in their estimation of harm, considers that the proposals would result in the subtle loss of glimpsed views of the surrounding green hillsides. The proposed tall buildings would also make it more difficult to pick out the river corridor in some of the higher views from the south where previously the tree lined river corridor could be readily identified.

The successive accumulation of tall buildings within middle distant and distant views has a corrosive impact on landscape and visual character. The introduction of tall buildings has the potential to screen the townscape and landscape behind them such that views are foreshortened and detail is obscured. As individual instances this may be unwelcome, but tolerable. However, the cumulative effect may be to screen ever larger portions of the hinterland diminishing the complexity of the view and in so doing subtly changing its character and eroding its quality.

The height, scale and massing of the current proposals (7 storeys and 6 storeys) will have this effect and exacerbate these issues.

Although the site only represents a small part of the overall World Heritage Site, the proposed buildings would have a detrimental impact upon the OUVs of the World Heritage Site due to their excessive height, scale and massing and therefore intrusion within many important viewpoints. It is also considered that the proposals will contribute towards cumulative incremental change over time which can also harm the OUV of the World Heritage Site, its authenticity and its integrity.

The proposed development is therefore considered to harm the OUVs of the World Heritage Site. This harm is considered to be less than substantial, but is still given great weight as is required by the paragraph 193 of the NPPF.

### *Impacts on the setting of the Conservation Area*

The Conservation Area runs along the southern bank of the river, immediately adjacent to the application site. The site forms part of the river corridor in this locality. The draft Brassmill Lane, Locksbrook and Western Riverside Character Appraisal (2015) identifies a green corridor along the river's course as an important part of the Conservation Area. The Appraisal identifies the green river corridor as binding the character of the area together and making a positive contribution to the green setting (OUV) of the Bath World Heritage Site.

The consistency of buildings heights within this part of the character area is greater than to the south of the river. By far the most common building height is one or two storeys, commercial and residential respectively.

The character appraisal also identifies a variety of views out of the character area to the surrounding tree-clad hills and specifically identifies the area to the west of New Windsor Bridge as giving glimpses of the southern slopes towards Southdown and Whiteway. There are also many viewpoints on the hills west of the city from which views into this character area are obtained

The character appraisal describes the river as forming a ribbon of tranquillity through the centre of this character area, with nearby roads and industrial sites often screened from view and noise by strips of dense vegetation. The towpath is well used during the day by cyclists and walkers, giving this feature a slower and quieter pace matched by the occasional boats on the river.

The character appraisal specifically identifies the height of new development as a threat to the character of the conservation area ("Developers taking their cue from four - seven storey blocks of Western Riverside as justification for further tall building blocks").

The proposed height of the west building (7 storeys) combined with its close proximity to the river edge means that it would protrude intrusively above the treed banks of the river. Such a visual intrusion into the river corridor would harm both the character and the sense of tranquillity along this part of the river corridor. It will loom over users of the river and the towpath. In addition to the height, the form of the proposed building would present hard, sharp and high edges to the softer-edged river and its bank which would further emphasise its impact. Other large buildings in the surrounding area are either set further back from the river edge or are of a smaller scale than the proposed west building.

The proposed development will also intrude into and distract from views out of the Conservation Area and has the potential to screen the townscape and landscape behind them such that views are foreshortened and detail is obscured. Similarly, buildings of the height and form proposed are out of keeping with the surroundings and will detract from views into this part of the Conservation Area.

The proposed development would therefore result in harm to the setting of this part of the Conservation Area. This harm is considered to be less than substantial, but is still given great weight as is required by the paragraph 193 of the NPPF.

#### 4. HIGHWAYS AND PARKING

The Highways Officer has raised no objection to the proposed vehicular access to this development which will utilise the existing access off Windsor Bridge Road. However, they have raised objections in respect of the level of on-site parking and the route of the STR (discussed in the section below).

The submitted Transport Assessment considers the proposed parking levels that would be provided as part of the scheme. The adopted Placemaking Plan, and in particular Policy ST7, now requires that minimum parking levels are provided in this part of Bath, although there is an allowance to undertake an Accessibility Assessment to potentially reduce the level of parking. However, only 25 spaces are proposed to serve the 95 dwellings and this falls significantly short of the minimum number of spaces that would be required to serve this type and scale of residential development.

The current parking standards in policy ST7 would require 125 spaces for the 95 dwellings proposed. A maximum reduction of 50% would be appropriate at this location given the findings of the Accessibility Assessment. The total requirement would therefore fall to 63 spaces. Even with the highest possible discount applied, the proposal would fall short of the parking standard by 39 spaces.

The lack of an appropriate level of on-site parking spaces would exacerbate the highways safety and residential amenity issues associated with additional on-street parking in this busy residential area and would therefore be contrary to policy ST7 of the Placemaking Plan.

## 5. SUSTAINABLE TRANSPORT ROUTE

Policy ST2 of the Placemaking Plan states that development which prejudices the use of former railway for sustainable transport purposes (as shown on the proposals map) will not be permitted.

The site lies on the route of the former railway which is designated as a sustainable transport route (STR). The line of the route runs from the Newbridge area to Bath city centre serving the majority of the Bath Enterprise Zone. The route also splits at the southern side of the river crossing and extends southward along the Two Tunnels route. The route includes the former railway bridge directly adjacent to the site to provide a river crossing.

As originally submitted the application simply set aside land to the north of the proposed buildings for an STR to be 'delivered by others'. Following discussions and negotiations, the application has been amended to now incorporate this land and the applicant has agreed to provide the extent of the STR through their site. The application now shows two positions in relation to the STR.

The first shows a level route through the site which will be provided as part of the current development.

The second shows an indicative ramped route through the site which connects to the Old Windsor Bridge, immediately off-site to the west, which could be provided at a future date when other elements of the STR are brought forwards. The applicant proposes to transfer ownership of the land for the STR to the Council as part of a legal agreement to allow the extension of the STR at a future date.

The route also conflicts with an existing electricity sub-station which is located just off the site on the adjacent highways verge. This would need to be relocated to avoid prejudicing the suggested route of the STR. The application suggests that this can be relocated on land to the north and the applicant has indicated that they have been in discussions with Western Power Distribution to facilitate this.

There is also an existing bus stop located on Windsor Bridge Road which would conflict with the proposed route of the STR. This would also need to be relocated to avoid prejudicing the STR.

Both of these matters can be secured through a s106 legal agreement.

It is therefore considered that, subject to a legal agreement securing the relocation of the substation and bus stop and the transfer of the STR land to the Council, that the proposals will not prejudice the delivery of the STR. The proposals will also ensure the delivery of part of the STR through the site itself and this can be seen as a positive of the proposed scheme.

However, the proposed route of the STR along the north side of the proposed buildings is lined with inactive uses such as the plant room, bin store, etc. These promote no interaction with the public realm. There is no ground level natural surveillance of the STR at night. The connections between the site and the STR are poor and there is limited connectivity overall. Furthermore, the south-west corner of the site where the scheme should link in with the Two Tunnels part of the STR route is not detailed and left as a vague connection.

Therefore, whilst the proposals are not considered to prejudice the sustainable transport route, the quality of the route to be provided is relatively poor and does not take full advantage of the opportunities which it presents to the site.

## 6. FLOOD RISK

Paragraph 155 of the NPPF states that inappropriate development in areas of risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. It goes on to state that this will be achieved, inter alia, through the application of the Sequential Test and, if necessary, the Exception Test.

The Strategic Flood Risk Assessment (SFRA) for Bath and North East Somerset indicates that the site falls within Flood Zone 2 where there is a medium probability of flooding. Flood zone 2 is defined as land between a 1 in 100 and 1 in 1,000 annual probability of river flooding. Approximately 3% of the site falls within flood zone 3a where there is a high probability of flooding. However, the areas shown as flood zone 3a are marginal areas around the edge of the site and do not include any habitable parts of the development. It is therefore considered that the proposed can be most assessed as falling within flood zone 2.

The Flood Risk Vulnerability Classification Table within the NPPG classifies dwellings as 'more vulnerable'.

The Flood Risk Vulnerability and Flood Zone 'Compatibility' Table within the NPPG indicates that 'more vulnerable' development can be appropriate in Flood Zone 2, provided that the Sequential Test is passed.

### *Sequential Test*

Paragraph 158 of the NPPF states that the aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be

allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.

The NPPG advises that 'the area to apply the Sequential Test across will be defined by local circumstances relating to the catchment area for the type of development proposed. For some developments this may be clear, for example, the catchment area for a school. In other cases it may be identified from other Local Plan policies' (Paragraph: 033 Reference ID: 7-033-20140306).

As discussed in the sections above, the development of housing in the Twerton Riverside area is permissible under policy B3 alongside the wider Enterprise Zone. The Twerton Riverside area and the rest of the Enterprise Zone therefore form the appropriate area of search for the housing elements of the proposed development.

A sequential test has been submitted with the application and it is broadly agreed that the majority of the sites identified by the applicant are unsuitable or not available for the proposed development.

It is therefore considered that the sequential test has been passed in accordance with policy CP5 and the NPPF.

### *Flood Risk Assessment*

Paragraph 163 of the NPPF advises that applications should be supported by a site-specific flood-risk assessment. This has been provided with the application and reviewed by the Environment Agency who have raised no objection to the proposal, subject to a number of flood mitigation measures being secured by condition. This includes:

1. Finished floor levels at a minimum of 19.17mAOD
2. Flood Proof doors to be incorporated into the design in addition to inbuilt demountable defence attachment/anchor points.
3. Non-return valves installed on drains and water in/outlet pipes.
4. Resilient floor finishes.
5. Electrical components and sockets installed to a minimum of 20.17mAOD (i.e. 1000mm above finished floor level and served from above.
6. Flood sensitive ground floor equipment above 19.56mAOD.
7. Ventilation should be sealable and/or above the extreme flood level of 19.41mAOD.

An emergency evacuation and flood plan can be secured by condition to ensure there is an appropriate warning and response to an extreme flood event.

In light of the above, it is considered that there is no objection to the proposal on the grounds of flood risk.

## 7. RESIDENTIAL AMENITY

### *Potential occupiers*

The proposal comprises 95 dwellings with a mix of studios, 1 bedroom, 2 bedroom apartments. Each dwelling is provided with a good standard of natural light and outlook. However, with the exception of a gym on the ground floor of the west building, the proposed development does not provide any communal indoor or outdoor amenity space. Whilst some of the units are afforded a small amount of outdoor space via balconies, the majority of the proposed units do not have any outdoor space. The high density of development within the proposed buildings would suggest that at least some outdoor amenity space would be essential to provide for the amenity of the potential occupiers. The lack of this space is another poor aspect of the design of the scheme overall and is indicative an overdeveloped proposal.

The site lies adjacent to a number of industrial units situated within the 'Stable Yard' immediately to the north. The site is also adjacent to Windsor Bridge Road which is a very busy road within Bath. There is the potential for the development to be affected by excessive noise. However, an acoustic assessment has been submitted with the application and reviewed by the Environmental Protection Team. This demonstrates that, subject to conditions requiring the specified design criteria be met, that the proposed dwellings would not suffer from excessive noise. However, this does not overcome the concerns regarding the lack of outdoor amenity space.

#### *Adjoining occupiers*

The site is adjacent to the Roseberry Place development immediately to the south. The proposed western building would be positioned opposite 'Building B' of the Roseberry Place development whilst the proposed eastern building would be positioned opposite 'Building A North'. These parts of the Roseberry Place development are residential blocks containing a number of 1 and 2 bedroom flats.

The daylight and sunlight report submitted with the application demonstrates that proposed development will not have any significant adverse effect upon the light received by the flats in Roseberry.

Given the separation between the proposed buildings and the approved buildings at Roseberry Place, it is considered that the proposals will not have any significant impact upon the outlook or privacy of these adjoining occupiers.

## 8. ECOLOGY

The Eastern boundary of this site is on Windsor Bridge Road, while the western boundary is adjacent to the river Avon Site of Nature Conservation Interest (SNCI). The river and associated riverbank are outside the site boundary and no works are proposed to these.

An Ecological Appraisal has been carried out (BuroHappold, 4 July 2018). This notes the significant ecological value of the River Avon not only as a priority habitat but also because it supports a range of protected species including bats from the Bath and Bradford on Avon Bats Special Area of Conservation (European Designation), otter, kingfisher and notable aquatic plants.

The site is currently dominated by the existing warehouse building and hard standing, with very small areas of scattered scrub, amenity grassland and introduced shrubs.

### *Bats*

The Ecological Appraisal concludes that the warehouse building offers negligible bat roosting potential and that the site offers negligible foraging or commuting habitat for bats because of the limited natural habitats and high wattage security lights on the building. The report acknowledges the importance of the river Avon as a commuting and foraging habitat for bats and the fact that it is considered supporting habitat for the Bats SAC (designated for its populations of Greater and Lesser Horseshoe bats which are a light sensitive species).

