

Bath & North East Somerset Council

MEETING:	Development Management Committee	AGENDA ITEM NUMBER	
MEETING DATE:	24th April 2019		
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.

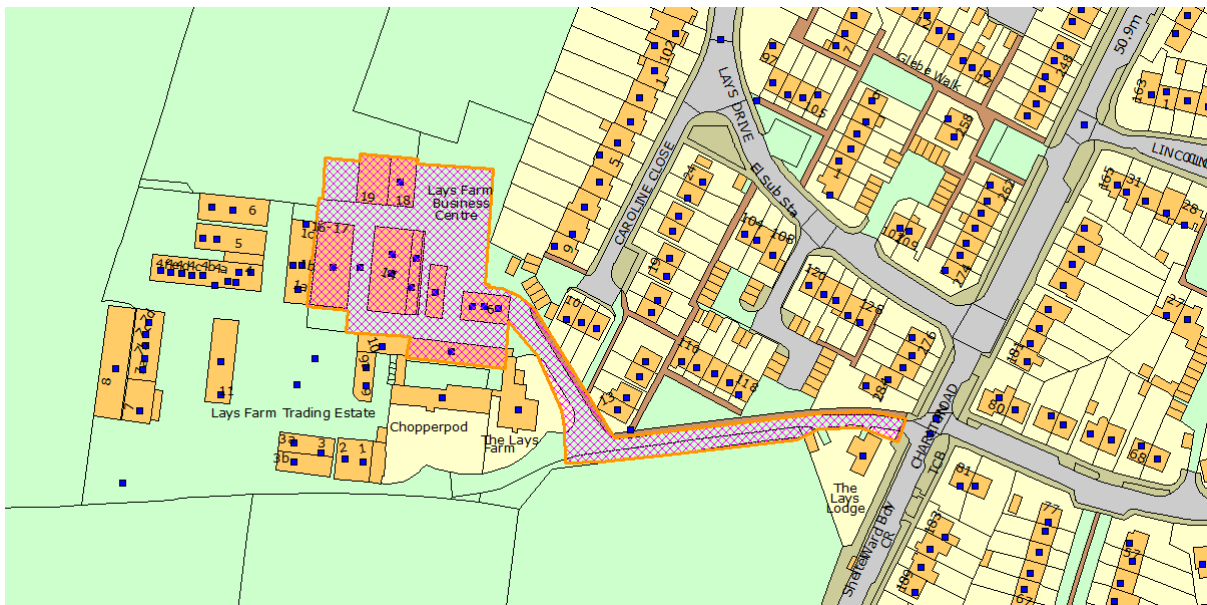
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ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	18/05696/OUT 30 April 2019	Mr & Mrs Williams Lays Farm Business Centre, Lays Farm Trading Estate, Keynsham, BS31 2SE, Outline planning application for the demolition of existing industrial buildings and erection B1 Business buildings and 8 no. dwellings	Keynsham North	Tessa Hampden	PERMIT
02	19/00682/FUL 1 April 2019	Mrs Susan Chivers Wellow House, High Street, Wellow, Bath, Bath And North East Somerset Erection of 1 No. residential dwelling and associated landscaping and access.	Bathavon South	Samantha Mason	REFUSE
03	19/00492/FUL 29 April 2019	Mr Adam Bailey 27 Georgian View, Southdown, Bath, Bath And North East Somerset, BA2 2LZ Change of use from 4 bed dwelling (use class C3) to 6 bed HMO (use class C4) with works to convert garden store to living space	Odd Down	Anna Jotcham	PERMIT
04	18/04922/OUT 5 April 2019	Mr Kevin Liang 6 Mount Road, Southdown, Bath, Bath And North East Somerset, BA2 1LD Outline application for the erection of 1 no dwelling in rear garden (Access, layout and scale to be determined and all other matters reserved).	Southdown	Anna Jotcham	PERMIT
05	19/00803/FUL 26 April 2019	Mr Seymour Cherry Cottage, Mead Lane, Saltford, Bristol, Bath And North East Somerset Erection of front gables, front balcony, and external alterations (resubmission of 18/05702/FUL).	Saltford	Rae Mephram	REFUSE

06	18/05561/FUL 14 February 2019	Clementine and Stephanie Gent 31 High Bannerdown, Batheaston, Bath, Bath And North East Somerset, BA1 7JZ Alterations and extension to bungalow.	Bathavon North	Dominic Battrick	PERMIT
07	18/04535/FUL 26 April 2019	Mr Mujib Khan 49 - 50 Meadow Park, Bathford, Bath, Bath And North East Somerset, BA1 7PY Installation of timber decking and paved areas at rear of house with new decking and paving, including isolated raising of perimeter fences (retrospective).	Bathavon North	Martin Almond	PERMIT
08	18/05670/FUL 26 April 2019	Mr Matthew Davies Richmond House, Weston Park, Upper Weston, Bath, Bath And North East Somerset Erection of a rear kitchen & garden room extension.	Weston	Adrian Neilson	PERMIT
09	18/05671/LBA 26 April 2019	Mr Matthew Davies Richmond House, Weston Park, Upper Weston, Bath, Bath And North East Somerset External and internal alterations to include erection of a rear kitchen & garden room extension.	Weston	Adrian Neilson	CONSENT

REPORT OF THE HEAD OF PLANNING ON APPLICATIONS FOR DEVELOPMENT

Item No: 01
Application No: 18/05696/OUT
Site Location: Lays Farm Business Centre Lays Farm Trading Estate Keynsham
BS31 2SE



Ward: Keynsham North

Parish: Keynsham Town Council

LB Grade: N/A

Ward Members:	Councillor Brian Simmons Councillor Charles Gerrish
Application Type:	Outline Application
Proposal:	Outline planning application for the demolition of existing industrial buildings and erection B1 Business buildings and 8 no. dwellings
Constraints:	Bristol Airport Safeguarding, Agric Land Class 3b,4,5, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,
Applicant:	Mr & Mrs Williams
Expiry Date:	30th April 2019
Case Officer:	Tessa Hampden
To view the case click on the link here .	

REPORT

Reason for referring application to committee

The application has been referred to committee following the comments of Cllr Gerrish, Cllr Hale and the Town Council. The chair of the Committee considers it necessary to discuss the issues in public, in particular the loss of employment.

Site description and proposal

Lays Farm is located adjoining the western edge of the developed area of Keynsham adjacent to Caroline Close. The site is a former agricultural holding which has developed into an industrial estate, with a large number of enterprises, mostly falling within classes B1, B2 or B8. Access to the site is via a surfaced driveway leading onto Charlton Lane to the east of the site. The site is located within the Green Belt and outside of the Keynsham Housing Development Boundary.

The application seeks outline planning permission for the demolition of existing industrial buildings and the erection of B1 Business buildings and 8 no. dwellings. At this stage, the application seeks consent for means of access.

A recent application on this site which sought outline planning permission for the demolition of the existing industrial buildings and erection of 9 dwellings was refused for the following reasons:

1 The proposed access arrangements are considered to be sub-standard due to the lack of suitable pedestrian facilities, and this would have a detrimental impact on road safety. The proposal is therefore considered to be contrary to Policy ST7 of the Bath and North East Somerset Placemaking Plan.

2 The proposal would result in the loss of industrial floorspace in a non-strategic industrial estate. There is a strong economic reason why this would be inappropriate. The development is considered to be contrary to Bath and North East Somerset Placemaking Plan Policy ED.2B.

Relevant Planning History

18/00513/OUT - Outline Planning Application for the demolition of existing industrial buildings and erection of 9 dwellings - Refused 21.08.2018

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Economic development - no objection

Highway Development Officer - no objection

Ecology - no objection subject to conditions

Landscape Officer - Not acceptable in the current form; the previous iterations have included public open space; have been more coherent in terms of their design, access and circulation; and have not be dominated by access and parking provision.

Cllr Hale - Objects to the development - concerned for the loss of employment land and thus the loss of local jobs. The construction of houses as proposed adjacent to light industrial units on the neighbouring trading estate will lead to conflict from the new occupiers of the houses who find that the trading estate naturally creates noise and the danger then is that the home owners may seek noise reduction measures from the council, thus adversely affecting even more jobs. Similar to those people who move close to a church and then create issues because of the ringing of bells. The plan indicates that the road will come to an abrupt but unimpeded end. This will no doubt mean that in the not too distant fullness of time the current greenbelt land that runs behind Lays Drive and down towards Stockwood Vale will be subject of an application to build a few hundred houses. (In the interests of clarity my home does not back on to this field but is on the opposite side of the road). A few years back a number of those living on the opposite side of the road and backing on to the field were approached to see whether they would be willing to sale their houses, presumably to create an access to the field. Speculative perhaps and not to the best of my knowledge at the behest of Mr & Mrs Williams but it does show that there is interest in certain quarters. The development and any potential future development would create a blot of the sky line that would be much more visible from Stockwood and Stockwood Vale. This application opens the door to such potential development and thus even more traffic movement when the town is already almost at grid lock from the weight of through traffic and that generated by the over development of the town.

Cllr Gerrish - concerns re loss of employment land , highway issues and also implications that if consent was granted that there would be cause of complaint from the new residents to all the light industrial activity that would continue around them

Keynsham Town Council - Objects to the development for the following reasons:

The application is contrary to the Bath and North East Somerset Council's Core Strategy Policies for Keynsham which only allows for residential development within the housing development boundary defined on the Policies map. This site is not within the adopted housing boundary nor does it form an element of the Keynsham housing policies KE2, KE3a, KE3b and KE4 the only areas defined for future housing in Keynsham. This site is also not specified for housing in the B&NES Local Plan.

- The site is not recorded within the safeguarded land allocated for housing as part of the HELAA.

- The site is within the Green Belt and on land that has not be given up for strategic release
- Policy CP8 Green Belt. Concerns are raised that this will create a precedent for more housing on the adjacent/adjoining Green Belt land. Causing significant damage to this Site of Specific Scientific Interest any development poses an unacceptable potential risk to the visual amenity across Stockwood Vale. A development such as this would set a precedent and could lead to further encroachment of the Green Belt in this area.
- The Keynsham Neighbourhood Development Plan although not adopted, as yet, will include planning policies to protect existing employment sites. Potential loss of an employment site in the town is unacceptable through the damage to the planned urban blend of homes and employment. Strategic and other Primary Industrial Estates named in the Bath and North East Somerset Council Placemaking Plan are considered to be most important within in the District. There are very strong economic reasons to retain them and they are afforded the highest level of protection. Un-named estates (of which this site is one) smaller industrial clusters and standalone premises are subject to Policy ED2.B (unless allocated for another use in the site allocations section). They are still subject to protection, to guard against the wholesale and unsustainable redevelopment of industrial land supply to other higher value uses, but to a lesser degree.
- The Town Council reiterate their concerns in respect of the lane leading to the current Business Centre which is deemed as being not appropriate for increased vehicular access (24 hours a day). The exit/egress junction on to Charlton Road has no splays and exiting is difficult especially with the increased traffic volume associated with the new K17, K17a and K17b sites that have been developed and that are still underdevelopment.