Reference is made to the B&NES Waterspace Design Guidance Protection of bats in Waterside development (Technical Guidance, June 2018). Due to the proximity of the proposed development to the river, an Artificial Lighting Impact Assessment has been carried out (BuroHappold, 17 August 2018). Lux values from the proposed development have been calculated based on all lighting (internal and external) being on at the same time and excluding the mitigating effects of any blinds, curtains or vegetation (the "worst case" scenario). In some cases, the lux levels calculated very slightly exceed the maximum limits set out in the Waterspace Design Guidance (0.1 lux over the river surface and 0.5 lux over the river bank and towpath). The maximum exceedance is 0.19 over the water surface. However, the calculation assumes that all internal and external lights are on with no mitigation from curtains or blinds. This is very unlikely to be the case and so, actual lux levels are likely to be much lower.

The predicted lightspill from the development is therefore controlled to acceptable levels, however, a condition could require a lighting assessment check once the building is operational, in order to check that the actual lux levels are in line with those predicted by the model. If actual lux values are found to exceed those set out in the Waterspace Design Guidance then remedial steps could be taken.

### *Other Species*

Due to the lack of suitable habitat on site or on the river bank in this area, and lack of connecting habitat due to the urban location, the report concludes that otter, watervole, badger, dormouse, reptiles, amphibians and hedgehogs will be unaffected by the proposals.

### *Birds*

It is likely that the shrub areas and scattered scrub around the site are used by woodland and garden birds for nesting, resting and foraging. The site is well connected to trees and other habitats along the river banks and to scrub on the disused railway bridge. Although kingfisher are known to nest along the river, the banks in this location do not provide suitable habitat.

Table 6.1 of the Ecological Appraisal contains proposals for ecological mitigation and enhancement measures and these are welcomed.

### *Ecology conclusion*

The Council's Ecologist is satisfied that the proposals are acceptable and do not raise any objection on ecological grounds. The proposals therefore accord with policy NE3 of the Placemaking Plan.

## 9. TREES AND GREEN INFRASTRUCTURE

The application submissions include an arboricultural report containing a tree survey, arboricultural impact assessment and tree protection plan.

There is a small group of hawthorn trees, a berberis hedge and a mature alder tree located to the east of the existing buildings (T1, H1 and G1). The Council's arboriculturalist has no objection to the loss of these trees.

There are also three early mature trees (two alder and one hornbeam) situated to the east of the existing buildings within a grass verge area adjacent to Windsor Bridge Road. As indicated in the tree survey, these trees are well established, in good condition and make a positive contribution to the visual amenities of the streetscene and the wider Green Infrastructure (GI) of the city.

The route of the STR is shown in the application drawings as crossing the root protection area of an off-site Alder Tree (T2) The Council's arboriculturalist is concerned that its retention would be compromised by these proposals and the construction requirements.

There are three trees situated on the river bank to the west of the site. As noted in the tree survey, these trees are generally in poor condition, but collectively function to screen views into the site from the river. They also contribute towards the softening of the river corridor and function as part of the wider green infrastructure network along the river. However, this is a relatively thin screen which makes the soft river edge adjacent to the site relatively vulnerable.

The river corridor is identified in the Core Strategy as an important strategic green infrastructure corridor through the urban area. Policies CP7 of the Core Strategy and NE1 of the Placemaking Plan require that development proposals demonstrate that they have maximised opportunities preserve and enhance the green infrastructure network. However, the position of the proposed western building and route of the STR leaves very limited room available for large trees to be planted on secure and level land.

It is also relevant to note that the proposed replacement trees shown within the verge to the east of the site are not within the ownership of the developer and they therefore have no control over whether these replacements can actually be delivered. Given the position on highways verge, close to a substation, there may well be underground utilities present which may prevent planting in this area. The application does not include any investigation to determine whether replanting in this area is feasible.

Section 3.5 of the Planning Obligations Supplementary Planning Document provides a mechanism to secure contributions towards replacement planting off site. However, there are limited sites within the vicinity in which to provide compensatory planting and, given

the importance of the strategic green infrastructure corridor adjacent to the site, it is considered that the proposals should first be seeking to provide on-site replacements to bolster the soft edge of the river corridor before resorting to off-site replacements.

In light of the above, it is considered that the proposals do not demonstrate due consideration of policy CP7 of the Core Strategy and policies NE1 and NE6 of the Placemaking Plan.

## 10. ARCHAEOLOGY

The application has been submitted with a desk-based archaeological assessment. This has been reviewed by the Council's Archaeologist who agrees with its assessment that the site has relatively low archaeological potential. There is no archaeological objection to the proposals and no need for further investigations.

## 11. CONTAMINATED LAND

The application site is identified as a site of potential concern in respect of contaminated land. The application has been submitted with the following report: Phase 1 and 2 Geo-Environmental Investigation. This has been reviewed by the Council's contaminated land officer who has raised no objection subject to conditions requiring an investigation and risk assessment, a remediation strategy and a verification report.

## 12. SURFACE WATER DRAINAGE

The site currently discharges its surface water into the River Avon via a public surface water sewer that crosses the site. The proposed development intends to continue this existing arrangement with the post development surface water entering the public sewer at the same point.

The surface water runoff for the site would be collected and attenuated to achieve a minimum 30% reduction in runoff rates below the existing situation. Some of the roofs on the site would be green roofs and as such there would be some interception of the first 5mm rainfall. The drainage strategy has been reviewed by the Flood Risk and Drainage Team who have raised no objection, subject to conditions requiring the acceptance of the sewerage company of the runoff rates and details of the ownership and maintenance of the drainage system.

## 13. PLANNING OBLIGATIONS

In accordance with the planning obligations SPD, a development of the scale proposed would be required to provide a site specific targeted recruitment and training obligation.

It is a requirement of the developer to provide a method statement following a template and guidance produced in partnership with the B&NES Learning Partnership that will outline the delivery of the TR&T target outcomes. The developer will also be required to

participate and contribute to a TR&T Management Board supported by the B&NES Learning Partnership that will have the overall responsibility of delivering the outcomes. This could be secured as part of a s106 legal agreement.

The Planning obligation SPD also confirms that contributions towards replacement trees off-site will be required where trees are removed on-site and not replaced.

A contribution towards fire hydrant installations is also required as per the planning obligations SPD.

#### 14. COMMUNITY INFRASTRUCTURE LEVY AND NEW HOMES BONUS

The proposed development for new dwellings is liable for CIL which is charged at £100 per square metre of floorspace. The proposed dwellings will generate a CIL liability of an estimated of £460,000.

It will also provide additional Council tax revenue in the form of the New Homes Bonus.

#### 15. SUSTAINABLE DESIGN, CONSTRUCTION AND ENERGY

Policy CP2 of the Core Strategy requires sustainable design and construction to be integral to all new developments. Policy SCR1 requires major developments to provide sufficient renewable energy generation to reduce carbon emissions from anticipated energy use in the building by at least 10%.

The application has been submitted with a sustainable construction checklist and an energy statement. These include a range measures that have been incorporated into the design and list renewable energy technologies (e.g. solar PV) utilised to achieve the reduction in carbon emission required by SCR1. The energy statement proposed design exceeds the 10% CO2 reduction through renewable energy required by SCR1 and achieves an improvement over the baseline emissions of 19% meeting CP2.

The site falls within a District Heating priority area and is subject to policy CP4 of the Core Strategy. The proposed gas boiler plant room is located on the ground floor of the development allowing connection to any future district heating networks. The plant room has sufficient space to allow the installation of a Plate heat exchanger to connect to a future district heating network. The proposed development is therefore considered to meet the requirements of policy CP4.

#### 16. AIR QUALITY

The application has been submitted with an air quality assessment. The report highlights that part of the development is within the air quality management area (AQMA). This report has been reviewed by the Environmental Monitoring team who accept its findings. The report concludes that the development itself is unlikely to cause a significant impact on air quality.

The report also recommends mitigation to minimise potential dust arising from the demolition and construction phases of the development.

There is therefore no objection to the proposal on air quality grounds, subject to conditions requiring the minimisation of dust during construction/demolition and the installation of an electric vehicle charging point as part of the scheme.

## 17. PLANNING BALANCE

### *Public benefits*

There are a number of public benefits and material considerations which weigh in favour of the application.

Firstly, the proposal would provide 95 dwellings which would contribute towards meeting the housing need in the district. The objectively assessed need for housing in Bath over the plan period to 2029 is 7,020 as identified in the Core Strategy including 3,300 via large sites in the Central Area and Enterprise Zone and 1,150 through small scale intensification distributed throughout the existing urban area. Against these targets the proposals provide a notable number of dwellings on a windfall site. The provision of residential accommodation on this site is therefore a clear benefit of the scheme which accords with the housing aims of policy B1 and B3 of the Core Strategy.

The construction of the proposed development would generate a number of local employment opportunities and opportunities for local suppliers. However, it should be noted that this only a temporary benefit of the scheme for the duration of the construction period.

The application claims that the delivery of the STR could potentially generate economic benefits of around £7.5million over a ten-year period. However, the application does not actually propose the delivery of the STR, it merely provides part of the route through the site and leaves the wider STR to delivery by another party. The economic benefits of the STR derived from the application proposals themselves are therefore limited.

The scheme would generate CIL contributions of over an estimated £460,000 which can be spent on infrastructure on the Council's regulation 123 list. The proposals will also generate additional Council Tax income through the New Homes Bonus. This weighs in favour of the application.

### *Less than substantial harm vs public benefits*

The proposed development results in harm to the Bath World Heritage Site and Bath Conservation Area. This harm has been identified as 'less than substantial', but is still considered to be reasonably significant in terms of impact.

Paragraph 196 of the NPPF requires that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The requirement to conduct this

balancing exercise is also reflected within the wording of the Placemaking Plan policy HE1.

Paragraph 193 of the NPPF states that great weight should be given to the conservation of heritage assets. It also states that the more important the asset, the greater the weight should be and goes on to list World Heritage Sites as heritage assets of the 'highest significance'.

The harm identified to the World Heritage Site relates to its impact upon several of the attributes of the OUV of the City of Bath: Georgian town planning; Georgian architecture; and, the green setting of the City. The OUV of the World Heritage Site indicates its importance as a heritage asset of the highest significance. The harm which has been identified to the key attributes of the OUV should therefore be given very great weight indeed.

The harm identified to the Bath Conservation Area is also considered to be relatively significant. Whilst not a heritage asset of the same level of significance as the World Heritage Site, the NPPF still directs that great weight should be given to its conservation.

It is not considered that the public benefits identified above, either individually or cumulatively, outweigh the harm that has been identified to the WHS and the conservation area. It is therefore considered that the proposals are contrary to paragraphs 193 and 196 of the NPPF, policy HE1 of the Placemaking Plan and policy B4 of the Core Strategy.

### *Overall balance*

The following main harms resulting from the proposed development have been identified:

#### 1. Loss of industrial use

- Existing business using the site
- Good quality premise with potential to be used more productively
- Strong market demand and interest for industrial uses
- Limited industrial land/floorspace available in the city and no new floorspace planned;
- The loss of further industrial floorspace (other than that identified in the Placemaking Plan allocations) is contrary to the economic development aims of policies B1 and B3 of the Core Strategy
- Contrary to policy ED2.B of the Placemaking Plan

#### 2. Lack of Affordable Housing

- Proposal provides no affordable housing
- Viability assessment demonstrates that the scheme would be viable with 18% affordable housing
- Contrary to policy CP9 of the Core Strategy

#### 3. Design including scale, height and massing

- Height, scale and form at odds with the local context
- Form, height, massing, bulk, footprint and size are not of a human scale
- Materials not associated with the character of the city
- Inadequate setting for buildings of this scale

- Limited interaction with the public realm
- Poor legibility, permeability and lack of connectivity
- Lack of outdoor amenity space for occupiers
- Contrary to CP6 of the Core Strategy
- Contrary to policies D1, D2, D3, D4, D5 and D10 of the Placemaking Plan

#### 4. Local Landscape Character

- Fails to conserve or enhance local landscape/townscape character
- Contrary to CP6 of the Core Strategy
- Contrary to policy NE2 of the Placemaking Plan

#### 5. Impact on Bath World Heritage Site

- Intrudes into long views across the city
- Fails to respect the hierarchy of the Georgian City
- Adversely affect the relationship between the city and its green setting
- Harm to the attributes of the OUV of the World Heritage Site
- Not outweighed by public benefits
- Contrary to policies B4 and CP6 of the Core Strategy
- Contrary to policy HE1 of the Placemaking Plan
- Contrary to NPPF, particularly paragraphs 132 and 134

#### 6. Impact on the Bath Conservation Area

- Harm the character and sense of tranquillity along the river corridor
- Intrudes into and distracts from views in/out of the Conservation Area
- Not outweighed by public benefits
- Contrary to CP6 of the Core Strategy
- Contrary to policy HE1 of the Placemaking Plan
- Contrary to NPPF, particularly paragraphs 132 and 134

#### 7. Highways Impact

- Insufficient parking provision (49 spaces short on requirement)
- Harm to highways safety and residential amenity associated with additional on-street parking
- Contrary to policy ST7 of the Placemaking Plan

#### 8. Trees and Green Infrastructure

- Compromises the retention of T1 (alder)
- Failure to take opportunities to enhance green infrastructure
- Proposed replacements potentially not feasible
- Contrary to policy CP7 of the Core Strategy
- Contrary to policies NE1 and NE6 of the Placemaking Plan

Against these harms, the following material considerations in favour of the application have been identified:

#### 1. Provision of 95 dwellings

- Assists with meeting housing target
- Provision of housing is in accordance with the housing aims of policy B1 and B3 of the Core Strategy.

- However, no affordable housing provision

## 2. Construction benefits

- Local employment opportunities
- Opportunities for local suppliers
- Temporary for duration of construction
- Targeted recruitment and training obligations

## 3. Provision of STR

- Provides mechanism for relocation of substation and bus stop
- Does not prejudice STR in accordance with policy ST2 of the Placemaking Plan
- However, only provides section through application site with the rest to be delivered by 'others'
- Design of proposed scheme turns it back on route of STR and does not take advantage of opportunities

## 4. Community Infrastructure Levy

- Estimated to be over £460,000

## 5. New Homes Bonus

- Additional Council tax income

## 18. CONCLUSION

There is a clear tension in policies B1 and B3 between the loss of employment use/land on this site and the provision of housing on this site. Taking this issue in isolation, it is considered that the benefits of providing housing on this site could outweigh the harm arising from the loss of the employment use/land. However, as can be seen from the above, there are numerous and significant other conflicts with the Core Strategy, the Placemaking Plan and the NPPF. When considered against the development plan as a whole, the proposals are considered to be contrary to the strategy and vision for the city of Bath and would result in a number of very significant harms including, inter alia, harm to the OUV of the World Heritage Site and the Bath Conservation Area.

In contrast, the benefits of the scheme are relatively minimal and typical of any housing scheme. The only unique benefit is the provision of the STR route through the site. However, whilst this is clearly a benefit of the scheme, the design of the route is considered to be sub-optimal and, in any case, would rely heavily upon other parties delivering the wider STR route for this benefit to be fully realised.

In light of the above, it is considered that the proposed development is contrary to the development plan and material considerations do not indicate that the development should be approved. The application should therefore be refused.

## **RECOMMENDATION**

REFUSE

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

1 The proposed development would provide no affordable housing. The viability evidence submitted does not demonstrate that the scheme would be unviable if affordable housing was provided. The proposal is therefore contrary to the National Planning Policy Framework and the development plan, in particular policy CP9 of the Bath and North East Somerset Core Strategy.

2 The proposed development would provide insufficient on-site parking provision and will result in an increase in on-street parking in the vicinity of the site which would adversely affect highways safety and residential amenity. The proposed development is therefore contrary to the National Planning Policy Framework and the development plan, in particular policy ST7 of the Bath and North East Somerset Placemaking Plan.

3 The design of the proposed development, including its height, scale, form, massing, layout, materials, footprint and landscaping, conflicts with a number of key urban design principles, does not respond appropriately to local character and distinctiveness, does not contribute positively towards urban fabric or public realm and fails to conserve or enhance local landscape/townscape character. The proposed development is therefore contrary to the National Planning Policy Framework and the development plan, in particular policy CP6 of the Bath and North East Somerset Core Strategy and policies D1, D2, D3, D4, D5, D10 and NE2 of the Bath and North East Somerset Placemaking Plan.

4 The proposed development, due to its height, scale, massing and design, will intrude into long views across the city, fail to respect the hierarchy of the Georgian City, adversely affect the relationship between the city and its green setting and harm the character and sense of tranquillity along the river corridor. The proposals will harm the Outstanding Universal Value of the Bath World Heritage Site and the setting of the Bath Conservation Area. The degree of harm is considered to be 'less than substantial' and the public benefits of the proposal do not outweigh the harm identified. The proposed development is therefore contrary to the National Planning Policy Framework and the development plan, in particular policies CP6 and B4 of the Bath and North East Somerset Core Strategy and policy HE1 of the Bath and North East Somerset Placemaking Plan.

5 The proposed development would harm the retention of trees which make a contribution towards the visual amenity of the area and fails to demonstrate the feasibility of the replacement planting. Furthermore, the proposal fails to maximise opportunities to design green infrastructure into the proposed development and fails to contribute towards the enhancement and management of the existing strategic green infrastructure corridor. The proposed development is therefore contrary to the development plan, in particular policy CP6 of the Bath and North East Somerset Core Strategy and policies NE1 and NE6 of the Bath and North East Somerset Placemaking Plan.

#### **PLANS LIST:**

1871/P/000 E LOCATION PLAN  
1871/P/00 J PLAN LEVEL 0  
1871/P/01 G PLAN LEVEL 1  
1871/P/02 H PLAN LEVEL 2  
1871/P/03 H PLAN LEVEL 3  
1871/P/04 H PLAN LEVEL 4  
1871/P/05 H PLAN LEVEL 5

1871/P/06 G PLAN LEVEL 6 AND ROOF ACCESS EAST BLOCK  
1871/P/07 G PLAN ROOF ACCESS WEST BLOCK  
1871/P/08 G ROOF PLAN  
1871/P/09 G NORTH ELEVATION  
1871/P/10 F SOUTH ELEVATION  
1871/P/11 E EAST ELEVATION  
1871/P/12 G WEST ELEVATION  
1871/P/13 G COURTYARD ELEVATION WEST BUILDING  
1871/P/14 F COURTYARD ELEVATION EAST BUILDING  
1871/P/15 H WIDER CONTEXT ELEVATION SOUTH  
1871/P/16 H WIDER CONTEXT ELEVATION WEST  
1871/P/17 G SECTION 01  
1871/P/18 F SECTION 02  
1871/P/50 A LANDSCAPE PLAN LEVEL 0  
1871/P/51 A LANDSCAPE PLAN LEVEL 1  
1871/P/52 B LANDSCAPE SECTION 01  
1871/P/53 B LANDSCAPE SECTION 02  
1871/P/54 B LANDSCAPE SECTION 03

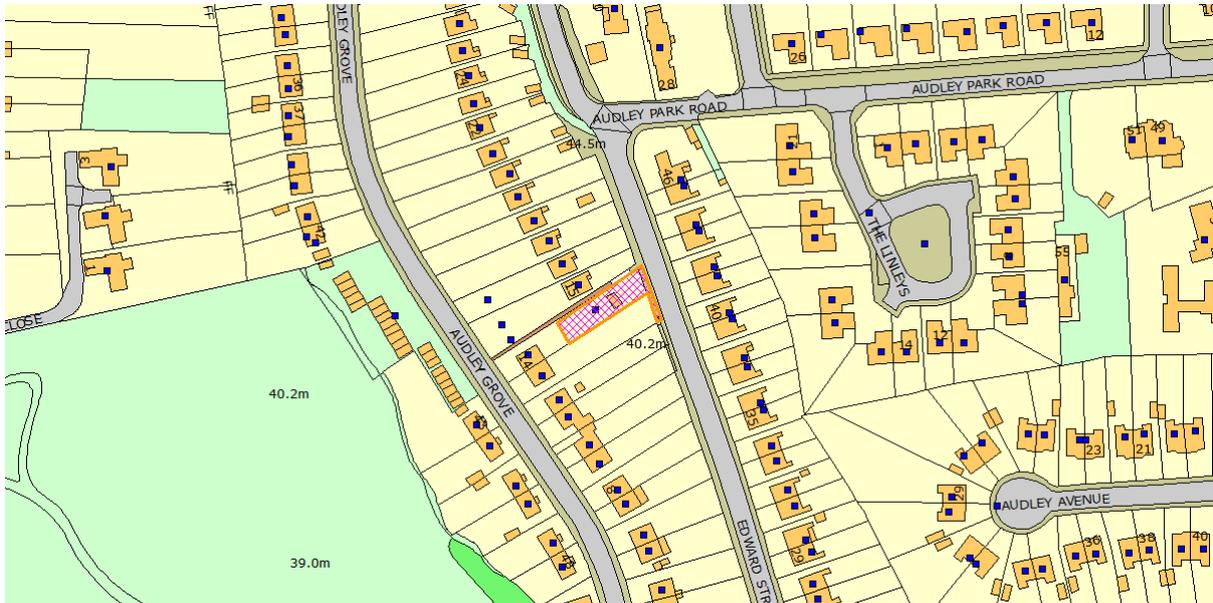
#### DECISION MAKING STATEMENT

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. The Local Planning Authority has engaged with the applicant through pre-application discussions and has outlined its concerns with the application at an early stage. However, for the reasons given above it has not been possible to recommend the application for approval.

#### **Community Infrastructure Levy**

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

**Item No:** 02  
**Application No:** 18/05513/FUL  
**Site Location:** 47 Edward Street Lower Weston Bath



**Ward:** Kingsmead      **Parish:** N/A      **LB Grade:** N/A  
**Ward Members:** Councillor Sue Craig      Councillor Andrew Furse

**Application Type:** Full Application

**Proposal:** Erection of 1 no. dwellinghouse.

**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 NE2A Landscapes and the green set, SSSI - Impact Risk Zones,

**Applicant:** Dr Helen Moore

**Expiry Date:** 15th March 2019

**Case Officer:** Chris Griggs-Trevarthen

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

## REPORT

### REASON FOR REPORTING TO COMMITTEE

Councillor Andrew Furse and Councillor Sue Craig have requested that the application be brought before the Development Management Committee if the application is recommended for approval. Both Councillors' comments are summarised in the representations section below. The Chair has decided that the application should be determined by committee for the following reason:

I have studied the application including the history of the site noting statutory consultees' comments, third party objection comments and committee requests from both Ward councillors.

The site remains controversial and the changes from the previously approved dwelling, despite amendments as the application has progressed, are felt to have a negative impact on the area by third party consultees.

The application has been assessed against relevant planning policies as the report explains. However, I recommend this application be determined by the Development Management Committee as was the previously approved decision following a site visit.

## DESCRIPTION

The application relates to the rear garden of the residential property 14 Audley Grove which backs on to Edward Street in Bath. The site has a substantial upwards incline in the direction of Edward Street to the rear. The locality is primarily residential and is characterised by early to mid-Twentieth Century two storey houses constructed in Bath stone ashlar under tiled roofs.

The site is located within the Bath Conservation Area and the City of Bath World Heritage Site.

Planning permission for the erection of a single dwelling on this site with associated car parking and landscaping on this was granted in April 2017 (ref: 16/06124/FUL). This planning permission remains extant until April 2020.

The current application seeks to make changes to the design of the approved dwelling. The changes include the following:

1. A similar sized footprint, but a revised layout to include a single storey projection along the northern boundary;
2. Changes to the building form to incorporate a partly sloping and partly flat roofed design;
3. Revised fenestration design
4. Revised palette of materials to include Bath stone, render, metal standing seam and clay tiles;
5. Reduced amount of excavation, but as a result the ridge height is slightly higher than the approved dwelling;
6. Situated closer to the boundary with 15 Audley Grove.

## PLANNING HISTORY

08/01789/FUL

Retention of 2m high wooden fence to rear boundary  
WITHDRAWN 18 July 2008

11/00373/FUL

Erection of a greenhouse in rear garden  
PERMITTED 7th April 2011

16/06124/FUL

Erection of 1 no. dwelling, car parking and associated landscaping in rear garden of existing dwelling

PERMITTED 28th April 2017

Land at 15 Audley Grove:  
08/01627/FUL  
Erection of 2 no. houses (Resubmission)  
PERMITTED 23rd September 2008

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

A summary of consultation responses to the application have been provided below.

HIGHWAYS: No objection, subject to condition

ARBORICULTURE: No objection

CONSERVATION (First comment): Objection

The use of materials remains important due to the sensitive location. The proposal now includes a large portion of render with buff coloured bricks restricted to the west elevation. In addition, it is proposed to use concrete tiles instead of clay tiles previously proposed which is unacceptable. The use of timber windows and doors is supported; however, the design of these openings, particularly the doors on the west elevation needs reconsideration. More information regarding the use of profiled metal sheeting is required as it is not clear from drawings where this will be used.

CONSERVATION (Second comment): No objection, subject to conditions

The introduction of clay tile roofing and natural bath stone for the west elevation is an improvement. However three elevations remain large expanses of render which is disappointing. The introduction of a window for bed 2 is an improvement and the east elevation would have been improved through the addition of a window serving bed 1 which would have avoided a large blank elevation. Overall the design has been improved through the alteration of the chimney and materials. As a whole the proposal is considered to have a neutral impact upon the character of the conservation area and will not cause harm as defined by Section 16 of the NPPF.

COUNCILLOR FURSE: Comments

There is a large degree of interest locally that this permission has returned to revise the building. There are a number of detailed issues regarding access egress and the change in size of the proposed building. In the interests of transparency and local democracy, I request this application be determined by committee.

COUNCILLOR CRAIG: Comments

The placement of the building relative to the site boundary varies between drawings. The design is quite different in look and feel to the previous application. It is higher than the previous application, so a sunlight/daylight analysis should be done to check the impact on the houses below.

The look and feel of the proposal is even less in keeping with the local area than the previous application; This is a beautiful valley within the Bath Conservation & World Heritage Site and this design, including the proposed rendering and tiles, just doesn't fit in.