Representations

7 objection comments and 3 comments have been received. These can be summarised as follows:

- Loss of employment
- Residential use not compatible with surrounding industrial uses
- Noise and disturbance/residential amenity issues
- Highway safety issues
- Construction Management issues
- Damage from larger vehicles
- Impact upon trees
- Green belt issues
- Health implications
- Inaccurate information

2 supporting comments have been received. These can be summarised as follows:

- Less disruption/traffic
- Reduction in highway safety issues

POLICIES/LEGISLATION

The Council's Development Plan comprises:

- o Bath & North East Somerset Core Strategy (July 2014)
- o Bath & North East Somerset Placemaking Plan (July 2017)

- o Bath & North East Somerset Local Plan (2007) - only saved policy GDS.1 in relation to 4 part implemented sites
- o Joint Waste Core Strategy

The following policies of the Core Strategy are relevant to the determination of this application:

- Policy DW1 (District Wide Spatial Strategy)
- Policy KE1 (Keynsham Spatial Strategy)
- Policy SD1 (Presumption in Favour of Sustainable Development)
- Policy CP2 (Sustainable Construction)
- Policy CP5 (Flood Risk Management)
- Policy CP6 (Environmental Quality)
- Policy CP7 (Green Infrastructure)
- Policy CP8 (Green Belt)
- Policy CP10 (Housing Mix)
- Policy CP13 (Infrastructure provision)

The following policies of the Placemaking Plan are relevant to the determination of this application:

- Policy SD1 - Presumption in favour of sustainable development
- Policy CP2 - Sustainable Construction
- Policy CP3 - Renewable Energy
- Policy SCR1 - On-site renewable energy requirement
- Policy SCR5 - Water Efficiency
- Policy SU1 - Sustainable Drainage Policy
- Policy D1 - General Urban Design Principles
- Policy D2 - Local Character and Distinctiveness
- Policy D3 - Urban Fabric
- Policy D4 - Streets and Spaces
- Policy D5 - Building Design
- Policy D6 - Amenity
- Policy D7 - Infill and Backland Development
- Policy D8 - Lighting
- Policy D10 - Public Realm
- Policy NE2 - Conserving and Enhancing the Landscape and Landscape Character
- Policy NE2A - Landscape Setting of Settlements
- Policy NE3 - Sites, Species and Habitats
- Policy NE6 - Trees and Woodland Conservation
- Policy CP7 - Green Infrastructure
- Policy NE1 - Development and Green Infrastructure
- Policy PCS2 - Noise and Vibration
- Policy LCR7B - Broadband
- Policy ST1 - Promoting Sustainable Travel
- Policy ST7 - Transport Requirements for Managing Development
- Policy H7 Housing accessibility
- Policy NE4 (Ecosystem Services)
- Policy NE5 (Ecological Networks)
- Policy NE6 (Trees and Woodland Conservation)

Policy NE1 (Development and Green Infrastructure)
Policy GB1 (Visual Amenities of the Green Belt)
Policy ED.2B (Non-Strategic Industrial Premises)

Planning Obligations SPD

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

National Planning Policy

The National Planning Policy Framework (NPPF) is a material consideration and due consideration has been given to the provisions of the National Planning Practice Guidance (NPPG).

OFFICER ASSESSMENT

Principle of development

Green Belt

The site is located in the designated Green Belt where new development is strictly controlled by both national and local planning policy. The National Planning Policy Framework (NPPF) explains that all new development in the Green Belt is considered to be inappropriate unless it falls within one of the categories of exemption set in the NPPF. One exemption set out in paragraph 145 of the NPPF is the partial or complete redevelopment of previously developed sites which do not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

The existing Lays Farm Trading Estate comprises a range of industrial and storage buildings, associated structures and paraphernalia. It is considered to be previously developed land. It therefore needs to be considered as to whether or not the proposed development has a greater impact upon the openness of the Green Belt and the purpose of including land within it than the existing development. This is partly a volumetric test, although there is a visual aspect of openness as well. The submission cites that the existing volume of the buildings is 6,349m³ and based on the indicative proposals, the proposed volume would equate to 6,723m³. Based on the indicative proposals, the development would increase the volume of buildings on the site by 6%.

From a visual perspective, given the context of the site, and the indicative layout of the proposed scheme, it is considered that the development will not visually appear materially larger than those buildings to which they will replace. Overall therefore it can be concluded that the development will have no greater impact upon the openness of the Green Belt than the existing industrial warehouses and the development will not conflict with the purposes of including land within the Green Belt. The development is therefore not considered to be inappropriate development in the Green Belt. Furthermore, subject to a satisfactory scheme coming forward at reserved matters stage, the development is not considered to harm the visual amenities of the Green Belt.

Location of the housing

It is recognised that the land is outside of, but adjoining the Housing Development Boundary of Keynsham. Policy KE1 explains that housing will be allowed within the housing development boundary or within one of the allocated sites. The application however must be considered against the Development Plan as a whole and the requirements of the NPPF. The district wide spatial strategy policy DW1 explains that sustainable development should be promoted by prioritising the use of brownfield opportunities for new development in order to limit the need for development on greenfield sites. DW1 also states that development in rural areas is located at settlements with a good range of local facilities and with good access to public transport. The development accords with these aims.

The proposal must also be considered in accordance with paragraph 79 of the NPPF which seeks to avoid introducing new, isolated homes within the countryside. The proposal is closely related to other buildings and located adjoining the development boundary, and adjacent to industrial units outside of the boundary. As such, the proposal cannot be considered to be isolated and is considered to be in a sustainable location.

On balance therefore, the location of housing in this location can be supported in principle.

Loss of employment land

The current application site relates to 1,538sqm of employment space. It is however recognised that a number of units are vacant within this part of the estate. Whether the tenants have left of their own accord or due to the choice of the landlords is unclear, but it is apparent from the submission and the site visit that the buildings are of a poor quality and would benefit from significant refurbishments.

As part of the proposals, the existing buildings would all be demolished and two new commercial buildings (alongside the residential units) would be constructed. The application has been revised to include additional floor space from that originally proposed. Although the proposals are indicative, they now demonstrate the quantum of industrial space that could be accommodated within the scheme.

In terms of the proposed footprint, the application proposes 465 sqm of B1 space, and if this were to incorporate a mezzanine floor, this could equate to 535sqm. This will still result in a loss of 1071 sqm of space, although the change from partly B8 space to B1 should result in a higher jobs density. If there is a mezzanine floor with part of the space dedicated as office space, then the applicant's assertion that up to 25 jobs is plausible. However, if the space is all single floor B1b/B1c space then there will only be an estimated 10 FTE jobs within the new buildings. This would be less than the stated 17 jobs that previously existed on site when the estate was fully occupied. It is important to retain the correct mix of employment and the maximum floor space delivered through the inclusion of mezzanine floor space. This can be secured through a condition.

As highlighted above, although the development proposes new industrial buildings, the proposal would result in a net loss of industrial floorspace in a non-strategic/non-primary industrial estate. This must be considered against Place Making Plan (PMP) Policy ED.2B. This states that applications for residential development will normally be approved unless there is a strong economic reason why this would be inappropriate. The preamble

to the policy states that this is to guard against the wholesale and unsustainable redevelopment of industrial land supply to other higher value uses.

The policy is clear that non-strategic sites, such as the application site are not afforded the same degree of protection as strategic sites and that there is a presumption in favour of residential redevelopment unless there is a strong economic reason why this would be inappropriate. The Core Strategy and PMP do not provide an explanation on what constitutes strong economic reasons.

The 2015 Industrial Market Review report by Lambert Smith Hampton indicated that take up of industrial space in the Keynsham area, based on a five year average, is circa 2,000sqm per annum. The report acknowledges that small units have an important role in accommodating businesses and indicates that, when combined with low vacancy rates, the retention of this size / type of unit is critical to meeting the demand of local businesses and maintaining the functions of the local industrial market. Given the current ongoing demand and restricted supply, as evidenced in the Industrial Market Review, these units provide a valuable supply of small industrial space in Keynsham.

The submission explains that the existing buildings are extremely poor quality and by 2023 they will have reached the end of their economic and physical life and would in effect be unlettable due to the introduction of the Minimum Energy Efficiency Standards (MEES) Regulations. The supporting information explains that the refurbishment/redevelopment, to extend the life of the units and allow compliance with the MEES Regulations is not seen as a viable option.

The MEES regulations mean that Energy Performance Certificates (EPCs) are required on all non domestic buildings. Any units with a worse EPC rating than E cannot now be let until improvements to their energy efficiency are made to make them E or better. Any existing long-term leases cannot be honoured after 1st April 2023 if their EPC's are not better than an E.

Whilst officers recognise the issues raised by the introduction of the MEES regulations, this can not be a reason to set aside the policies in place to protect industrial buildings. It can however form a material consideration. It is important to note that the MEES regulations do set out a number of exemptions. The prohibition on letting non-domestic property below EPC energy efficiency rating of E does not apply if a landlord can show that the cost of purchasing and installing a recommended improvement or improvements does not meet a simple 7-year payback test. If applied, this exemption would enable the business to proceed as normal for 5 years, at the expiration of which the exercise will have to be repeated.

Therefore, whilst the MEES regulations are not a reason to allow for this development, it must be recognised that the buildings are not of a high standard and this may limit their ability to be function successfully in the future. There are therefore benefits of providing higher quality space, fit for purpose in the long term. A qualitative and quantitative assessment must be made when balancing the loss of space against the provision of higher quality units. Given the fact that modern buildings are being provided which will offer flexible employment space for the future, which is likely to generate similar levels of employment on site, it is considered that it would be difficult to sustain the position that

there is a strong economic reason for refusal where the presumption is to permit residential development.

It is however considered necessary to secure the delivery of these commercial units and these can be secured through a S106 agreement attached to any permission. The S106 will ensure that the units are marketed on commencement of development in accordance with an agreed marketing strategy, and the residential units are not occupied prior to the industrial units being delivered to a shell and core. The S106 should also include mitigation strategy for managing the decanting of the current tenants. A condition will also be included on any permission to secure 535sqmetres of floorspace comes forward at reserved matters stage.