There is a large platform on the side of the proposed building which looks down the valley and across Audley Road. This protrudes further than the previous plans and gives 270 degree views around the property. Section 2 of the design document states "Potential for solar PV cells to flat roof area." I can't see how solar panels could be installed without blocking the window looking out onto the platform. How can we be sure that this won't eventually become an outside seating area which would be very intrusive to the residents below in Audley Road. None of the current houses have windows looking in this direction and so, once again, this is not in keeping with the local area.

Additionally, this is an extremely challenging site. Has a full geological survey been done?

**THIRD PARTIES/NEIGHBOURS:** 24 letters of OBJECTION have been received. The main issues raised were:

Many comments considered that the proposed design was not in keeping with the character of the conservation area and that it would result in a discordant feature in the area. It was also felt to be overdevelopment of the site resulting in too great a bulk of building on a small plot. The design of the proposed roof was also considered to fail to replicate the series of hipped roof forms along Audley Grove and Edward Street and that the irregular fenestration pattern was out of keeping. Several considered that the proposed materials, including concrete roof tiles, render and metal sheeting, were out of keeping with the surroundings.

One objection comment did express a preference for the design of the current proposals over that of the previous approval

A significant number of the comments received considered that the proposals represent the erosion of important garden space which contributes towards the greening of the 'valley' in this area. They also considered that the proposals would set a precedent for further garden developments along Audley Grove resulting in a negative impact upon the landscape setting of this area. Specific concern about the view from Locksbrook cemetery was raised.

Many raised concerns about the flat roof section in the south-west corner of the proposed dwelling. Many considered that solar panels were no feasible in this location as they would block the window opening and would appear unsightly within the conservation area and World Heritage Site and within the wider landscape. This led many to believe that this area could potentially be utilised as a terrace area which would offer direct views over the surrounding gardens and properties detrimental to their privacy.

The lack of an ecology assessment was also identified by many as making the application unacceptable. Several comments were concerned that the linear landscape features on the site made it suitable for a variety of protected species, including bats and reptiles. It was stated that the Council cannot discharge its responsibility under the Habitat Regulations without an ecology survey and that this matter cannot be deferred to a planning condition.

Several comments were concerned about the stability of this steeply sloping site and many requested that a geological/structural survey be undertaken. Concern was also raised about overland water flows and springs found within this hillside location. It was queried how surface water drainage will be dealt with.

A number of comments were concerned about the loss of trees on the site. There was particular concern how this may impact upon air quality in light of the current clean air proposals in Bath. Some comments considered that there should be no impact upon the off-site Sycamore tree belonging to 15 Audley Grove.

Some comments felt that the proposals would worsen the traffic on Edward Street. Concerns were also raised about the additional highways impacts of services and deliveries to the proposed dwelling.

Several comments felt that the proposed parking layout was unacceptable for several reasons. Some felt that the proposed layout would not work and therefore would result in additional on-street parking. Others were concerned that the proposals would result in the loss of on-street parking opposite the proposed access or conflict with passing pedestrians. Others felt that the proposed parking would dominate the public realm and should be refused on similar grounds to a recent application for a driveway at 29 Edward Street (ref: 18/00990/FUL).

Many comments considered that, since the previous approval, the introduction of double yellow lines along Edward Street would make proposals for parking of construction traffic no longer feasible resulting in contractors parking hazardously in the highway. Many were also concerned about the impacts of construction in terms of noise, disruption, inconvenience, dust, mud, traffic flows and parking. Amount of excavation proposed has also exacerbated these concerns.

A few comments raised concerns about the lack of details for the proposed garden hedge and screen height. They considered that this would materially affect how the development is perceived from Audley Grove.

Several comments were concerned that the proposed dwelling is higher than the approved dwelling and were concerned about the impacts upon 15 Audley Grove, including the potential loss of privacy and loss of light.

Some comments agreed with the concerns raised by the conservation officer in their response to the application. There was also an assertion that the development failed to meet the statutory test set out in s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Some concerns were raised about alleged inaccuracies on the drawings. Others were concerned that inadequate consultation had taken place.

Some comments considered that the proposals resulted in insufficient outdoor amenity space for the occupiers of the proposed dwelling and for the occupiers of 14 Audley Grove.

Several comments referred to planning policy which it was felt the proposed development was contrary to, including D1, D2, D6, NE1, NE3, NE4, NE5, ST7 of the Placemaking Plan and CP6 of the Core Strategy.

One GENERAL COMMENT was received. The main issues raised were:

The comment was broadly comfortable with the design of the house and welcomed the changes to the materials which it was considered would help the building fit in. However, they remained concerned about the potential use of the flat roof as a terrace. They have requested whether planning conditions could be used to restrict permitted development rights and prevent future amendments to the building to allow use of the flat roof as a terrace.

## **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 Bath World Heritage Site
- CP2 Sustainable Construction
- CP6 Environmental Quality

## **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:

- SCR5 Water Efficiency
- 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  
D8 Lighting  
HE1 Historic Environment  
NE1 Development and Green Infrastructure  
NE2 Conserving and Enhancing Landscape and Landscape Character  
NE3 Sites, Species and Habitats  
NE4 Ecosystem services  
NE5 Ecological Networks  
NE6 Trees and Woodland Conservation  
PCS2 Noise and Vibration  
PCS6 Unstable Land  
PCS7A Foul Sewage Infrastructure  
ST7 Transport requirements for managing development

National Planning Policy Framework (July 2018) and the National Planning Practice Guidance (March 2014) can be awarded significant weight.

### **OFFICER ASSESSMENT**

The main issues to consider are:

1. Principle of development
2. Character and appearance
3. Residential amenity
4. Highways and parking
5. Ecology
6. Trees and woodland
7. Sustainable construction
8. Other matters
9. Public benefits
10. Conclusion

#### **1. PRINCIPLE OF DEVELOPMENT**

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

Furthermore, the principle of permitting the erection of a single dwelling on this site has already been established through the previously approved planning permission (ref: 16/06124/FUL). This represents a fall-back position which is a further material consideration which justifies the principle of a new dwelling on this site as being acceptable.

In addition to the above, the proposal represents backland development and policy D7 of the Placemaking Plan states that backland development can be supported where it meets the following criteria:

- a) it is not contrary to the character of the area;

- b) it is well related and not inappropriate in height, scale mass and form to the frontage buildings;
- c) There is no adverse impact to the character and appearance, safety or amenity of the frontage development; and,
- d) It is not harmful to residential amenity as outlined in Policy D6

These matters are considered below.

## 2. CHARACTER AND APPEARANCE

The site is located within the Bath Conservation Area. The Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the local planning authority shall pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

The character of the area is suburban with predominantly early/mid Twentieth Century residential linear development within relatively large garden plots. However, a number of plots have been sub-divided and reduced in length in recent years. Most notably, the semi-detached pair of houses, 15A and 15B Audley Grove, were granted planning permission in 2008 and were constructed within the garden of 15 Audley Grove significantly reducing its plot length. The sub-division of the plot of 14 Audley Grove is therefore not out of keeping with the surrounding area or its recent history. Furthermore, the principle of sub-dividing this plot has already been established through the previous approval for a dwelling on this site (ref: 16/06124/FUL).

The previously approved dwelling was a modern design which was very different to that of the 20th century dwellings which surrounded it. However, in recommending the previous application for approval the case officer was mindful of paragraph 60 of the previous NPPF which stated that planning decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles.

Paragraph 60 has since been superseded and paragraph 127 of the new NPPF now states that planning decisions should be, inter alia:

- visually attractive as a result of good architecture, layout and appropriate landscaping;
- sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

Whilst different to its surrounding context, the previously approved dwelling was considered to be in keeping with the scale, massing and building line of the local area and was therefore deemed appropriate.

The current proposal comprises equally modern design and appears quite different from the surrounding area. However, like the previous approval, the proposed dwelling has a scale and massing that is in keeping with the surrounding area. Furthermore, its siting

continues the staggered building line of the set-back Audley Grove houses and respects the local pattern of development in this area. Unlike the previous approval which was approved with a buff brick finish, the proposed dwelling would be finished in natural bath stone on its west elevation demonstrating further respect for the local character and built environment.

Following concerns about the use of concrete tiles, the application has been revised to now include clay tiles which will better respect the surrounding area. The south and east elevations are less prominent than the west elevation and therefore the use of render is considered acceptable. This is consistent with the approach adopted on the more recently constructed 15A and 15B Audley Grove. Conditions to require a detailed schedule and samples of materials prior to construction are recommended.

The design of the fenestration is where the proposed dwelling departs from the local character the most. The variety of openings on the west elevation does not match the uniformity of the fenestration design on the surrounding 20th century buildings. However, following negotiations with the applicant the number of openings on the west elevation was increased to 4 and their locations on this elevation were adjusted. These revisions introduce greater balance to the elevation and better reflect the balance of the fenestration in the adjacent buildings.

It is therefore considered that the design of the proposed building, although modern and different in style to the surrounding buildings, respects the local character and is considered acceptable.

The proposed dwelling would sit behind the row of dwellings on Audley Grove, but below the upper street level of Edward Street. This means that the proposed dwelling is less conspicuous than its hillside location would otherwise suggest. The site lies on one side of a 'valley' with Locksbrook cemetery situated on the other side. However, there is a significant tree belt on the slope of Locksbrook cemetery which prevents the site from being seen in any prominent or key views. It is therefore considered that the proposed dwelling will not be unduly prominent or incongruous in public views of the site.

Concerns have been raised that the proposal represents overdevelopment of the plot. However, the footprint of the proposed dwelling (85 sqm) is very similar to the previously approved dwelling (86 sqm) and this represents a build to plot ratio of approximately 27% which compares favourably to the ratio of adjacent plots. Although situated directly adjacent to the northern boundary of the site, the proposals retain a good degree of spacing from the other three boundaries which provides the proposed building with an adequate setting so as not to appear cramped or overdeveloped. It is therefore considered that the proposed dwelling would not be overdeveloped.

Concerns have also been raised about the potential inclusion of solar panels on the flat roof element of the proposed design. These concerns consider that the appearance of solar panels placed at an angle on this flat roof would detract from the surrounding area. There is no policy requirement for the proposed dwelling to include solar panels (policy SCR1 only applies to major developments). However, whilst the application references the 'potential' for solar panels on this area, the applicant has now confirmed that for budgetary reasons they no longer wish to proceed with this element of the proposal. No solar panels

are shown on the drawings and any subsequent proposals to introduce angled solar panels to this area would require a separate planning permission.

In light of the above, it is considered that the proposed development would respond appropriately to the local context and would preserve the character and appearance of the conservation area. Furthermore, it would preserve the outstanding universal values of the Bath World Heritage Site and conserve the local landscape character.

### 3. RESIDENTIAL AMENITY

Given the distance between the proposed dwelling and the existing houses on Edward Street, in addition to the difference in ground levels, it is not considered the proposal would cause unacceptable harm to the amenities of the occupiers of those dwellings through loss of light, overshadowing, overbearing visual impact, loss of outlook or loss of privacy.

There would be a separation distance of approximately 20m between the west elevation of the proposed dwelling and the upper floor rear windows at the existing dwelling at 14 Audley Grove. This is a greater distance than between the facing elevations of No. 15 and Nos. 15A and 15B Audley Grove and is very similar to the separation distance of the previously approved dwelling from 14 Audley Grove.

Whereas, the previously approved dwelling included a large dormer window at first floor level, the current proposal includes a small opening on the west elevation with a slightly larger window recessed behind the area of flat roof in the corner of the building. Given the above and the difference in ground levels, it is considered that the proposed dwelling would not cause any greater harm in terms of overlooking and loss of privacy than the previously approved dwelling for the occupiers of 14 Audley Grove.

Similarly, the distance between the proposed dwelling and the rear windows at 13 Audley Grove is considered adequate to avoid a harmful level of overlooking for the occupiers of that dwelling.

Unlike the previous approval, the proposed dwelling contains a single first floor window in its south elevation which faces towards the garden of 13 Audley Grove. However, the sections provided with the application demonstrate that this is a high level window within one of the bedrooms and will not afford any significant opportunities for overlooking of the neighbouring garden. Furthermore, given the sloping nature of these gardens, there already exists a degree of mutual overlooking between the various properties in this location.

It is not considered that the proposed development would result in a significant increase in overlooking to the rear garden and windows of 15A and 15B Audley Grove compared to the existing relationship between number 15 and the recent semi-detached pair of 15A and 15B. Furthermore, the rear bedroom window would afford only angled views to the rear elevations of 13, 15A and 15B Audley Grove.

Although slightly higher than the previous approval, the proposed dwelling remains well below the ridge height of the adjacent property, 15 Audley Grove. Given the modest height

of the proposed dwelling and the particular relationship with the surrounding properties, particularly the distance from those fronting Audley Grove, it is not considered that the development would cause a harmful impact for the occupiers of neighbouring Audley Grove properties through visual impact, loss of light or overshadowing.

Despite the proposed dwelling being situated closer to the boundary with 15 Audley Grove than the previous approval, its split level design means that it presents a limited height and mass to this boundary. As a result, it is considered not to appear overbearing or result in any significant loss of light or outlook.

Concern has been raised that the area of flat roof in the south-west corner of the proposed dwelling could potentially be used as a first floor terrace. Although not shown on the drawings as a terrace, if it was used in this manner then it would offer direct views over the gardens of adjoining neighbours to the south and west. It is therefore considered necessary and reasonable to recommend a condition which prevents the use of this flat roof area as a terrace or balcony.

Overall, it is considered that the proposed development would maintain an acceptable standard of amenity for the occupiers of all neighbouring dwellings in accordance with policy D6 of the Placemaking Plan.

In regards to the residential amenity provided by the proposed dwelling, all habitable rooms would benefit from an acceptable level of daylight and outlook. Useable private amenity space would be provided to the rear of the proposed dwelling. The proposed dwelling and garden would not experience an unacceptable level of overlooking from any neighbouring property. Overall, the proposed dwelling would provide an acceptable standard of amenity for future occupiers.

#### 4. HIGHWAYS AND PARKING

The proposed development would be accessed from Edward Street. The proposed access arrangements would not change from that agreed as part of the earlier planning permission.

It is noted that the visibility splay would be achieved by purchasing a strip of verge to the rear of 13 Audley Grove. It is not uncommon for visibility splays within built up areas to be reliant on verges. The proposed access arrangements are therefore considered acceptable.

Two car parking spaces would be provided, which meets the policy requirement for the proposed three bedroom house as set out in policy ST7 of the Placemaking Plan.

The additional trips generated by a single dwelling are unlikely to have any significant impact upon traffic flows or the local highways network. There is no objection from the Highways Officer on these grounds and it is considered that the impact upon traffic flows will be no greater than that of the previously approved dwelling.

#### 5. ECOLOGY

The proposal affects an area of existing residential garden and would involve removal of structures such as a garden shed and a greenhouse. Whilst the site is likely to be used by a range of common wildlife that typically occurs in gardens, and this is likely to include bat activity, the site does not appear to support any features or habitat that would provide potentially suitable roosting opportunities. Bat surveys are therefore not considered justified in this case, and the proposal can proceed using the precautionary approach.

The proposal would not harm bat activity. Furthermore, it is not considered that the addition of a single dwelling in a residential area would deter bat activity in the locality. The habitat value of vegetation at the site is not capable of being of sufficient value to be reliant for bat activity. Sensitive lighting would, however, be appropriate as excessive lighting can deter bats and other wildlife; this can be secured by condition.

## 6. TREES AND WOODLAND

No trees of arboricultural significance would be removed to accommodate the proposed development. There is no objection to the loss of the Purple Plum as indicated.

There is an off-site Sycamore located on the adjoining land to the north of the application site. This tree is not a suitable candidate for a Tree Preservation Order in view of the location in which it is growing and the presence of overhead wires radiating from a nearby telegraph pole. There is no arboricultural objection in regards to potential impact on this tree.

Soft landscaping is proposed as part of the development including a planting screen along the boundary with 14 Audley Grove. Concern has been raised by neighbours about the height and appearance of this boundary. The planting details currently shown are indicative and it is therefore considered necessary to secure further details via a condition.

## 7. SUSTAINABLE CONSTRUCTION

Policy CP2 of the Core Strategy requires sustainable design and construction to be integral to all new developments. A sustainable construction checklist has been submitted with the application which lists a number of features of the energy strategy for the proposed building. These include, inter alia:

- Simple building form with pitched roofs predominately oriented to the south-west;
- Maximised insulation and airtightness of construction;
- Deep eaves to south and west fenestration to shade glazing;
- Layout and sections facilitates cross ventilation;
- Mechanical ventilation with heat recovery (MVHR);
- Low energy fittings and appliances;
- Underfloor heating;
- Careful detailing of junctions between walls, floors and roof to minimise thermal bridges;
- Smart meters.

The Sustainable Construction Checklist SPD sets out a benchmark for demonstrating that energy efficiency has been maximised as required by policy CP2. The benchmark for demonstrating that energy efficiency has been "maximised", as required by CP2, is an overall 19% reduction in regulated emissions. The calculations submitted with application demonstrate that the above referenced measures would result in a 50.57% reduction in carbon emissions over the baseline emission. This can be secured by condition.

In light of the above, the proposed dwelling is considered to comply with policy CP2 of the Core Strategy.

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.

## 8. OTHER MATTERS

### *Land Stability*

Several concerns have been raised about the stability of this sloping site and requests have been made for a geological survey to be undertaken. Paragraph 179 of the NPPF states that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

However, the site is not identified as an area of known landslip risk nor is it identified as part of any coal risk assessment area. A structural assessment by a civil engineering firm (Mann Williams) submitted with the previous application suggested that the expected ground conditions on the site are not generally associated with slope instability issues in the Bath area.

Although it will be a challenging site to construct due to the gradient, there is no evidence to suggest that the site suffers from any particular slope instability issues and that its construction could not be undertaken safely with appropriate design and construction management.

### *Construction Management*

In terms of construction management, many concerns have been raised by residents about the impacts of the construction of this dwelling (disruption, traffic, noise, dust, mud, etc.). Whilst these are legitimate concerns and it is clear that any construction project will involve a degree of disruption and detriment to the amenities of those living nearby, to refuse planning permission on this basis would mean that no developments could ever go ahead. Any disruption suffered by residents will be temporary for the duration of the construction and levels of amenity would revert to normal upon completion.

However, in recognition of the particular challenges with the construction of this site (e.g. the steep slope and the amount of excavation required) it is considered reasonable and necessary to require details of a construction management plan prior to the commencement of development. This will require details of all deliveries, contractor parking, traffic management, working hours, site opening times, wheel wash facilities, compound arrangements and measures for the control of dust.

Specific concern has been raised about how these arrangements would be operated, particularly in light of the introduction of double yellow lines along part of Edward Street (to the north of the application site). There is on-street parking along one side of Edward Street, but the carriageway is not sufficiently wide to accommodate parking on the other side of the street as well. Given the limited level areas within the site to accommodate the parking of construction/contractor vehicles it is likely that these will have to utilise Edward Street to some degree. Provided this is undertaken in an orderly and managed fashion there is no reason to suggest that this would cause undue disruption or highways safety issues. Any unauthorised parking by construction vehicles which obstructs the highway would be a police matter.

#### *Air quality*

Several comments have been made about the impacts of the proposed development on air quality, particularly in relation to the loss of the purple plum tree on the site. Whilst it is acknowledged that trees are important in reducing carbon emissions in the atmosphere and improving air quality, the loss of one small tree on this site is not considered to have any significant impact upon the overall levels of carbon emissions or the air quality of this locality. The site is not located within an identified air quality management area and the proposed development will not have a significant impact upon carbon emission or air quality.

#### *Consultation and drawings*

A few comments suggested that the drawings were inaccurate or misleading. The submitted drawings are all shown to an appropriate scale and include sufficient detail to accurately understand the proposals. One suggestion was that the proposed site plan (1:500) and the proposed floor plans (1:200) conflict in terms of the location of the proposed dwelling in relation to the boundary of 15 Audley Grove. However, the scale of the proposed floor plans show greater detail that cannot be accurately shown in the proposed site plan due to its smaller scale and so there is no conflict between these two drawings.

Other concerns were raised about the consultation process. One site notice was displayed on Audley Grove and one site notice was displayed on Edward Street on 21st December 2018 in accordance with the Council's statutory duties for development in a conservation area. Photographs were taken of the site notices as a visual record.

## 9. PUBLIC BENEFITS

The proposal would result in a number of public benefits which, although relatively small scale, weigh in favour of the application.

Firstly, the proposal would result in the creation of an additional home, on a windfall site, towards the Core Strategy target of 1,150 new dwellings in Bath through small scale intensification in the existing urban area. The modest contribution towards this target is welcome.

Secondly, the proposal will provide economic benefits from the construction jobs generated by the development. Given the scale of the proposed project, these benefits are likely to be fairly limited, but are still welcomed.

Finally, the proposals will generate additional Council tax receipts through the new homes bonus. Again, this is a fairly limited public benefit which applies to all new dwellings, but it still weighs in favour of the application.

A self-build exemption has been sought from the Community Infrastructure Levy (CIL). The proposed development is therefore not likely to generate any CIL payments.

## 10. CONCLUSION

The proposed dwelling represents a revised design from the previously approved dwelling on this site. Whilst proposed in a modern architectural style, the scale, massing and materials of the proposed dwelling respect the character and appearance of the surrounding area such that it preserves the conservation area. It does not raise any significant issues of residential amenity and all other matters remain substantively the same as when the previous application was approved which remains extant and could be constructed.

It is therefore 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

PERMIT

## CONDITIONS

### 1 Standard Time Limit (Compliance)

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

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

### 2 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 Materials - Sample Panel and Schedule (Bespoke Trigger)**

No construction of the external walls of the development shall commence until a schedule of materials and finishes to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority and a sample panel of the natural bath stone has been erected on site and approved in writing by the Local Planning Authority.

The schedule shall include:

1. Detailed specification of the proposed materials (Type, size, colour, brand, quarry location, etc.);
2. Photographs of all of the proposed materials;
3. An annotated drawing showing the parts of the development using each material;

The development shall be carried out only in accordance with the approved details and the approved sample panel of the natural bath stone shall be kept on site for reference until the development is completed.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with policies D1, D2, D3, D5 and HE1 of the Bath and North East Somerset Placemaking Plan and policy CP6 of the Bath and North East Somerset Core Strategy.

### **4 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 and to protect the residential amenity of adjoining occupiers in accordance with policies D1, D2, D4, D6 and NE2 of the Bath and North East Somerset Placemaking Plan.

### **5 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.

### **6 Energy Efficiency (Pre-occupation)**

The development hereby approved shall incorporate sufficient energy efficiency measures or renewables such that carbon emissions from anticipated (regulated) energy use in the development shall be reduced by at least 19% above the baseline emissions (as defined by the details submitted in support of the planning application). Prior to first occupation of the development hereby approved those matters listed below shall be submitted to and approved in writing by the local planning authority:

1. A completed copy of Table 2.4 of the local planning authority's Sustainable Construction Checklist. This shall be completed to reflect the actual measures installed as part of the development hereby approved;
2. Post-completion SAP/SBEM Part L summary documents.

Reason: To ensure that the development's carbon emissions (from anticipated regulated energy use) are reduced by at least 19% by means of sufficient renewable energy generation, in accordance with policy CP2 of the Bath and North East Somerset Core Strategy.

### **7 Water Efficiency (Compliance)**

The approved dwelling 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.

### **8 Rainwater Harvesting (Compliance)**

No occupation of the approved dwelling shall commence until a scheme for rainwater harvesting or other method of capturing rainwater for use by residents (e.g. water butts) has been installed.

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

### **9 Bound/Compacted Vehicle Access (Compliance)**

No occupation of the development shall commence until the vehicular access has been constructed with a bound and compacted surfacing material (not loose stone or gravel).

Reason: To prevent loose material spilling onto the highway in the interests of highways safety in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

### **10 No terrace/balcony (Compliance)**

The area of flat roof in the southern corner of the dwelling hereby approved shall not be used as a terrace, balcony or veranda and shall not be accessed except for maintenance or emergency purposes.

Reason: To prevent the use of the flat roof area as a terrace, balcony or veranda in the interests of preserving the privacy of adjoining occupiers in accordance with policy D6 of the Bath and North East Somerset Placemaking Plan.

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

No new external lighting shall be installed until full details of the proposed lighting design have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

1. Lamp models and manufacturer's specifications, positions, numbers and heights;
2. Predicted lux levels and light spill;
3. Measures to limit use of lights when not required, to prevent upward light spill and to prevent light spill onto nearby vegetation and adjacent land.

The lighting shall be installed and operated thereafter in accordance with the approved details.

Reason: To avoid harm to bats and wildlife in accordance with policy CP6 of the Bath and North East Somerset Core Strategy and policies NE.3 and D8 of the Bath and North East Somerset Placemaking Plan.

### **12 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:**

160 P L12 01 A	PROPOSED FLOOR PLANS & SITE PLAN
160 P L12 02 A	PROPOSED ELEVATIONS AND SECTION AA
160 P L12 03 A	PROPOSED SECTION BB & CC
160 P L02 01	SITE LOCATION PLAN AND EXISTING SECTIONS

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.