Character and appearance

The development is submitted in outline, and therefore, the matters relating to scale, layout, appearance, and landscape would be dealt with in full at reserved matters stage. The overall design approach as outlined within the indicative plans and design and access statement is considered to be acceptable. Because of the nature of the surrounding topography and intervening field boundary vegetation to the west and housing to the east close views of the site are likely to be limited to the owners of one or two neighbouring properties and the users of nearby footpaths. Middle distant and distant views may be possible from properties on the eastern edge of Stockwood but are unlikely to be substantially materially different from the present view and may indeed be substantially improved if the implied soft landscape to the sites boundaries is realised.

If the boundary planting suggested/implied in the Design and Access Statement is realised it is likely that its ability to filter and or screen views from the north and west would be limited until such time as it had established. However the proposed development is likely to have less of an adverse visual impact when compared to the industrial buildings it replaces. As a consequence the proposed development is likely to be less visually detrimental than the industrial buildings it would replace with or without the realisation of the implied landscape planting.

The landscape officer has raised concerns due to the green amenity space indicatively proposed in the last application has been removed, and replaced with the industrial building, which as a result reduced the quality of the development. This is recognised, but needs to be balanced against the benefits of the provision of the industrial buildings as discussed above. Although there is no longer room within the scheme to accommodate a large green amenity space, the indicative proposals still demonstrate that there is space within the site for adequate soft landscaping. Further concerns have been raised in relation to the car parking layout and permeability throughout the site. It must however be recognised that this is an outline application and these matters will be considered in full at reserved matters stage.

Overall, it is considered that a future scheme can be designed to ensure that the visual amenities and landscape character of the area is preserved.

Highway safety

Whilst the site is located outside of the adopted Housing Development Boundary, it is positioned immediately adjacent to the boundary and the development is not considered to be unsustainable. Although this is an outline application, with the internal layout being a reserved matter, it is recognised that the development will be able to accommodate the car parking levels in accordance with the PMP standards.

The planning application is outline, although it is noted that "access" is not a reserved matter. The current scheme includes changes to the site's pedestrian access, with Drawing Plan TS-2 (included within the submitted Transport Statement) showing a segregated footway provided along the southern side of the site access road. The drawing shows that a footway width of 1.8m could be achieved, and the land required is included within the red line boundary of the planning application. Improvements are also shown on Charlton Road, and this provides a crossing facility and access to the local bus stop. These can be secured by condition to ensure that the works are implemented before any occupation of the proposed dwellings.

The proposed development of this scale is likely to have a similar or lower traffic impact as compared with the existing use, and therefore there is no need to undertake any further traffic analysis on the surrounding network.

Whilst it is likely that the site would be able to accommodate a turning refuse vehicle and fire appliance, it is recommended that this should be demonstrated by swept path analysis before any reserved matters decision is made. There may be possibilities to connect with adjacent footpath routes; however, the current submission is not entirely clear whether this is achievable. It is not considered to be critical for the determination of this outline application and the detail can be reviewed at any reserved matters stage. It is also recommended that the on-site vehicular access is constructed to an adoptable standard, and the detail of the design can be determined at any reserved matters stage.

Residential amenity

The development will be sited close to Caroline Close. However, the indicative plans show that sufficient distance between these dwellings and the proposed units can be retained to ensure that the residential amenity of these occupiers is not compromised. It is recognised that the access to the dwellings will run alongside Caroline Close. However, this is not considered to result in a significant harm, especially when considering the existing situation.

It is noted that concerns have been raised with regards to the impact of the development on the operation of the existing industrial units due to complaints from occupiers of the future residential occupiers. The applicant has submitted an environmental noise assessment which assesses the noise from the neighbouring industrial units outside of the application site, the noise from Charlton Road, and potential noise from the proposed B1 units.

The noise assessment clarifies that B1 uses are by definition appropriate in residential areas. However, if any plant is proposed for the B1 use, i.e. condenser units/extract fans, these should be assessed in accordance with BS4142 to confirm their noise impact and consequently acceptability at the proposed dwellings. This can be secured via a condition.

A 48hr noise survey has been conducted to establish the environmental and commercial/industrial noise affecting the proposed residential development. The dominant underlying noise source affecting the site is road traffic on Charlton Road. The existing general day and night noise levels affecting the site are low resulting in negligible impact during the day; negligible to low during the night and compliant with BS8233 guidance noise limits in all garden areas. Standard double glazing units and non-acoustic trickle vents providing sufficient sound insulation in order to comply with BS8233 noise ingress limits.

The noise emissions from the adjacent Lays Farm Trading Estate are generally low. The proposed B1 unit will act as a barrier to mitigate the noise emissions from the nearest existing commercial unit. With this in place, the aggregate rating level will be acceptable and will accord to BS4142.

On the basis of the above, the development is considered to result in satisfactory living conditions for the future occupiers of the development and would not result in any significant harm to the residential amenity of the existing surrounding occupiers.

Ecological considerations

Completed bat and ecological survey has now been submitted and no bat roosts were found following an emergence survey. The small risk remains however of bats making use of the buildings at a later date, therefore precautionary working methods are recommended which is an appropriate approach - this must be adhered to and should be secured by condition. Buildings with previously restricted access were also re-inspected. Nesting swallows were found on site and mitigation will be required to avoid harm to existing active nests, and to provide suitable replacement nesting sites. This and other recommended wildlife measure should be designed with advice from a suitably experienced ecologist and incorporated into the scheme. Final details can be secured by condition.

Arboricultural Issues

The arboricultural officer has highlighted that the application should have been accompanied by an Arboricultural Impact Assessment (AIA). However, given this application is outline it is considered that this can be dealt with at reserved matters stage. The final layout should be informed by an AIA.

Drainage

Following the supply of additional surface water drainage information, the drainage strategy put forward is considered to be acceptable.

Sustainable construction

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%.

As this application is for outline planning permission, there is only a requirement to submit a summary of the energy strategy at this stage. This has been provided with the application. This indicates the range of measures which will be incorporated into the proposals and the overall approach is considered acceptable, although further detail will be required at the reserved matters stage.

Planning balance/conclusion

The proposed development would comprise the redevelopment of previously developed land, and as the development would not have a greater impact upon the openness of the Green Belt, would not constitute inappropriate development in the Green Belt. The development results in the loss of industrial floorspace, and whilst a lower quantum is being proposed within the scheme, on balance given the quality of the proposed compared to the existing, the reduction in space is not considered to result in a strong economic reason which would result in the development being unacceptable.

The application has demonstrated that there will be no highway safety issues associated with the development, and subject to a satisfactory layout being submitted at reserved matters stage, there would be no harm to the character and appearance of the area. Further, whilst the development introduces residential development close to commercial units, subject to appropriate mitigation being in place, these uses are considered to be compatible.

For the above reasons, this application is recommended for approval subject to conditions and a S106 being in place to secure the delivery of the commercial units.

RECOMMENDATION

PERMIT

CONDITIONS

0 A Authorise the Head of Legal and Democratic Services to enter a Section 106 Agreement to secure the terms outlined in this report, and

B Subject to the prior completion of the above agreement authorise the Head of Planning to PERMIT subject to the following conditions:

1 Outline Time Limit (Compliance)

The development hereby approved shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the latest.

Reason: As required by Section 92 of the Town and Country Planning Act (as amended), and to avoid the accumulation of unimplemented planning permissions.

2 Reserved Matters (Pre-commencement)

Approval of the details of the appearance, layout, scale, and the landscaping of the site (hereinafter called the reserved matters) shall be obtained from the Local Planning Authority before any development is commenced.

Reason: This is an outline planning permission and these matters have been reserved for the subsequent approval of the Local Planning Authority under the provisions of Section 92 of the Town and Country Planning Act (as amended) and Parts 1 and 3 of the Development Management Procedure Order 2015.

3 Reserved Matters Time Limit (Compliance)

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: As required by Section 92 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permissions.

4 Construction Management Plan (Pre-commencement)

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

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

5 Bound/Compacted Turning Space (Pre-occupation)

No occupation of the development shall commence until the turning space shown on drawing number has been constructed with a bound and compacted surface (not loose stone or gravel). The turning space shall be kept clear of obstruction and available for use as a turning space at all times.

Reason: To ensure that vehicles can enter and leave the site in a forward gear in the interests of highways safety in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

6 Ventilation and Extraction - Commercial units (Pre-commencement of use)

The use of the commercial units hereby permitted shall not commence until a detailed scheme for the ventilation and extraction has been submitted to and approved in writing by the Local Planning Authority. The scheme shall specify the precise details of the flue extraction equipment to be used, including: the stack height; the design and position of all ductwork and filters; the noise/power levels of the fan(s); the number, type and attenuation characteristics of any silencers; details of anti-vibration mounts and jointing arrangements in the ductwork; the number of air changes per hour, and the efflux velocity. The scheme shall be installed in accordance with the approved details prior to the commencement of the use and thereafter maintained as such.

Reason: In the interests controlling odours and protecting residential amenity in accordance with policy PCS2 of the Bath and North East Somerset Placemaking Plan.

7 Sound Attenuation (Compliance)

The development shall be constructed to achieve sound attenuation against external noise in accordance with BS8233:2014 with maximum internal noise levels of 35dBLAeq,16hr and 30dBLAeq,8hr for living rooms and bedrooms during the daytime and night time respectively. For bedrooms at night individual noise events (measured with F timeweighting) shall not (normally) exceed 45dBLAmax.

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

8 Wildlife Protection and Enhancement (Pre-commencement)

No development shall take place until full details of a Wildlife Protection and Enhancement Scheme, which shall be in accordance with (but not limited to) the recommendations in Section 4 of the Ecological Appraisal dated 3 July 2018 by Crossman Associates, have been submitted to and approved in writing by the local planning authority. These details shall include:

(i) Method statement for pre-construction and construction phases to provide full details of all necessary wildlife protection and mitigation measures, including as applicable, fenced exclusion zones, pre-commencement checks, and precautionary working methods

(ii) Detailed proposals for implementation of the wildlife mitigation measures and recommendations of the approved ecological report, including wildlife-friendly planting / landscape details; provision of bat and bird boxes, and provision of replacement and additional nesting sites for swallows, with proposed materials, models and manufacturers specifications, numbers and positions to be shown on plans;

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

Reason: To prevent ecological harm and to provide biodiversity gain in accordance with policy NE3 of the Bath and North East Somerset Local Plan.