### **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](http://www.planningportal.co.uk) or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

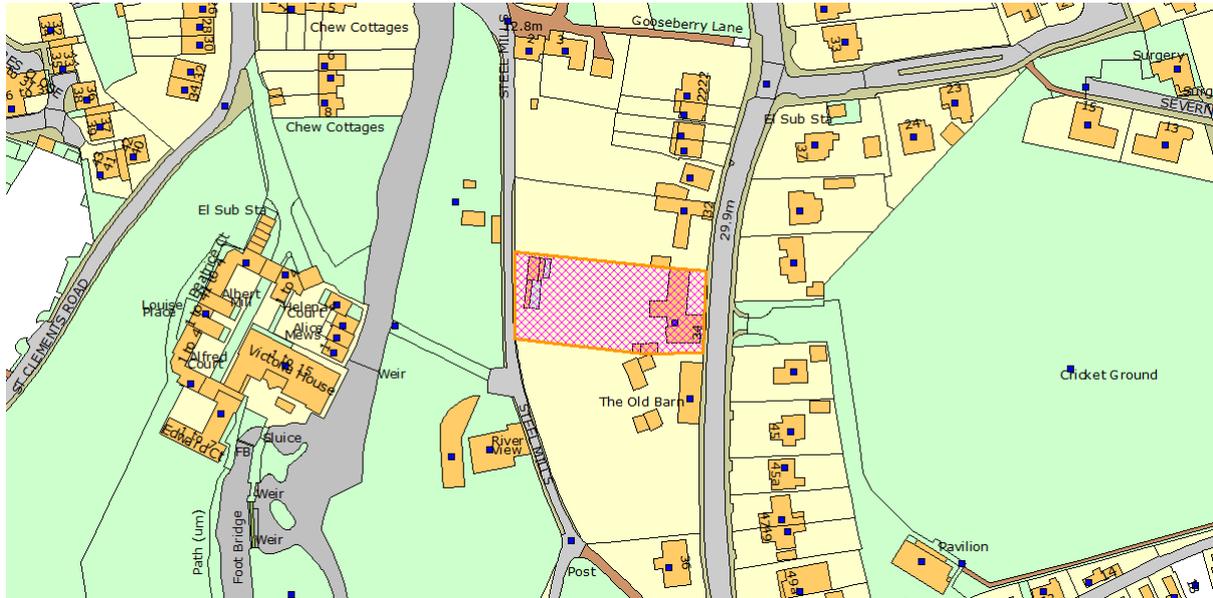
### **Community Infrastructure Levy**

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. **Before** commencing any development on site you should ensure you are familiar with the CIL process. If the development approved by this permission is CIL liable there are requirements to assume liability and notify the Council before development commences, failure to comply with the regulations can result in surcharges and additional payments. Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: [www.bathnes.gov.uk/cil](http://www.bathnes.gov.uk/cil)

### **INFORMATIVES**

The applicant should be advised to contact the Highway Maintenance Team at [Highways@bathnes.gov.uk](mailto:Highways@bathnes.gov.uk) with regard to securing a licence under Section 184 of the Highways Act 1980 for the amendment of a vehicular crossing. The access shall not be brought into use until the details of the access have been approved and constructed in accordance with the current Specification.

**Item No:** 03  
**Application No:** 18/05706/FUL  
**Site Location:** Rookehill Farmhouse 34 Wells Way Keynsham Bristol Bath And North East Somerset



**Ward:** Keynsham East      **Parish:** Keynsham Town Council      **LB Grade:** II

**Ward Members:** Councillor Marie Longstaff Councillor Bryan Organ

**Application Type:** Full Application

**Proposal:** Creation of new vehicular access and erection of a two storey building following demolition of existing garden room and store (Resubmission).

**Constraints:** Bristol Airport Safeguarding, Saltford Airfield 3km buffer, Agric Land Class 3b,4,5, Conservation Area, Contaminated Land, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Listed Building, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodrome,

**Applicant:** Mr David Westgate

**Expiry Date:** 21st February 2019

**Case Officer:** Helen Ellison

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

## REPORT REASON FOR REPORTING TO COMMITTEE

Keynsham Town Council supports the proposal.

In accordance with the Council's Scheme of Delegation, the application was referred to the chairman of the Development Management Committee who has decided that the application should be determined by committee for the following reasons:

- Notes the comments from both third party and statutory consultees, and that views differ particularly linked to the impact the proposal will have on the area.
- The application has been assessed against relevant planning policies and while Keynsham Town Council feel it does not contravene them the Officer is of an opposite view therefore it is clearly controversial
- The Chair recommends the application be determined by the DMC so the issues can be debated fully.

## SITE DESCRIPTION

The application site comprises in the main of Rookehill Farmhouse, which is a Grade II listed building of C17 fronting Wellsway, and a modern garden outbuilding located towards the rear boundary with Steel Mills. The site stands within Keynsham conservation area (Character Area 11: Steel Mills & Wellsway) and on land that is designated Green belt. The site slopes markedly downhill from east to west. The rear garden supports a number of trees and there is a belt of soft vegetation across its lower section. There are two wooden posts close to the rear Steel Mills boundary that may be indicative of a former driveway but clearly not in use as such now. Steel Mills is a quiet back road with pavement and long stretch of medium height stone wall on its west side and a mainly soft landscaped sloping embankment to the east (albeit with a high section of stone wall running north that starts broadly beyond the northern most corner of the rear garden to No. 32 Wellsway).

## PROPOSAL

This application seeks planning permission to create a new vehicular access and for the erection of a two storey building with double garage at ground and accommodation at first comprising store, wc, games and studio with floors linked by way of internal staircase. 2 No. off street parking car parking spaces would be located to the front of the double garage on a newly formed driveway accessed from Steel Mills, with new retaining walls to the sides and new box hedging running in parallel with the new walls and roadside boundary.

An existing building described as garden room and store would be demolished and the replacement building would occupy a similar position on the site but be located slightly further south to give greater clearance from the north facing side boundary. Due to site contours the lower floor of the replacement building would cut into the ground but the two storey west elevation would still be visible in its entirety from Steel Mills.

The application is a resubmission of 18/04569/FUL.

## BACKGROUND

The applicant was advised to withdraw the previous application and to apply for pre-application advice in order to establish principles. No pre-app was applied for and the current application was submitted without the benefit of advice. However, the scheme has been amended to retain parts of the existing embankment along the Steel Mills frontage (albeit with low level vegetation removed, new driveway and box hedge planted adjacent to road). The submission now includes an Arboricultural Impact Assessment/Tree Survey Report.

An application for listed building consent (18/05707/LBA) was also submitted but as the proposed development does not require listed building consent the application has been withdrawn.

## PLANNING HISTORY

DC - 15/00490/TCA - NOOBJ - 11 March 2015 - 1x Conifer - reduce height by 30%. 4x Sycamore - prune back to previous reduction points  
DC - 15/05607/TCA - NOOBJ - 14 January 2016 - 1x Conifer - fell  
DC - 17/04545/TCA - NOOBJ - 20 October 2017 - Holly at front of house. To reduce by 1/3, shape and trim.  
DC - 17/04668/TCA - NOOBJ - 26 October 2017 - 1x Holly - reduce the height by approximately 25%  
DC - 18/03319/TCA - NOOBJ - 30 August 2018 - T1. Apple - Fell. T2. 2No. Sycamore - Fell. T3. Elder - Fell. T4. 2No. Spruce - Fell.  
DC - 18/04569/FUL - WD - 4 December 2018 - Creation of new vehicular access and erection of a two storey building following demolition of existing garden room and store.  
DC - 18/04570/LBA - WD - 4 December 2018 - Demolition of existing garden room and store.  
DC - 18/05706/FUL - PCO - - Creation of new vehicular access and erection of a two storey building following demolition of existing garden room and store (Resubmission).  
DC - 18/05707/LBA - PCO - - Demolition of existing garden room and store (Resubmission).

## SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Summary of Consultations/Representations;

Consultation Responses:

Keynsham Town Council supports this application, in summary; There are no planning reasons to object to the application as the proposal is in accordance with Bath and North East Somerset Council Policies D1 - D6 of the Placemaking Plan 2017.

Highways DC:	No objection subject to conditions
Arboriculture:	No objection subject to conditions
Ecology:	No objection subject to condition
Landscape:	Objection

Historic England: On the basis of the information available to date, do not wish to offer any comments. Suggest that views of specialist conservation and archaeological advisers be sought, as relevant.

## Representations

12 representations have been received (8 support 4 object) , in summary;

### Support:

Enhancement/positive improvement  
No loss of privacy  
Low impact on green belt  
No adverse impact on traffic/highway  
Encourage upkeep of area

### Object:

Will increase traffic  
Out of keeping with character of conservation area  
Set unwelcome precedent  
Loss of privacy/overlooking  
Impact on neighbouring trees  
Building may become dwelling

## **POLICIES/LEGISLATION**

The Council has a statutory requirement under Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 when considering whether to grant planning permission for any works of development which affect 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.

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

The Development Plan for Bath and North East Somerset comprises:

- Bath & North East Somerset Core Strategy (July 2014)
- Bath & North East Somerset Placemaking Plan (July 2017)
- West of England Joint Waste Core Strategy (2011)
- Bath & North East Somerset saved Local Plan policies (2007) not replaced by the

Core Strategy or the Placemaking Plan:

Policy GDS.1 Site allocations and development requirements (policy framework)

- Policy GDS.1/K2: South West Keynsham (site)
- Policy GDS.1/NR2: Radstock Railway Land (site)
- Policy GDS.1/V3: Paulton Printing Factory (site)
- Policy GDS.1/V8: Former Radford Retail System's Site, Chew Stoke (site)
- Neighbourhood Plans

#### Core Strategy:

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

CP6 Environmental Quality  
CP7 Green Infrastructure  
CP8 Green Belt  
DW1 District Wide Spatial Strategy  
SD1 Presumption in favour of Sustainable Development

#### Placemaking Plan:

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

D1 General Urban Design Principles  
D2 Local Character and Distinctiveness  
D3 Urban Fabric  
D4 Streets & Spaces  
D5 Building Design  
D6 Amenity  
D8 Lighting  
GB1 Visual Amenities in the Green Belt  
GB3: Extensions and Alterations to Buildings in the Green Belt  
HE1 Historic Environment  
NE1: Development & Green Infrastructure  
NE2: Conserving and Enhancing the Landscape and Landscape Character  
NE3: Sites, Species and Habitats  
NE6: Trees and Woodland Conservation

#### Guidance:

Historic England Advice Note 2 Making Changes to Heritage Assets (2016)  
BaNES 'Keynsham Conservation Area Appraisal' (2016)  
BaNES 'Keynsham Conservation Area Management Plan' (2016)  
BaNES SPD 'Existing dwellings in the green belt' (2008)

#### National Policy:

The National Planning Policy Framework (July 2019) and National Planning Practice Guidance.

### **OFFICER ASSESSMENT**

The main issues for consideration are: Character and appearance, Residential amenity, Highways, Landscape, Ecology, Designated Heritage Assets (conservation area & setting of listed building, Green Belt and Arboriculture

### **CHARACTER & APPEARANCE**

The proposed two storey building is of a size, design, scale and massing that would result in an obtrusive and dominant structure. In addition, the proposed vehicular access, due to its extent, location and associated side retaining walls and rear boundary layout/means of landscaping would appear out of place and overbearing.

Representations raised refer to the enhancement/positive improvement that would result and that the development would encourage upkeep of area. Concern has been raised by representation that the development would set an unwelcome precedent and that the building may become a dwelling.

The Agent has requested that approval 14/03766/FUL for creation of a new highway access and driveway extension at River View, Steel Mills be taken account of to ensure consistency in decision-making. The River View application was initially refused, due to the partial removal of a wall within a Conservation Area, and the introduction of a close boarded fence; it was appealed, and subsequently dismissed. The 2014 resubmission moved the location of the access to an area where a small portion of wall was no longer in place. As the proposal required removal of around 1.7m of a 1m high wall, but also provided around 8.5m of additional stone walling to a height of 0.9m the re-introduction of the wall was considered to enhance the character of the Conservation Area.

The site and circumstance at River View are not equivalent or comparable to the application under consideration because, in part, it reinforced existing landscape elements whereas at Rookehill Farmhouse the proposal would impose significant hard landscaping on a part of the site that is currently and essentially rural in appearance and character and devoid of walling or vehicular access to its rear boundary.

Although it could be argued that the Steel Mills boundary would benefit from some landscape management, the proposed development would go far beyond what could be termed enhancement or positive improvement; the proposed level of intervention that would include hard landscaping elements and uncharacteristic Box hedging would not complement the essentially rural character of the lane. The upkeep and ongoing maintenance of an area can of course be regarded as a positive but there is a distinct difference between what can be achieved by adopting a sensitive low key approach and harsh, unsympathetic approach. In terms of precedent each proposal is determined on its merits and it would not necessarily follow that one approval would lead the way for the same. A separate application for planning permission would be required if it were proposed that the two storey building become a dwelling.

In respect of impact on character and appearance the proposal is not acceptable and would fail to contribute or respond positively to the local context or maintains the character and appearance of the surrounding area. The proposal does not, therefore, accord with policy CP6 of the adopted Core Strategy (2014) or policies D1, D2, D3, D4 and D5 of the Placemaking Plan for Bath and North East Somerset (2017) or part 12 of the NPPF, which seeks to achieve well-designed places that are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting.

RESIDENTIAL AMENITY

The proposed development would be located towards the lower end of the site where the position of the building (and associated works), together with the marked contours of the site would be reasonably expected to avoid significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact or loss of privacy. Although the size and extent of the development may result in some impact on outlook, the marked fall in ground level and landscaping as shown on the submitted plan, would ensure that it would not be unreasonable.

Concern has been raised by representation regarding loss of privacy/overlooking but conversely that the development would result in no loss of privacy. As referred to above the size and extent of the development may give rise to some impact on outlook, the significant fall in ground level (with development located towards the rear end of the garden and towards its lowest point), the separation distance between nearest residential properties/development and the existing/proposed landscaping as shown on the submitted plan, should ensure that any impact would not be unreasonable.

In terms of impact on residential amenity, given the siting of the proposed development relative to neighbouring properties the proposal is not expected to cause significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, noise, smell, traffic or other disturbance. The proposal accords, therefore, with policy D6 of the Placemaking Plan for Bath and North East Somerset (2017) and part 12 of the NPPF.

## HIGHWAYS

The Highways Development Control Engineer reiterates comments made at the time of the previous application and observes that the applicant proposes to erect a two-storey building which comprises a double garage at ground floor level, the dimensions of which are satisfactory. An additional 2 No. off-street car parking spaces are proposed to the front of the garage, the dimension of which is also satisfactory. The off-street parking provision will be accessed via a new vehicular access to be taken from Steel Mills. The second storey includes a studio which the covering letter advises will be 'accommodation'.

In summary, the highway authority raises no objection to the planning application, subject to conditions and an advisory being attached to any planning permission granted. The recommended Conditions would be to secure a properly consolidated and surfaced drive; retention of garage for private motor vehicles associated with the dwelling and ancillary domestic storage and for no other purpose; the area allocated for parking to be kept clear of obstruction and not be used other than for parking of vehicles in connection with the development; and submission of details of the provision for the sustainable disposal of surface water within the site. The recommended Advisory would be for the securing of a license for the creation of a vehicle crossing.

Concern has been raised by representation that the proposal will increase traffic. By contrast representation received considers that the proposal would have no adverse impact on traffic/highway. Given the size of the proposed hardstanding and purpose of the building as ancillary accommodation it would seem unlikely that traffic movement to/from

the site would increase by a significant amount. The quiet, rural character of the lane is noted but any additional traffic would not be expected to have an undue impact.

On balance, and taking account of the above it is considered that subject to conditions the means of access and parking arrangements are acceptable and would maintain highway safety standards. The proposal accords, therefore, with policy ST7 of the Placemaking Plan for Bath and North East Somerset (2017) and part 9 of the NPPF.

## LANDSCAPE

The Landscape Architect objects to the application and recommends refusal because the proposed development would be contrary to national and local planning policy and would have a detrimental impact on the landscape and townscape character, features, local distinctiveness and visual amenity which could not be easily or adequately mitigated.

The Landscape Architect previously objected to the development proposals because they would be likely to have an unacceptable impact on landscape/townscape character, features, local distinctiveness and views due to their impact on:

- the openness and visual amenity of the Green Belt
- The character and appearance of the Keynsham Conservation Area
- The setting of a listed building
- Trees of wildlife landscape and amenity value

As no substantive changes to the proposals have been made the Landscape Architect continues to consider that they would have a significant adverse landscape and visual impact which could not be easily mitigated.

In respect of impact on landscape the proposal would fail to conserve or enhance local landscape character, features and local distinctiveness and would, therefore, conflict with paragraphs 143 and 145 of the National Planning Policy Framework (2019), policy CP6 of the adopted Core Strategy (2014) and Policies HE1, NE6 and GB1 of the Placemaking Plan for Bath and North East Somerset (2017).

## ECOLOGY

BaNES Ecologist has no objection to the scheme, subject to a Condition to ensure compliance with recommendations in accordance with Section 5 of the submitted Bat Surveys Report; this is to avoid harm to protected species and to provide additional habitat value in line with the requirements of NPPF and in accordance with policies NE3 and D8 of the Placemaking Plan for Bath and North East Somerset (2017).

## DESIGNATED HERITAGE ASSETS

### CONSERVATION AREA

There is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character of the surrounding conservation area.

The significance of this part of the conservation area is largely defined by clusters of older buildings, steep wooded river valley and natural rural landscape. The busy flow of traffic to Wellsway contrasts with the quiet prospect of Steel Mills.

The proposed two storey building and associated works, due to their size, scale, massing, location and design would result in an obtrusive, dominant and discordant addition to the site. The development would not respond sensitively to the historic character of the area, in particular the rural setting and soft landscape that extends along Steel Mills. The development would add an imposing structure and hard landscape elements that would appear entirely out of place. As such the proposal would fail to preserve the character and appearance of this part of the Conservation Area and harm its significance.

## SETTING OF THE LISTED BUILDING

There is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant planning permission for development which affects a listed building or its setting, that the local planning authority shall 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 significance of Rookehill Farmhouse is largely derived from its architectural and historic interest, its position at the centre of a group of older buildings, the striking landscape to the rear of the Farmhouse provided by the steep and wooded river valley, rural aspect and natural landscape.

Demolition of the existing outbuilding is not objected to on the basis that it is modern and of no particular architectural or historic interest. However, the proposed two storey building and associated works, due to their size, scale, massing, location and design would result in an obtrusive, dominant and discordant addition to the site that would harm the significance of the listed building and its setting. Currently the rural nature and natural landscape as viewed from the rear of the Farmhouse make a very positive contribution to its setting. The existing garden outbuilding has assimilated into this landscape by way of surrounding trees and vegetation. By contrast the introduction of a two storey building with associated hard landscape would have a very urbanising effect that would not harmonise with the sensitivities of the setting.

## DESIGNATED HERITAGE ASSETS CONCLUSION

In this case it is concluded that the harm caused to the designated heritage assets, is, in the context of the significance of the assets as a whole and in the language of the NPPF, less than substantial, given the extent of the works relative to the size of the garden and that of the conservation area. In such circumstances Paragraph 196 of the NPPF (2018) requires that any harm be weighed against the public benefits of the proposal, including securing the optimum viable use. The proposed development would mainly be for the private gain of the household in terms of providing ancillary accommodation, rear driveway

access and off street parking. Although, the proposal would involve 'tidying up' the rear embankment the level and manner of intervention would be harmful to the essentially rural character of the lane and its natural landscape; this would not constitute preservation or enhancement. Consequently, there is insufficient public benefit that would outweigh the considerable importance and weight to be given to the harm to the heritage asset. As such, the proposal would not comply with paragraph 196 of the NPPF.

In terms of impact on designated heritage assets the proposal would fail to enhance or better reveal their significance and would not make a positive contribution to its character and appearance. Therefore it is considered that the proposals are not consistent with the aims and requirements of the primary legislation and planning policy and guidance. The proposed development would have an unacceptable impact on the listed building and its setting and the character and appearance of the conservation area and would fail to preserve the significance of the designated Heritage assets. The proposal does not therefore accord with policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and part 16 of the NPPF.

## GREEN BELT

Council policy and the NPPF states that the construction of new buildings in the green belt is inappropriate development but there are a few exceptions to this. One of these exceptions, which is relevant to the consideration of this application is 'the replacement of a building provided the new building is in the same use and not materially larger than the one it replaces'. Whilst the proposed building can be regarded as being in the same use as the existing building i.e. it is an ancillary use to the main house, the size of the proposed building is significantly and materially larger than the building it replaces.

The Applicants Agent has confirmed that the volume of the proposed two storey building is 455m<sup>3</sup> compared with an existing volume of 170m<sup>3</sup>. A proportion of the proposed volume is below existing ground level; the Agent confirms that the proposed volume above existing ground level amounts to 294m<sup>3</sup>.

The Council's SPD, Existing Dwellings in the Green Belt, which is now interpreted as relevant to 'building' in the green belt states that an extension of about a third is regarded as proportionate. However, this SPD does not apply in this case as the existing building is not to be extended, rather it is to be demolished and replaced with a new building.

'Very special circumstances' in support of the application have not been submitted for consideration.

In respect of impact on the green belt the proposed development is of a size, scale and design, and, would be located where it would represent inappropriate development in the green belt that would be harmful towards its openness and the purposes of including land within the green belt.

Representation received considers that the proposal would have a low impact on the green belt, but this is not accepted in this instance.

The proposal would not, therefore accord with policy CP8 of the adopted Core Strategy or policy GB1 of the Placemaking Plan for Bath and North East Somerset (2017) or part 13 of the NPPF.

## ARBORICULTURE

A tree survey and arboricultural impact assessment has been submitted to support the current application.

BaNES Arboricultural Officer has raised no objection, subject to conditions. However, the Officer expresses reservations with regards to the working space and extent of excavation required to enable the development. The Conditions would be to secure a Revised Arboricultural Method Statement with Tree Protection Plan and for the development to be carried out in accordance with the approved Revised Arboricultural Method Statement and signed certificate of compliance. These conditions would be to ensure that no excavation, tipping, burning, storing of materials or any other activity takes place which would adversely affect the trees to be retained and to ensure that the approved method statement is complied with for the duration of the development.

Concern has been raised by representation regarding impact on neighbouring trees (No. 32 Wellsway). In this respect the Arboricultural Officer notes that the trunk diameters of the offsite trees have been estimated. The owner of the Copper Beech has submitted the measurement for the circumference of the Copper Beech as 87cm which equates to a diameter of approximately 28cm. The tree survey therefore produces a larger root protection area calculation. Based on the submitted sections the proposal appears to require considerable earth works which will extend beyond the footprint of the building. The Arboricultural Officer is not convinced that this and the full extent of construction activities has been adequately taken into account and notes that the drawing titled Proposed Tree Protection Measures ( drawing number D163-122A) shows the position of the fencing during development but does not take into account the demolition phase. The current structure is timber, however, the floor construction is unknown and may involve the breaking up of concrete. The arboricultural method statement and tree protection plan require amendment to incorporate the demolition of the existing building. This can be conditioned and it is recommend that the full extent of working space and excavation required is also reviewed with the appointed contractor. The submissions do not provide details relating to services such as surface/drinking/foul water management and electricity provision. These potentially require trenching so require arboricultural input during design stage.

Taking account of the above and on balance the proposed development is not expected to have any adverse impact on any tree which has significant visual or amenity value. Subject to conditions the proposal accords with policy NE6 of the Placemaking Plan for Bath and North East Somerset (2017) and part 15 of the NPPF.

## CONCLUSION

There is no objection to the proposal on highways, residential, ecology or arboricultural grounds, subject to conditions. By contrast and as set out in this report, harm to the green

belt, landscape, designated heritage assets and character/appearance of the area has been identified.

The comments of the third parties have been noted, but the proposal is not considered to constitute a sympathetic addition to the site or an appropriate design response given the sensitive historic and landscape context.

On balance, and for the reasons outlined above, the application is recommended for refusal.

## **RECOMMENDATION**

REFUSE

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

1 The proposed two storey building is of a size, design, scale and massing that would result in an obtrusive and dominant structure. In addition, the proposed vehicular access, due to its extent, location and associated side retaining walls and rear boundary layout/means of landscaping would appear intrusive and out of place. As such the proposal would fail to maintain or enhance the local character, distinctiveness or landscape. This would be contrary to Policies CP6 and CP7 of the adopted Core Strategy (2014), Policies D1, D2, D3, D4 D5, NE2 and NE6 of the Placemaking Plan for Bath and North East Somerset (2017) and the provisions of the NPPF (2019).

2 The proposed two storey building and associated works, due to their size, scale, massing, location and design would result in an obtrusive, dominant and discordant addition to the site that would harm the significance of the designated heritage assets and fail to preserve or enhance the character or appearance of the conservation area and the special interest of the listed building and its setting. There are no public benefits to the proposal that would outweigh the harm. This would be contrary to the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy CP6 of the adopted Core Strategy (2014), Policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017), the provisions of the NPPF (2019) and guidance from Historic England.

3 The proposed development which is located within the green belt would introduce a disproportionately large two storey building to an area that is essentially open and rural in character. As such the development would represent inappropriate development in the green belt that would harm its openness. 'Very special circumstances' in support of the application have not been submitted for consideration. The proposal would, therefore, be contrary to Policy CP8 of the adopted Core Strategy (2014), Policy GB1 of the Placemaking Plan for Bath and North East Somerset (2017) and the provisions of the NPPF (2019).