9 External Lighting (Bespoke Trigger)

No new lighting shall be installed without full details of proposed lighting design being first submitted and approved in writing by the Local Planning Authority; details to include lamp specifications, positions, numbers and heights, details of predicted lux levels and light spill, and details of all necessary measures to limit use of lights when not required and to prevent light spill onto nearby vegetation and adjacent land, and to avoid harm to bat activity and other wildlife. 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 policy NE.3 of the Bath and North East Somerset Placemaking Plan.

10 Hard and Soft Landscaping (Compliance)

All hard and/or soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme (phasing) agreed in writing with the Local Planning Authority. Any trees or plants indicated on the approved scheme which,

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

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

11 Materials - Submission of Schedule and Samples (Bespoke Trigger)

No construction of the external walls of the development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the approved details.

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

12 Removal of Permitted Development Rights - Use Class (Compliance)

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended, (or any order revoking and re-enacting that Order with or without modification), the ground floor of the premises of the commercial units shall be used only for B1 (b) and (c); and for no other purpose in Class B of the schedule to that Order.

Reason: The approved use only has been found to be acceptable in this location and other uses within the same use class may require further detailed consideration by the Local Planning Authority.

13 Employment space (Compliance)

The reserved matters application must include at least 535sqmetres of commercial (within B Use class) floorspace.

Reason: To ensure that adequate employment space is provided on site.

14 Drainage Strategy- (Pre commencement)

No development shall commence, except ground investigations and remediation, until infiltration testing and soakaway design in accordance with Building regulations Part H, section 3 (3.30) have been undertaken to verify that soakaways will be suitable for the development. If the infiltration test results demonstrate that soakaways are not appropriate, an alternative method of surface water drainage, shall be submitted to and approved in writing by the Local Planning Authority and installed prior to the occupation of the development.

Reason: To ensure that an appropriate method of surface water drainage is installed and in the interests of flood risk management in accordance with Policy CP5 of the Bath and North East Somerset Core Strategy. This is a condition precedent because it is necessary

to understand whether soakaways are appropriate prior to any initial construction works which may prejudice the surface water drainage strategy.

15 - Arboricultural Impact Assessment (Pre commencement)

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

Reason: To ensure that trees to be retained are not adversely affected by the development proposals in accordance with Policy NE6 of the Bath and North East Somerset Placemaking Plan 2017. This is a condition precedent because the works comprising the development have the potential to harm retained trees. Therefore these details need to be agreed before work commences.

16 Building Regulations (Compliance)

Two of the dwellings within the development hereby permitted shall be carried out to meet the optional technical standard M4(2) in the current Building Regulations.

Reason : In the interest of providing a choice of accessible housing for all residents

17 Water Efficiency - Rainwater Harvesting (Pre-occupation)

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

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

18 Water Efficiency (Compliance)

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

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

19 Highway works (Pre occupation)

The development hereby approved shall not be occupied until the highway works/improvements (provision of a footway width of 1.8m and improvements on Charlton

Road to provides a crossing facility and access to the local bus stop) have been implemented as illustrated on drawing TS-2 within the Transport Statement.

Reason: In the interest of highway safety

20 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:

11 Mar 2019 1628.P.100 C SITE LOCATION PLAN

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

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

Condition Categories

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

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

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

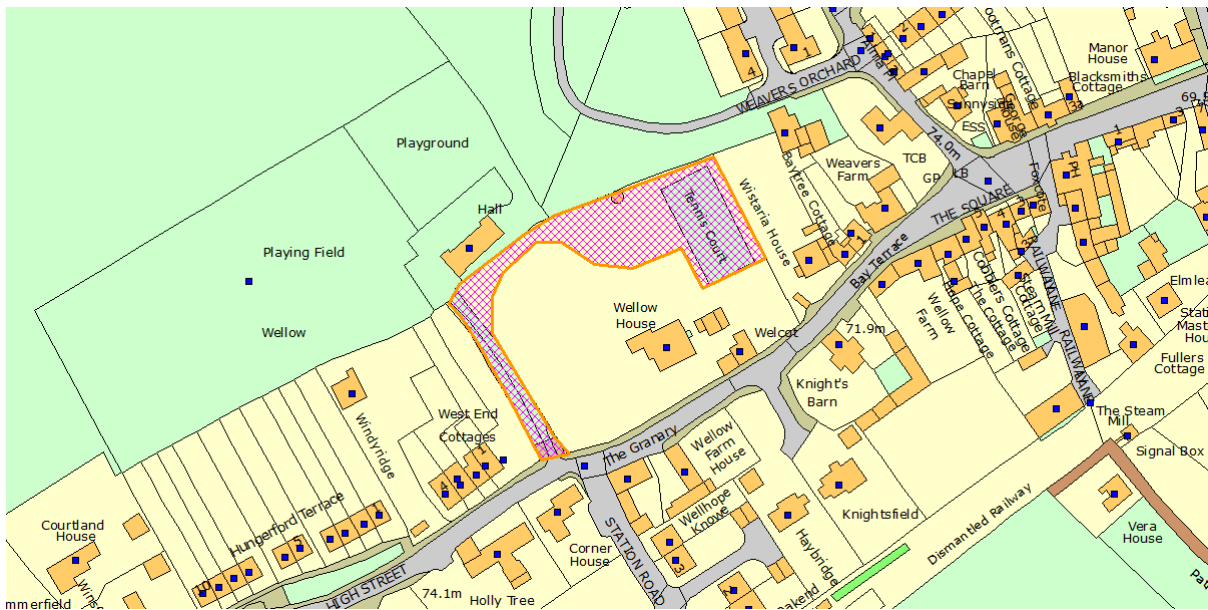
Pre-occupation - The condition requires the submission and approval of further information, drawings or details before occupation of all or part of the approved development.

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

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

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

Item No: 02
Application No: 19/00682/FUL
Site Location: Wellow House High Street Wellow Bath Bath And North East Somerset



Ward: Bathavon South

Parish: Wellow

LB Grade: IISTAR

Ward Members: Councillor Neil Butters

Application Type: Full Application

Proposal: Erection of 1 No. residential dwelling and associated landscaping and access.

Constraints: White Ox Mead Air Strip 3km buffer, Agric Land Class 1,2,3a, Conservation Area, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Housing Development Boundary, Policy NE2 AONB, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,

Applicant: Mrs Susan Chivers

Expiry Date: 1st April 2019

Case Officer: Samantha Mason

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

REPORT

Reasons for Committee:

The officer is minded to refuse the scheme and the Parish Council have supported the application. as such, in line with the Council's Scheme of Delegation, the application was recommended to the Chair of the Committee for a decision.

In her decision the chair stated that; 'I have studied the report & all associated information linked to this application, it is evident it has been amended & issues raised addressed as the application has progressed through the planning process. I note Wellow PC & third party consultees support, there are mixed views from statutory consultees. The proposed building as it now stands is not assessed as having a detrimental impact on the area however the interpretation of infill as stated in the NPPF & Greenbelt (Policy GB2 of the Placemaking Plan) & the Arboricultural Report raises several concerns. I recommend the application be determined by the DMC as it is clearly controversial & the issues raised can then be debated.

Site Description and Proposal:

Wellow House is a large detached grade II listed building set towards the front of a large garden.

It is located on High Street in the Wellow Conservation Area and the Cotswold Area of Outstanding Natural Beauty. The property is in the Green Belt.

Planning permission is sought for the erection of a single dwelling.

Relevant Planning History:

DC - 02/01577/FUL - PERMIT - 25 September 2002 - Conservatory extension, new back porch and internal Alterations

DC - 02/01642/LBA - CON - 22 October 2002 - Internal alterations to form new kitchen and conservatory, alterations to garage to form laundry and workshop, and construction of new back porch

DC - 97/02119/FUL - REF - 10 April 1997 - Provision of dormer windows and windows in existing gables and internal alterations to facilitate loft conversion.

DC - 97/02120/LBA - REF - 10 April 1997 - Provision of dormer windows and windows in existing gables and internal alterations to facilitate loft conversion.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses:

Wellow Parish Council: Wellow Parish Council voted unanimously to SUPPORT the above application. Wellow Parish Council requests that this proposal is included in a Developmental Management Committee Meeting should the B&NES Case Officer be minded to refuse).

Conservation Officer: No objection. Due to the topography, size of garden, relationship of the proposed development with the listed building and its amended design, it is considered that the proposed development would not harm the setting of Wellow House or the character or appearance of this part of the Wellow Conservation Area.

SW Heritage Trust: No objection

Histoic England: Historic England has provided pre-application advice on this scheme which has resulted in amendments to the original scheme in both location and design. The proposed new dwelling has been significantly reduced and altered so as to better relate to the heritage significance of Wellow House and to limit its impact on the setting of the heritage asset. Concerns regarding the physical fragmentation of the site due to the presence of an access drive along the northern periphery of the site remain. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 194 and 196 of the NPPF.

Arboricultural Officer: Objection. The property contains a number of exceptional trees. The proposal will result in the loss of a number of good trees, introduce tree pruning requirements which would adversely affect significant retained trees and introduce future pressures for tree removals. There are no amendments possible to overcome the adverse effects of the proposal on the trees which I am able to suggest.

Highways Officer: No objection subject to conditions.

Drainage and Flooding: No objection subject to conditions.

Representations Received:

Three comments of support have been received from third parties in regards to the 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:
 - Policy GDS.1 Site allocations and development requirements (policy framework)
 - Policy GDS.1/K2: South West Keynsham (site)
 - Policy GDS.1/NR2: Radstock Railway Land (site)
 - Policy GDS.1/V3: Paulton Printing Factory (site)
 - Policy GDS.1/V8: Former Radford Retail System's Site, Chew Stoke (site)
- o Made Neighbourhood Plans

Core Strategy:

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

- CP2: Sustainable Construction
- CP3: Renewable Energy
- CP6: Environmental Quality
- CP8: Green Belt
- CP10: Housing Mix
- 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
- D.3: Urban fabric
- D.5: Building design
- D.6: Amenity
- GB1: Visual amenities of the Green Belt
- GB2: Development in Green Belt villages
- HE1: Historic environment
- NE2A: Landscape setting of settlements
- NE3: Sites, species and habitats
- NE6: Trees and woodland conservation
- ST7: Transport requirements for managing development
- SCR1: On-site renewable energy requirement
- SCR5: Water efficiency
- SU1: Sustainable drainage policy
- LCR9: Increasing the provision of local food growing

National Policy:

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

Conservation Areas:

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

Listed Buildings:

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

OFFICER ASSESSMENT

The main issues to consider are:

- Principle of development in the Green Belt
- Heritage
- Design
- Trees
- Landscape
- Residential Amenity
- Highways Safety and Parking
- Drainage
- Sustainable Construction

PRINCIPLE OF DEVELOPMENT IN THE GREEN BELT:

The primary issue to consider is whether the proposal represents inappropriate development in the Green Belt.

A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Paragraph 145 of the National Planning Policy Framework (NPPF) sets out the exceptions to this:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development Plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - (i) not have a greater impact on the openness of the Green Belt than the existing development; or
 - (ii) not cause substantial harm to the openness of the Green Belt, where the development would reuse previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

The proposal is not for agriculture or forestry, or for sports, recreation, cemeteries or allotments uses. It is for a new dwelling in addition to the existing dwelling. The proposal is

not for affordable housing. Therefore the two criteria the proposal could be considered against are (e) or (g).

Criterion (e):

Criterion (e) refers to limited infilling in villages. Wellow is washed over by the Green Belt. Policy GB2 of the Placemaking Plan follows the thrust of the NPPF and states that development in villages in the Green Belt will not be permitted unless it is limited to infilling and in the case of residential development is within the defined Housing Development Boundary. Infilling is defined in the glossary of the Placemaking Plan as 'the filling of small gaps within existing development, e.g. the building of one or two houses on a small vacant plot in an otherwise extensively built up frontage. The plot will generally be surrounded on at least three sides by developed sites or roads'. Whilst the NPPF provides no definition of "infilling", the Planning Portal defines "infill development" as "The development of a relatively small gap between existing buildings". Policy D7 relates to infill and backland Development. It states that 'Infill development is defined as the filling of a small gap in an otherwise built-up frontage, usually consisting of frontage plots only.'

The proposed site is set in the northern corner of the plot on the existing tennis court. It is located behind Wellow House and Welcot and does not form part of the frontage of High Street. These properties are to the south. To the east is Wisteria House, and its garden borders the site. To the west is a gap. The housing development boundary bounds the plot to the north and beyond that is agricultural land. It is considered that the proposed does not represent infill development as it is not surrounded by developed sites on three sides and is not on the street frontage. The proposal therefore represents backland development.

Furthermore whilst the site is within the Housing Development Boundary the village of Wellow is washed over by the Green Belt rather than being excluded from it. Other villages within the district are surrounded by Green Belt but have specifically been excluded from it. This highlights that Wellow is an important village within the Green Belt and remains washed over to protect the open character of the village.

Criterion (g):

Criterion (g) refers to limited infilling, which has been explored above, or the redevelopment of previously developed land.

Previously developed land is defined in the NPPF as land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. However it goes on to say that this excludes 'land in built-up areas such as residential gardens'.

The site is located within the Housing Development Boundary which marks the extent of the built up area. The site is within the residential garden of Wellow House. Therefore the site is not considered to be previously developed land in accordance with the NPPF definition.

Given that the proposal is not considered infilling or to be on previously developed land it is not considered that an assessment of conditions i or ii of criterion (g) is required. However clearly the proposal will result in a greater impact on openness than the existing site which is open garden land.

Given that the proposal does not meet with any of the criteria listed in the exceptions within the NPPF the proposal is considered inappropriate. Consideration of whether or not very special circumstances exist is discussed below.

HERITAGE AND DESIGN:

Policy D1, D2, D3 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 building and wider area. Development proposals will be supported, if amongst other things they contribute positively to and do not harm local character and distinctiveness.

Policy HE1 requires development that has an impact upon a heritage asset, whether designated or non-designated, will be expected to enhance or better reveal its significance and setting.

There is a duty under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant listed building consent for any works, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Additionally 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.

Wellow House is a grade II* listed building located in the Wellow Conservation Area and Cotswold Area of Outstanding Natural Beauty. It fronts High Street and is set on a large plot with an extensive garden. The house has C17 origins and was remodelled in the early C18, with later C19 alterations. The Archaeological and Historical Assessment accompanying the application suggests that by 1843 the house and garden was a commercial nursery which ceased operations by the turn of the century. In the C20 the garden was encroached on at its east end by rearward extension of adjoining gardens and the construction of Welcot. Further encroachment in this part of the garden took place when the present tennis court was constructed in the north east corner of the garden in the 1970's, followed by the garage and conservatory extension at Wellow House in the late C20.

It is proposed to replace the existing C20 tennis court in the north east corner of the garden with a detached house enclosed within a walled garden, accessed from the lane leading to the Village Hall.

Design:

Following negotiations, the design of the proposed house has been amended to:

- Substantially reduce the projecting front central gable element, which has both physically and visually reduced the bulk of the proposed house

- Replace the photovoltaic laminate roof cladding on the south facing roof slope (which would have a reflective finish visible from the valley side to the south), with traditional double Roman clay tiles

The use of a split form of design for the house, set into the bank and linking with the new 'kitchen garden' boundary wall, is considered to be well executed. The front portion will appear as a single storey structure, about 6 metres high at ridge level, reflecting the form and appearance of a traditional lean-to kitchen garden greenhouse or conservatory. The rear element is set between the main south facing form and the existing north boundary garden wall, with views from the rear limited to the top of the slated roof and new rubble stone 'garden' wall. Historically, Wellow is part-characterised by local stone-built walls, and the concept of new rubble stone and lime rendered kitchen garden wall is supported.

The design of the proposed house and garden wall is considered sympathetic to the setting of the listed building and the character and appearance of this part of the conservation area.

It is noted that Historic England (HE) were consulted on the scheme and the applicants also undertook pre-application advice from HE which resulted in amendments to the original scheme in both location and design. HE considers that the proposed new dwelling has been significantly reduced and altered so as to better relate to the heritage significance of Wellow House and to limit its impact on the setting of the heritage asset.

Access drive:

Concern was expressed at the pre-application stage regarding the proposed new access drive, based on the impact on trees and the garden setting of the listed building. Historic England has still raised concerns to this element of the scheme although they have not specifically objected.

The route of the drive has now been slightly amended. It follows the topography without cutting into it, and is located on the northern periphery of the garden, leaving a substantial proportion of the garden area and existing trees undisturbed.

The council's Listed Building officer considers that the proposed gravel surface, estate style railing and native hedgerow planting on the south side of the drive will have an attractive appearance in views from the garden and the listed building. On balance the proposed drive is now considered acceptable. Treatment of its entry point on to the access drive to the village hall, including any gates would be conditioned.

Impact of the proposed house and walled garden on the listed building:

The garden rises to the north, away from the house, and the existing tennis court has been cut into this distinct topography to form a level area. On its north side there is a steep grassed retaining bank leading up to the 2 metre high north boundary stone garden wall. The tennis court is an alien feature in the garden landscape setting of the listed building, due to its excavated form, hard surface and metal post and wire enclosure. Returning a large part of the tennis court area to a garden use is welcomed.

The nearest part of the proposed new garden wall would be about 7 metres from the listed building, and that of the proposed house about 18 metres. Although near to the listed building, the proposed development is in that part of the garden which has previously experienced built change in the form of the tennis court, C20 extensions to the house itself, and the construction of Welcot. Replacing the tennis court with a high quality design of new house within a walled garden as proposed could improve and enhance the setting of the listed building, and its significance.

Although there are several listed buildings in the proximity of Wellow House, none are directly inter-visible with the application site, and there would be no harm caused to their settings by the development.

Overall the proposed development is within that part of the garden previously encroached upon. Subject to all other planning considerations, from the heritage perspective the proposed development is not considered to harm the setting or significance of the listed building or the character and appearance of this part of the Wellow Conservation Area. It meets the requirements of the relevant heritage policy and guidance and would also make a positive contribution to local character and distinctiveness, in accordance with paragraph 192 of the National Planning Policy Framework. The proposal accords with policy CP6 of the adopted Core Strategy (2014) and policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and Part 12 of the NPPF.

The proposal by reason of its design, siting, scale, massing, layout and materials is acceptable and contributes and responds to the local context and maintains the character and appearance of the surrounding area. The proposal accords with policy CP6 of the adopted Core Strategy (2014) and policies D1, D2, D3, D4 and D5 of the Placemaking Plan for Bath and North East Somerset (2017) and paragraph 17 and part 7 of the NPPF.

If permission were to be granted conditions would have been recommended in regards to materials, joinery details and access drive details.

A further point of note is that South West Heritage was consulted on the scheme in regards to archaeology. No objection was raised on these grounds as there was considered listed potential for archaeology issues on site.

LANDSCAPE:

The site is within the Cotswolds AONB and is washed over by the Bath and Bristol Green Belt. These designations underscore the landscape value of the area.

A landscape strategy has been submitted with the application. The site is within the Housing Development Boundary for the village and is read in wider views as part of the existing village. The existing tennis court area would be well contained by the existing buildings, roofscape, walls and vegetation. Views have been provided within the landscape strategy showing that views of the building from the wider area would be read in context with the existing village and likely be limited to the roof. Following negotiations with the agent the solar photovoltaic panels originally proposed from the roof have been removed as it was considered these may cause reflection and impact on the current landscape character of the village which is generally traditional style roofscape interspersed with trees.

Overall the proposed development by virtue of its design, scale, massing, position and use of external materials would not adversely affect the natural beauty of the landscape of the designated AONB in accordance with policy NE2 of the Placemaking Plan for Bath and North East Somerset (2017) and Part 15 of the NPPF.

TREES:

The property is within Wellow Conservation Area which affords tree protection. Policy NE6 of the Placemaking Plan: Trees and Woodland Conservation states:

1 Development will only be permitted where: a. it seeks to avoid any adverse impact on trees and woodlands of wildlife, landscape, historic, amenity, productive or cultural value; and b. it includes the appropriate retention and new planting of trees and woodlands; and
2 If it is demonstrated that an adverse impact on trees is unavoidable to allow for appropriate development, compensatory provision will be made in accordance with guidance in the Planning Obligations SPD (or successor publication) on replacement tree planting.

The grounds include a number of exceptional individual trees and trees which contribute towards the public visual amenity generally. These include but are not limited to a Beech in the north western corner, two Walnuts, Silver Birch, a group of Limes and an exceptionally large Laburnum identified as T26 within the January 2018 arboricultural report.

The council's Arboricultural officer has been consulted on the scheme and considered the Laburnum a veteran tree rather than over mature. A Veteran tree is defined within the NPPF as:

'A tree which, because of its age, size and condition, is of exceptional biodiversity, cultural or heritage value. All ancient trees are veteran trees. Not all veteran trees are old enough to be ancient, but are old relative to other trees of the same species.'