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## **PLANS LIST:**

This decision relates to the following drawings and document;

Date: 27.12.2018 Drwg. No. D163 02E Drwg. title: Existing site plan

Date: 27.12.2018 Drwg. No. D163 12E Drwg. title: Proposed site plan  
Date: 27.12.2018 Drwg. No. D163 120A Drwg. title: Tree Survey  
Date: 27.12.2018 Drwg. No. D163 122A Drwg. title: Tree protection measures  
Date: 27.12.2018 Drwg. No. D163 13D Drwg. title: Proposed site sections  
Date: 27.12.2018 Drwg. No. D163 14F Drwg. title: Proposed floor plans  
Date: 27.12.2018 Drwg. No. D163 15C Drwg. title: Proposed elevations and section DD  
Date: 27.12.2018 Drwg. No. D163 3C Drwg. title: Existing site sections  
Date: 27.12.2018 Drwg. No. D163 4A Drwg. title: Existing garden building floor plan and elevations  
Date: 27.12.2018 Drwg. No. D163 01 REV B Drwg. title: Location and site plan

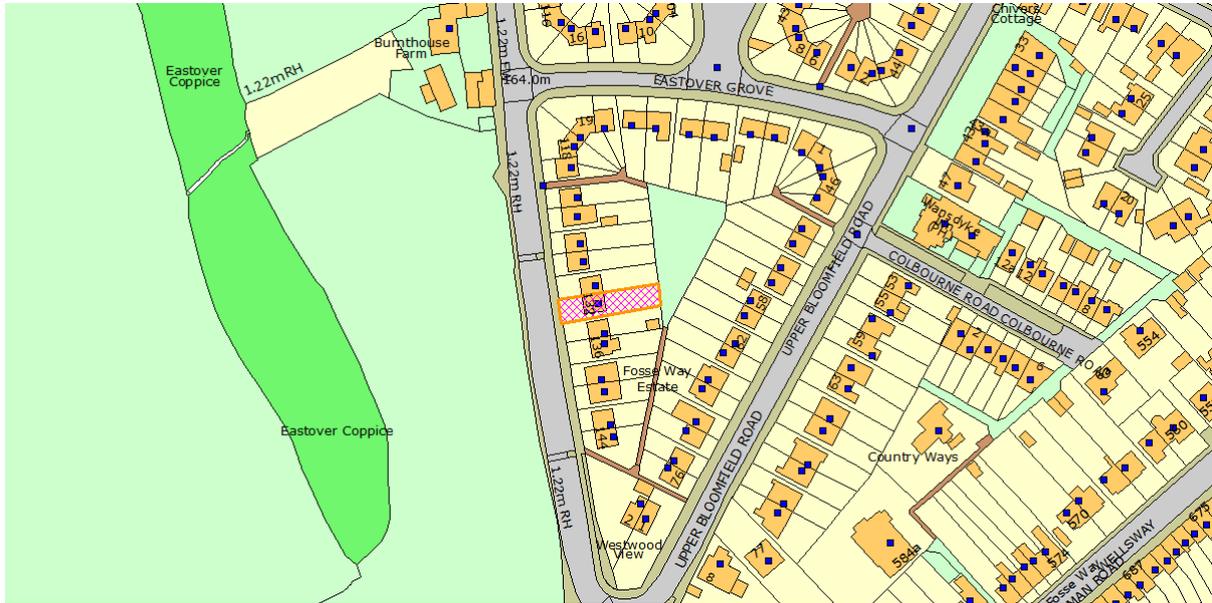
Date: 27.12.2018 Document title: Bat Surveys Report  
Date: 27.12.2018 Document title: Bat Surveys Report  
Date: 27.12.2018 Document title: Tree Survey

### **Community Infrastructure Levy**

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

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

**Item No:** 04  
**Application No:** 19/00179/FUL  
**Site Location:** 132 Old Fosse Road Odd Down Bath Bath And North East Somerset BA2 2ST



**Ward:** Odd Down      **Parish:** N/A      **LB Grade:** N/A  
**Ward Members:** Councillor Steve Hedges    Councillor Nigel Roberts  
**Application Type:** Full Application  
**Proposal:** Erection of a single storey rear extension.  
**Constraints:** Article 4 HMO, Agric Land Class 1,2,3a, 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 James Gray  
**Expiry Date:** 15th March 2019  
**Case Officer:** Emily Smithers  
To view the case click on the link [here](#).

## REPORT

The applicant has direct links with an employee within the Planning Service. According to the scheme of delegation the application should therefore be referred to the Development Management Committee.

The application property is a two-storey semi-detached house located on the eastern side of Old Fosse Road within the Fosse Way Estate.

The property is within the Bath World Heritage Site.

Proposal:

Planning permission is sought for the construction of a single-storey, lean to rear extension. The extension would be full width, approximately 4m in depth with a maximum height of 3.55m falling down to 2.3m at eaves level.

The extension would be finished in materials to match existing.

Amendments:

The applicant reduced the height of the extension.

Relevant Planning History:

No recent/relevant planning history

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

Englishcombe Parish Council: While Englishcombe Parish Council appreciates being consulted on this planning application close to our parish boundary the parish council will not be making any comments on this application.

### **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

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  
CP6: Environmental Quality

Placemaking Plan:

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

D1: General Urban Design Principles  
D2: Local Character and Distinctiveness  
D.5: Building Design  
D.6: Amenity

## HE1: Historic Environment

The National Planning Policy Framework (NPPF) was updated in February 2019 and is a material consideration. Due consideration has been given to the provisions of the National Planning Practice Guidance (NPPG).

### **OFFICER ASSESSMENT**

The main planning considerations will be impact on character and appearance, assessment on impact on residential amenity and any implications to the setting of the World Heritage Site.

#### Character and appearance

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

The size and height of the proposal is considered to be of a suitable scale so as to ensure the development is subservient against the host dwelling and would not dominate the rear elevation.

Rear extensions are not uncommon on the Fosse Way Estate and it is considered that the extension would be in keeping with the character of the surrounding area in terms of scale and siting.

The proposed materials would match existing and are therefore considered acceptable.

#### World Heritage Site:

The proposed development is located within the Bath World Heritage Site, where policy B4 of the Core Strategy states that consideration must be given to impacts on the heritage asset and its setting. It is considered that the design of the proposed extension is acceptable and will not adversely impact the setting of the surrounding world heritage site. The proposal is therefore in accordance with policy B4 of the Core Strategy, policy HE1 of the Placemaking Plan and section 16 of the NPPF.

#### Residential Amenity:

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

The extension would include a window, patio doors to the rear elevation and three velux roof lights. Due to the siting at ground floor level, there would be no impact to residential amenity in terms of overlooking.

With regards to light, it is acknowledged that there would be some loss of light to the adjacent window of the adjoining property. However, the reasonable height of the extension and open nature of the gardens will help to reduce any sense of overbearing. It should also be noted that the impact in terms of light would not be significantly different to what could be built under permitted development.

Sufficient amenity space would be retained following the construction of the extension.

Overall, the proposal would not cause unacceptable harm the amenity of nearby properties through, unsatisfactory outlook, the loss of privacy or light or inappropriate loss of amenity space. As such, the development would be in accordance with Policy D.6.

Conclusion:

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

## **RECOMMENDATION**

PERMIT

## **CONDITIONS**

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

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

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

### **2 Materials (Compliance)**

All external walling and roofing materials to be used shall match those of the existing building in respect of type, size, colour, pointing, coursing, jointing, profile and texture.

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

### **3 Plans List (Compliance)**

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

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

## **PLANS LIST:**

Drawing no. 2 REV A      EXISTING & PROPOSED PLANS AND ELEVATIONS -  
Received 12/02/2019

Drawing no3 REV A PROPOSED SIDE ELEVATION - Received 12/02/2019

Drawing no.1 LOCATION PLAN AND EXISTING PLAN AND ELEVATIONS - Received  
16/01/2019

## **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.

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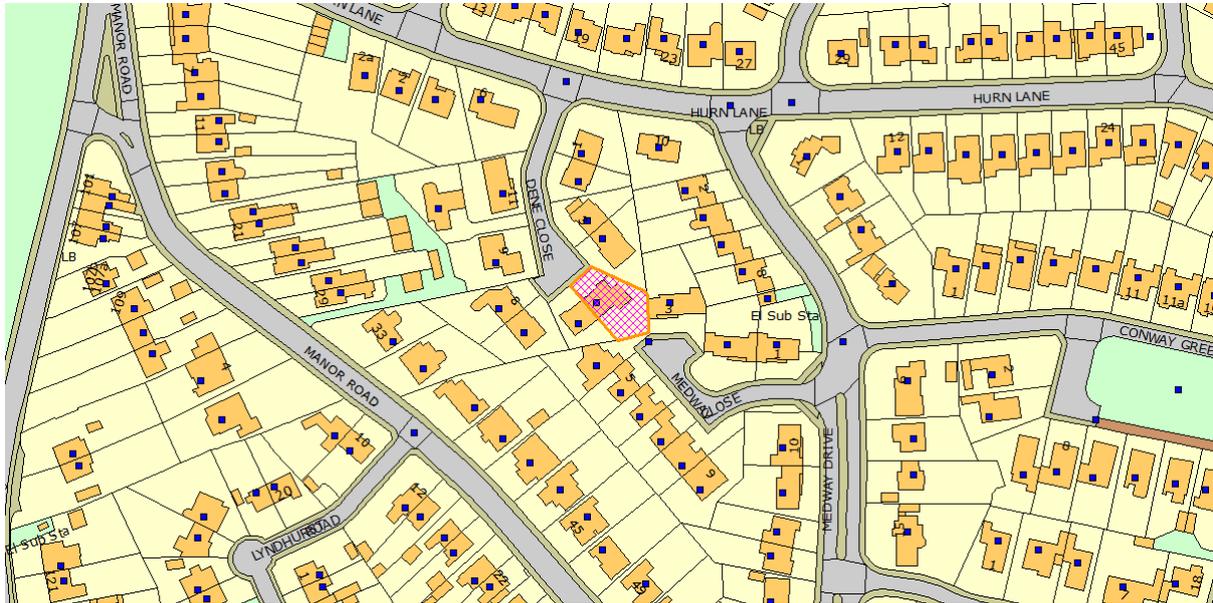
## **Community Infrastructure Levy**

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. **Before** commencing any development on site you should ensure you are familiar with the CIL process. If the development approved by this permission is CIL liable there are requirements to assume liability and notify the Council before development commences, failure to comply with the regulations can result in surcharges and additional payments. Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: [www.bathnes.gov.uk/cil](http://www.bathnes.gov.uk/cil)

This permission does not convey or imply any civil or legal consents required to undertake the works.

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

**Item No:** 05  
**Application No:** 19/00495/FUL  
**Site Location:** 5 Dene Close Keynsham Bristol Bath And North East Somerset BS31 1RL



**Ward:** Keynsham East      **Parish:** Keynsham Town Council      **LB Grade:** N/A  
**Ward Members:** Councillor Marie Longstaff Councillor Bryan Organ  
**Application Type:** Full Application  
**Proposal:** Erection of single storey rear, first floor side and front porch extensions. Installation of pitched roof over existing garage.  
**Constraints:** Saltford Airfield 3km buffer, Agric Land Class 3b,4,5, Policy CP9 Affordable Housing Zones, Housing Development Boundary, MOD Safeguarded Areas, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,  
**Applicant:** Mr And Miss Southard And Sheikh  
**Expiry Date:** 2nd April 2019  
**Case Officer:** Rae Mepham  
To view the case click on the link [here](#).

## REPORT

### Reason for going to committee:

The applicant is a council employee who works within Planning Services, as per the scheme of delegation the application has been referred to committee.

### Site description and proposal:

5 Dene Close is a semi detached property located within the Keynsham Housing Development Boundary. This application is for the erection of a single storey rear and first floor side extension, the erection of a porch and the installation of a pitched roof over the existing garage.

## **Relevant history**

WK 12369/A - Garage, kitchen, bedroom and bathroom extension - Granted - 15th December 1986

WK 12369/D - Two storey extension to form additional lounge/bedroom - Granted - 30th October 1987

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

### Consultation responses

Keynsham Town Council - Support

### Third party representations

None received.

## **POLICIES/LEGISLATION**

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

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

The following Core Strategy policies would be applicable:

- CP2 - Sustainable Construction
- CP5 - Flood risk management
- DW1 - District Wide Spatial Strategy

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

- D1 - General Urban Design Principles
- D2 - Local Character & Distinctiveness
- D3 - Urban Fabric
- D4 - Streets and Spaces
- D5 - Building Design
- D6 - Amenity
- D10 - Public Realm

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

## **OFFICER ASSESSMENT**

5 Dene Close is a two storey semi-detached property constructed of brick with some horizontal cladding to the front elevation.

Permission was granted in 1987 for a two storey extension to the property. This was partially implemented and as such remains extant, which is a material consideration.

### Character and appearance

The proposed first floor side extension is a replica of that given permission in 1987, and is located to the side and rear of the property. The extension is significantly set back from the front elevation, set down from the ridgeline of the main house and overall maintains a subservient addition to the host property.

The proposed rear extension is a lean-to style addition and would form a continuation of the existing rear extension. The proposal is sited underneath the existing first floor windows and projects around 1.7m from the rear elevation.

The proposed porch to the front consists of a pitched roof which would also wrap around the side of the property and replace the existing flat roof over the garage. This is consistent with the surrounding street-scene, with similar alterations being carried out at numbers 4 and 8 Dene Close.

Overall, the proposals do not constitute overdevelopment, and small-scale and subservient, and respect the character and appearance of the existing dwelling and streetscene. The proposal is to use matching materials which is acceptable in this instance.

### Residential amenity

The first floor element is located close to the boundary between the property and 3 Dene Close, as well as the side boundary of 3 Meadway Close. the proposal is not considered to present an overbearing impact to either property, and as such would not cause significant harm to residential amenity. No windows are proposed within the side elevation at first floor level, and the installation of a window would require the submission of a planning application.

The proposed rear element, given its small-scale nature is not considered to cause significant harm to residential amenity.

the proposed porch is not immediately adjacent to a neighbouring property, and as such would not cause significant harm to residential amenity.

### Conclusion

Overall the proposal is considered to be acceptable, and is recommended for permission.

## **RECOMMENDATION**

PERMIT

## **CONDITIONS**

**1 Standard Time Limit (Compliance)**

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

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

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

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

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

### **PLANS LIST:**

This decision relates to:

05 Feb 2019	SITE LOCATION PLAN
05 Feb 2019	PROPOSED PLANS
05 Feb 2019	EXISTING AND PROPOSED SIDE ELEVATION

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

### **Condition Categories**

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