Additionally several trees within the site are worthy of a Tree Preservation Order (TPO), however, a TPO would not prevent tree losses or works if they are required to enable a permitted development or if they are justified as a result of an adverse impact on the living conditions and usability of the gardens.

The management requirements of the retained trees will alter as a result of the proposed development resulting in unfavourable pruning which is not currently essential. This will in part be because of the additional pressures that will be placed on the trees by the future residents of the proposed dwelling, as it is likely they will cause some shadowing and safety concerns.

The Tree Constraints Plan does not illustrate how the above ground elements of the trees, especially the Limes, will impact on the reasonable living conditions of the future occupants or how the trees would be perceived by future occupants.

The subdivision of the garden will reduce the available external space serving each dwelling and lead to intensification of garden usage with the accompanying paraphernalia such as sheds and childrens' play equipment in due course. Given the limited outside space provided for the new dwelling it is envisaged that there will be future S211 notices to remove trees within the group shown retained containing T33 - T42.

The entire length of the drive is shown as 'no-dig' construction on the Tree Protection Plan supplied in the arboricultural report dated February 2019. It should be noted that no services including drainage requiring trenching or above ground cabling are shown on this drawing. The Arboricultural Impact Assessment states under 6.8 that services have been planned outside of root protection areas, however, a plan demonstrating this has not been provided.

The position of the dwelling places the long term retention of the group of four Limes along the eastern boundary at risk. The Arboricultural Impact Assessment states in paragraph 6.2 that the northern extent of the new dwelling will require the excavation of a raised bank within the calculated Root Protection Area of T44A. Any excavation or soil compaction in this area could potentially lead to root severance or damage. Therefore it not been demonstrated that there will be no harm to these trees. The Arboricultural assessment proposes the excavation of a trial trench to check for tree roots, its states that If major roots are encountered the proposed footprint of the building will be revised to allow the retention of the existing bank. However this will effectively result in an un-implementable permission if the proposal was permitted. As such the harm needs to be established before permission can be granted, in this case that has not been done.

The Arboricultural Officer remains unconvinced that the proposal has taken into account the species specific characteristics, future growth and maintenance requirements of the trees contrary to the recommendations within 5.3.4 of BS 5837:2012.

Overall the property contains a number of exceptional trees. The proposal will result in the loss of a number of good trees, introduce tree pruning requirements which would adversely affect significant retained trees and introduce future pressures for tree removals. Additionally the proposal may result in adverse impact on trees in the T44 group. As such the proposal is considered contrary to policy NE6 of the Placemaking Plan and the relevant paragraphs 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 site slopes upward to the north and the existing tennis court is set above the properties to the south including Wellow House and Welcot. Given the one and a half storey height of the proposed design and the distance from neighbours it is not considered that residential amenity of neighbours will be significantly adversely affected. No third party objections have been received.

Overall the proposed development would not cause significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, noise, smell, traffic or other disturbance. The proposal accords with policy D6 of the Placemaking Plan for Bath and North East Somerset (2017) and paragraph 17 and part 7 of the NPPF.

HIGHWAYS SAFETY AND PARKING:

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

This type of proposal at this location has been considered by the highway authority as an earlier pre-application submission. It is noted that the site is located within the adopted Housing Development Boundary, and therefore there is no objection to the principle to the proposed residential development at this location in regards to highways sustainability. However, the proposed access and parking arrangements need to be appropriate.

The proposed access arrangements for the new dwelling would be combined with the existing access to the village hall and playing fields. Given the proposed scale of development and the standard of the access junction with the High Street, there is no highway objection to the use of the lane. For this type of development the visibility at the access junction is adequate and there is unlikely to be a detrimental impact on the operation of the local road network. The applicant will need to ensure that they have the appropriate access rights across the lane.

The site layout plan shows that ample parking for this residential development could be provided within the site boundary.

There is no highway objection to the planning application as presented; if the application were being recommended for permission planning conditions for parking would be recommended.

Overall the means of access and parking arrangements are acceptable and maintain highway safety standards. The proposal accords with policy ST7 of the Placemaking Plan for Bath and North East Somerset (2017) and part 4 of the NPPF.

DRAINAGE AND FLOODING:

The development should represent a reduction in impermeable area and therefore should not adversely affect surface water flood risk.

The applicant has suggested that they will manage surface water from roofs and hardstanding by way of soakaway and the Flooding and Drainage Team would support this endeavour. British geological survey data suggests the area may be viable for infiltration.

If the proposal were recommended for permission a condition in regards to infiltration testing would be required.

COMMUNITY INFRASTRUCTURE LEVY:

The site would generate additional residential floor space within the district and is subject to contributions via the infrastructure Levy in line with the Council's adopted Planning Obligations SPD.

SUSTAINABLE CONSTRUCTION AND RENEWABLE ENERGY:

Policy CP2 of the Placemaking Plan has regard to Sustainable construction. The policy requires sustainable design and construction to be integral to all new development in B&NES and that a sustainable construction checklist (SCC) is submitted with application evidencing that the prescribed standards have been met.

For minor new build development a 19% reduction in CO2 emissions is required by sustainable construction. In this case the submitted evidence shows that > 19% CO2 emissions reduction has been achieved from energy efficiency and/or renewables. Therefore the proposed development is compliant with policy CP2 in this instance.

Policy SCR5 of the emerging Placemaking Plan requires that all dwellings meet the national optional Building Regulations requirement for water efficiency of 110 litres per person per day. This could be secured by condition.

Policy SCR5 also requires all residential development to include a scheme for rainwater harvesting or other method of capturing rainwater for use by residents (e.g. water butts). A water butt has been shown as achievable on drawing 255/PE02a. The policy requirement is met.

Policy LCR9 states that all residential development will be expected to incorporate opportunities for local food growing (e.g. border planting, window boxes, vertical planting, raised beds etc.). The proposal will benefit from a walled garden where there will be ample opportunity for cultivation. The policy requirement is met.

VERY SPECIAL CIRCUMSTANCES:

As discussed above, the proposal is inappropriate development in the Green Belt and in accordance with paragraph 143 of the NPPF should only be approved if it can be demonstrated that very special circumstances exist. Paragraph 144 goes on to state that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Paragraph 144 indicates that substantial weight should be given to any harm to the Green Belt.

The following harms have been identified:

- Harm by reason of inappropriate development
- Harm to the openness of the Green Belt
- Insufficient information to demonstrate that there will be no adverse impact to important trees

The proposals are for a Self-Build retirement home, for the owners of Wellow House. Within the submission the agent suggests that the very special circumstances are such that the proposal will assist in meeting demand on the Council's Self-Build register, and there is a statutory duty for the Council to provide Self-Build plots. Whilst there is a duty, self-build housing will only be supported where it is in line with other policies in the development plan, there are considered to be other suitable alternative locations across the entire district that will achieve meeting the demand appropriately. There is limited gain

from providing one additional house in a location that has not been allocated for growth in the council's spatial strategy.

A further materials consideration has been identified by the council in that the construction of the proposed development would generate a number of construction jobs and the investment in the site would provide a small boost to the local economy. However, these impacts would be temporary, short lived and relatively small scale in the wider context.

The applicant has made reference in their submission to various recent developments in Wellow within the vicinity of this site, namely the pavilion building at Wellow Recreation Ground and the erection of a new dwelling adjacent to Bubblers Dytch. Whilst each case is assessed on its own merits neither of these approved developments are comparable; the Bubblers Dytch site was a genuine infill development according with the aforementioned definitions and the pavilion building was an appropriate facility for outdoor sport and recreation. Unlike the scheme under consideration here, both of these recent developments accord with green belt policy and therefore are not inappropriate development. No weight can be attributed to either of these developments when considering the current scheme.

Whilst it is recognised that there are attributes of this scheme that weigh in its favour, these benefits do not, individually or cumulatively, amount to very special circumstances which would clearly outweigh the multiple and significant harms identified. The proposal is therefore contrary to policy CP8 and Green Belt policy within the NPPF.

CONCLUSION:

It is therefore considered that the proposal is contrary to the relevant planning policies as outlined above, in particular Green Belt Policy, and the proposal is therefore recommended for refusal.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposal represents inappropriate development in the Green Belt which is by definition harmful to the Green Belt, additionally the proposal fails to preserve on the openness of the Green Belt. The proposal is therefore contrary to the development plan including policy CP8 of the adopted Core Strategy and policy GB3 of the Placemaking Plan for Bath and North East Somerset (2017) and part 13 of the NPPF.

2 The proposed development will have an adverse impact on trees of value due to the loss of trees, pruning requirements, and future pressure to undertake works to the trees. Additionally it has not been demonstrated that there will not be harm to trees as a result of the siting of the dwelling. Therefore proposal is considered contrary to the development plan including policy NE6 of the Placemaking Plan and the relevant paragraphs of the NPPF.

PLANS LIST:

This decision relates to the following plans:

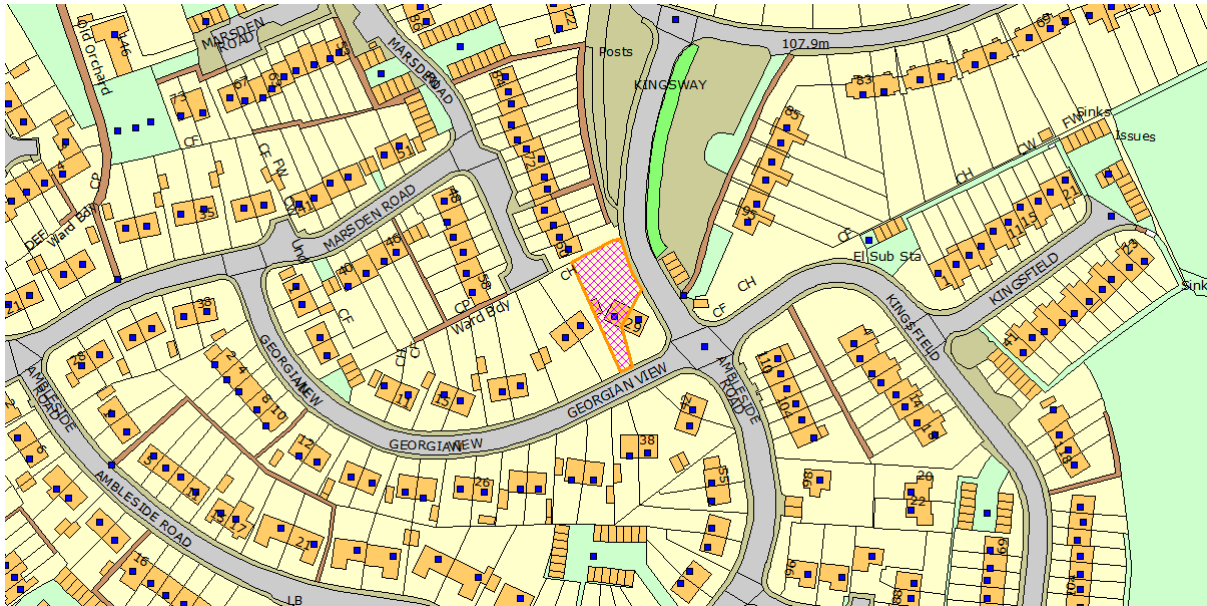
18 Feb 2019 255/Slp Site Location Plan
18 Feb 2019 084-004 A Site Plan
18 Feb 2019 255/Bp Block Plan
18 Feb 2019 084-003 B Landscape Plan
18 Feb 2019 084-007 A Tree Retention and Removal
18 Feb 2019 084-014 A Sections Through Garden and New Drive
18 Feb 2019 084-401 Estate Railing and Matching Gate Detail
18 Feb 2019 255/Ps01 Site Section Looking West
11 Mar 2019 255 Pe01a Proposed South and West Elevations
11 Mar 2019 255 Pe02a Proposed North and East Elevations
11 Mar 2019 255 Pp01a Proposed Ground and First Floor Plans

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.

Community Infrastructure Levy

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

Item No: 03
Application No: 19/00492/FUL
Site Location: 27 Georgian View Southdown Bath Bath And North East Somerset BA2 2LZ



Ward: Odd Down **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Steve Hedges Councillor Nigel Roberts
Application Type: Full Application
Proposal: Change of use from 4 bed dwelling (use class C3) to 6 bed HMO (use class C4) with works to convert garden store to living space
Constraints: Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Policy CP9 Affordable Housing Zones, MOD Safeguarded Areas, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,
Applicant: Mr Adam Bailey
Expiry Date: 29th April 2019
Case Officer: Anna Jotcham
To view the case click on the link [here](#).

REPORT

REASON FOR APPLICATION BEING REFERRED TO COMMITTEE:

The application has been called to committee at the request of Cllr Paul Crossley and Cllr Steve Hedges. Reasons given relate to impact on parking and an increasing number of HMO properties in this area. Agreement with other third party objection comments is also cited as a reason.

As per the councils scheme of delegation the application was referred to the Chair of the Committee. The Chair stated in her recommendation:

"I have studied the application, comments from statutory and third party consultees and Cllrs DMC request, it is clearly controversial and although the application has been assessed against relevant planning policies I recommend the application be determined by the DMC so the issues raised can be debated fully."

THE SITE:

27 Georgian View is a two storey (with under-croft) semi-detached house located in a residential street in the Southdown area of Bath. The property falls within the Bath World Heritage Site designation but is outside the Bath Conservation Area.

THE PROPOSAL:

Planning permission is sought for the change of use of the property from a 4 bedroom dwelling to a 6 bedroom House in Multiple Occupation (HMO).

PLANNING HISTORY:

08/01559/FUL - INVALID AND WITHDRAWN - 12 May 2008 - Erection of two storey side extension with garage and out house following demolition of existing garage

08/01838/FUL - REFUSED - 29 July 2008 - Erection of two storey side extension with garage and outhouse following demolition of existing old prefabricated garage

08/04300/FUL - PERMIT - 13 January 2009 - Erection of a three-storey side extension and repositioning of garage (revised application).

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

CLLR PAUL CROSSLEY - There is limited on street parking available and the proposal is likely to increase this pressure. There is already a large number of HMO housing in the community around this street. Request that application is determined by Committee if Officer is minded to permit.

CLLR STEVE HEDGES - Request that application is determined by Committee if Officer is minded to permit. This is due to reasons put forward by the local residents. Student accommodation in and around the city is now wide spread and we can ill afford for good family homes to be lost.

HIGHWAYS - No objection.

BUILDING CONTROL - No comments.

OTHER REPRESENTATIONS / THIRD PARTY COMMENTS - Objection comments received from 8 consultees which can be summarised as follows:

- Highway safety, traffic congestion and parking concerns.
- There are several HMO's already on this road (some not registered).
- Properties occupied by students are neglected with rubbish and recycling bins left out and gardens left unattended.

- Impact on residential amenity (increased noise, recycling bins overflowing and general neglect).
- Impact on property values.
- There is a hedge on the adjacent property and this will need to be unaffected by the development.
- This type of application goes against the principal of the importance of family and well-being.
- A further Highways Officer / Councillor's site visit is requested.

One letter of support from the current owner of no. 27 Georgian View rebutting points made in one of the consultation comments.

Officer note: 10 signed objection letters were forwarded to the Planning Department from Cllr Davies. However, these could not be put on the system because they were not sent by the people direct and we do not have their consent.

POLICIES/LEGISLATION

The Development Plan for Bath and North East Somerset comprises:

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

RELEVANT CORE STRATEGY POLICIES:

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

- Policy DW1: District wide spatial strategy
- Policy B1: Bath spatial strategy
- Policy B4: The World Heritage Site and its setting
- Policy CP6: Environmental quality
- Policy CP10: Housing mix

RELEVANT PLACEMAKING PLAN POLICIES:

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

- Policy D1: General urban design principles

Policy D2: Local character and distinctiveness
Policy D3: Urban fabric
Policy D5: Building design
Policy D6: Amenity
Policy HE1: Historic environment
Policy H2: Houses in Multiple Occupation
Policy ST1: Promoting sustainable travel
Policy 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. The following sections of the NPPF are of particular relevance:

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

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

SUPPLEMENTARY PLANNING DOCUMENTS:

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

The City of Bath World Heritage Site Setting Supplementary Planning Document (August 2013)
The Bath City-wide Character Appraisal (August 2005)
The Houses in Multiple Occupation in Bath Supplementary Planning Document (November 2017)

OFFICER ASSESSMENT

PRINCIPLE OF CHANGE OF USE:

The determination of whether the change of use of a dwelling in C3 use to a HMO in C4 use will have an unacceptable impact on the surrounding area is primarily assessed via the tests outlined in The Houses in Multiple Occupation in Bath Supplementary Planning Document, as amended and adopted in November 2017.

Criterion 1 aims to prevent negative impacts to immediate neighbours caused by this particular change of use. Applications for this proposed change of use will not be permitted where it would result in any C3 residential property being 'sandwiched' between two HMOs. This criterion also aims to ensure balance at street level.

Criterion 2 aims to restrict HMOs in areas of a high concentration of existing HMOs, to prevent harmful impacts resulting from an imbalance of HMOs within residential areas. The Stage 1 Test of Criterion 2 examines whether the application property is within or less than 50 metres from a Census Output Area in which HMO properties represent more than 10% of households. If outside of this test area, the test and criterion is passed. If the property is within the Stage 1 Test area, or within a 50 metre buffer of this area, the Stage

2 Test is conducted, whereby applications for this proposed change of use will not be permitted where HMO properties represent more than 10% of households within a 100 metre radius of the application property. These tests are explained further within the SPD.

The property (no. 27) forms part of a semi-detached pair with no. 29 Georgian View. The pair sit at a 45 degree angle to another pair of semi-detached properties and no. 25 is the immediate neighbour of the application site. According to Council GIS records, none of these properties or no. 23 are recognised as operating as HMOs. On this basis, the proposed development will not result in a sandwiching effect. The proposal therefore complies with Criterion 1.

The property is outside of and approximately 54 metres away from the edge of the Stage 1 Test area. The proposal also therefore complies with Criterion 2.

For the purpose of thoroughness, the Stage 2 Test was carried out. Based on Council data, 3 out of 78 residential properties within a 100 metre radius of the site are recognised HMOs, equating to 4%, which is below the 10% threshold. It should be noted that the consultation process highlighted the presence of six properties potentially operating as HMOs not identified on the Council's mapping system. Four of these properties are located on Georgian View (nos. 17, 18, 40 and 42) and fall within a 100 metre radius of the application site. Only one of them (no. 42) benefits from planning permission for a HMO (ref: 18/02786/FUL). Other potential HMO's identified are located in Marsden Road and Ambleside Road, more than 100 metres from the application site. Accounting for additional HMO's within the 100 metre radius, this would calculate at 9%. Overall, based on the tests within the SPD, it must be concluded that this is not an area of high concentration of HMOs for the purposes of this assessment.

Policy CP10 supports housing mix in line with national policy, where a mix of housing types and households is encouraged in the interest of community cohesion. This is supported by HMO policy H2 and the SPD, which aim to direct new HMO development to areas of lower concentration.

Overall, the proposal is considered to be acceptable in principle, in accordance with policies DW1, B1 and CP10 of the Core Strategy and policy H2 of the Placemaking Plan, subject to the matters addressed below.

IMPACT ON CHARACTER OF THE AREA:

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

The proposed conversion consists largely of internal alterations to the layout of the property, with the main external alteration being the replacement of the under-croft door with a window. Further details to ensure the proposed infill materials and replacement fenestration are sympathetic to the host building can be requested through the planning

application process. It is not considered that the proposed change to the front elevation of the building will harm the character and appearance of the property and its surroundings.

The proposed development is located within the Bath World Heritage Site, where policy B4 of the Core Strategy states that consideration must be given to impacts on the heritage asset and its setting. The development will not adversely impact the setting of the surrounding area, nor will it result in harm to the Outstanding Universal Value of the World Heritage Site, its authenticity or integrity.

The proposal is therefore in accordance with policies CP6 and B4 of the Core Strategy, policies D1, D2, D3, D5 and HE1 of the Placemaking Plan and sections 12 and 16 of the NPPF.

HIGHWAYS AND PARKING:

The change of use, and associated increase in the number of bedrooms from four to six, is likely to increase the occupancy of the house marginally by independent individuals (i.e. not a family) and this has raised concerns over increased parking demand in the vicinity of the application site, particularly in an area where on-street parking is unrestricted.

However, the site's sustainable location is acknowledged with good access to a range of services, facilities and public transport links, therefore reducing reliance on the car. It is also noted that the applicant proposes to retain the existing six off-street car parking spaces which comprises two columns of tandem parking on the front driveway. It is noted that consultation comments have raised concerns about the usability of tandem parking arrangements however this does not represent an uncommon situation and the proposal actually offers more than the standard level of car parking for a residential property of this size (3 spaces) (there are no adopted parking standards on HMOs).

Furthermore, there is evidence from surveys carried out by the Department for Communities and Local Government which states that rented accommodation can have up to 0.5 fewer cars than owner occupied households of a similar size and type. In this instance, car ownership would be similar to, or even less than, the previous domestic use of the property. Given this, it is not considered that there would be a significant impact on the local highway.

Without adopted parking standards on HMOs, it is difficult to demonstrate that the addition of two-bedrooms will result in an unacceptable increased demand for parking, or a demonstrable harmful impact on local highway conditions. Paragraph 109 of the revised NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Based on the above, it is considered that there is no objection on highway safety or parking grounds to the proposed change of use.

RESIDENTIAL AMENITY:

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

The SPD recognises that the cumulative impact of HMOs on neighbouring properties could significantly impact upon the residential amenity of the property as well as character of the area.

C3 dwellinghouses are occupied by single households which typically have co-ordinated routines, lifestyles, visitors and comings and times and patterns of movement. Conversely, HMOs are occupied by unrelated individuals, each possibly acting as a separate household, with their own friends, lifestyles, and patterns and times of movements. The comings and goings of the occupiers of a HMO are likely to be less regimented and occur at earlier and later times in the day than a C3 family home, and may well consist of groups engaging in evening or night time recreational activity. Such a change of use can therefore be expected to increase comings and goings, noise and other disturbance compared to a C3 use. Individually, HMOs are not generally considered to result in demonstrable harm to residential amenity as it is only a concentration of HMOs that creates significant effect.

The 6 bedroom HMO will not result in a significant or unmanageable increase in rubbish and recycling storage and collection over and above its existing capacity as a semi-detached family house.

Overall, the proposed development is in accordance with policy D6 of the Placemaking Plan.

OTHER MATTERS:

The impact of development on property values and the selling of property in the future is noted but can not over ride the planning considerations that apply as set out above.

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 Plans List (Compliance)

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

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

PLANS LIST:

This decision relates to the Site Location Plan and Existing and Proposed Floor Plans received on 5 February 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.

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

Community Infrastructure Levy

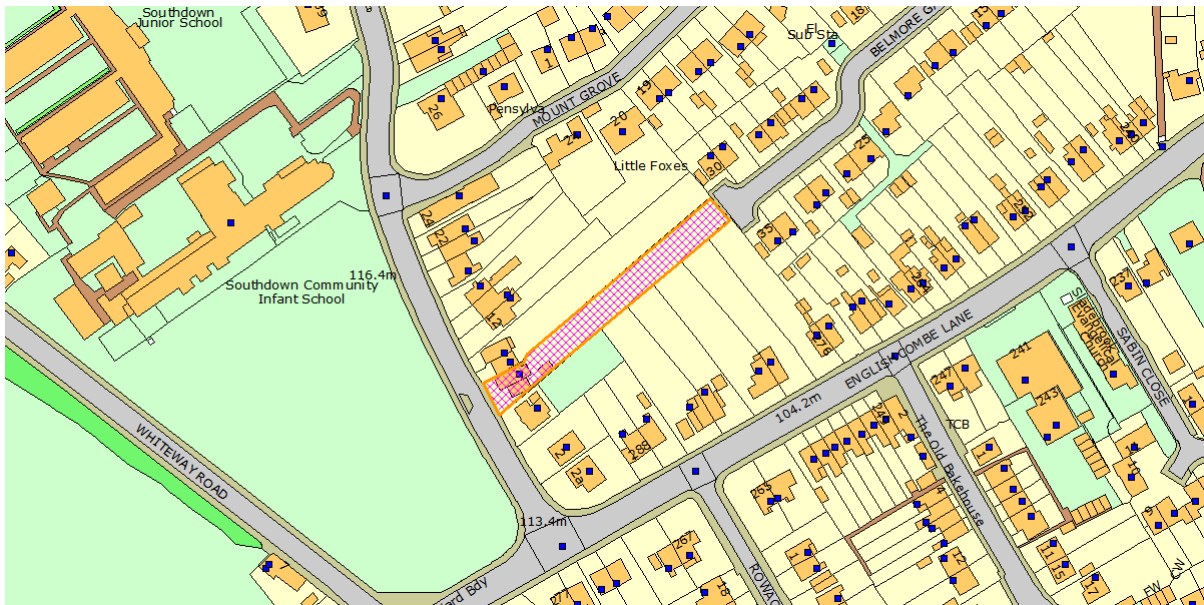
You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. **Before** commencing any development on site you should ensure you are familiar with the CIL process. If the development approved by this permission is CIL 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

HMO Licensing

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

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

Item No: 04
Application No: 18/04922/OUT
Site Location: 6 Mount Road Southdown Bath Bath And North East Somerset BA2 1LD



Ward: Southdown **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor P N Crossley Councillor D M Romero
Application Type: Outline Application
Proposal: Outline application for the erection of 1 no dwelling in rear garden (Access, layout and scale to be determined and all other matters reserved).
Constraints: Agric Land Class 3b,4,5, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Policy CP9 Affordable Housing Zones, MOD Safeguarded Areas, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,
Applicant: Mr Kevin Liang
Expiry Date: 5th April 2019
Case Officer: Anna Jotcham
 To view the case click on the link [here](#).

REPORT

REASON FOR APPLICATION BEING REFERRED TO COMMITTEE:

The application has been called to committee at the request of Cllr Dine Romero. Reasons given relate to the impact on neighbouring properties (overlooking, privacy and general enjoyment of homes/gardens), impact on trees and the proposed new access road from Belmore Gardens.

As per the councils scheme of delegation the application was referred to the Chair of the Committee. The Chair stated in her recommendation:

"I have studied the outline application noting statutory and third party consultees comments as well as the Ward Cllr DMC request. The controversial application has been assessed against relevant planning policies as the report explains, however there remains a concern regarding the trees and positioning of the dwelling therefore I recommend the application be determined by the DMC".

THE SITE:

The application relates to an area of land that forms part of the rear garden of no. 6 Mount Road. The site is located within the built-up area of Bath and is protected by the Bath World Heritage Site designation.

THE PROPOSAL:

This is an outline application for the erection of a detached two storey dwelling. The application seeks approval for access, layout and scale, with all other matters reserved.

PLANNING HISTORY:

6644/3 - PERMITTED - 15 July 1987 - Erection of a detached bungalow and garages with access on to Belmore Gardens.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

CLLR DINE ROMERO - Request that the application be taken to Committee if the officer recommendation is to permit. Reasons given relate to the impact on neighbouring properties (overlooking, privacy and general enjoyment of homes/gardens), impact on trees and the proposed new access road from Belmore Gardens.

HIGHWAYS - No objection, subject to conditions and an advisory note.

ARBORICULTURE - Objection / scope for revision. The proposal is likely to result in pressure on adjacent tree owners for pruning and felling. Suggestion to move the dwelling towards the new access off Belmore Gardens to improve the separation between the proposed dwelling and trees.

ECOLOGY - No objection, subject to conditions.

CONTAMINATED LAND - No objection, subject to a condition and advisory note.

OTHER REPRESENTATIONS / THIRD PARTY COMMENTS - Objection comments received from 22 consultees which can be summarised as follows:

- Objection to new access road off Belmore Gardens.
- Inadequate consultation process (the residents of Belmore Gardens were not formally notified of the planning application).
- Highway safety, traffic congestion and parking concerns.
- Land adjacent to the Belmore Gardens hammerhead is a ransom strip and is not owned by the applicants.
- Potential increase in pedestrian traffic if an access route along the side of the proposed house to Mount Road is approved.
- The proposal is out of character with the surrounding built environment (e.g. inappropriate siting, layout, height and massing).
- Impact on residential amenity of neighbouring residents (e.g. impact on views, noise, loss of light, overlooking).
- Proposal will set a precedent for more housing and is potentially being designed to allow this.
- The proposal is overdevelopment (the house appears cramped and future maintenance will require access onto neighbouring land).
- Limited information is available on the siting, type and size of the building.
- The previous application referred to in the submitted Design and Access Statement is not comparable as it was for a bungalow, not a four bed detached house.
- Concern that the proposed house will become a future HMO.
- The proposal does not provide an adequate number of cycle parking spaces.
- Proposal will result in loss of green space.
- Proposal will have a negative impact on existing wildlife.
- Potential loss of street lighting if the existing street light at the end of Belmore Gardens is lost or relocated as a result of the development.
- Impact on Ash tree which is outside the site boundary (in the garden of no. 282 Englishcombe Lane).

POLICIES/LEGISLATION

The Development Plan for Bath and North East Somerset comprises:

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

RELEVANT CORE STRATEGY POLICIES:

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

Policy DW1: District wide spatial strategy
Policy B1: Bath spatial strategy
Policy B4: The World Heritage Site and its setting
Policy SD1: Presumption in favour of sustainable development
Policy CP2: Sustainable construction
Policy CP6: Environmental quality
Policy CP10: Housing mix

RELEVANT PLACEMAKING PLAN POLICIES:

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

Policy SCR5: Water efficiency
Policy SU1: Sustainable drainage
Policy D1: General urban design principles
Policy D2: Local character and distinctiveness
Policy D3: Urban fabric
Policy D4: Streets and spaces
Policy D5: Building design
Policy D6: Amenity
Policy D.7: Infill and backland development
Policy D8: Lighting
Policy D.10: Public realm
Policy NE1: Development and green infrastructure
Policy NE2: Conserving and enhancing the landscape and landscape character
Policy NE2A: Landscape setting of settlements
Policy NE3: Sites, species and habitats
Policy NE4: Ecosystem services
Policy NE5: Ecological networks
Policy NE6: Trees and woodland conservation
Policy PCS1: Pollution and nuisance
Policy PCS2: Noise and vibration
Policy PSC5: Contamination
Policy PCS7A: Foul sewage infrastructure
Policy H7: Housing accessibility
Policy LCR3A: Primary school capacity
Policy LCR7B: Broadband - superfast infrastructure
Policy LCR9: Increasing the provision of local food growing
Policy ST1: Promoting sustainable transport
Policy 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. The following sections of the NPPF are of particular relevance:

Section 5: Delivering a sufficient supply of homes
Section 9: Promoting sustainable transport
Section 12: Achieving well-designed places

OFFICER ASSESSMENT

PRINCIPLE OF DEVELOPMENT:

The application site falls within the built-up area of Bath where the principle of residential development, including backland development, is acceptable, subject to other material considerations.

IMPACT ON CHARACTER OF THE AREA:

No. 6 Mount Road is an end of terrace house near to the junction of Englishcombe Lane. The house benefits from a long rear garden (over 80 metres), generally enclosed with hedging and fences that backs onto Belmore Gardens to the east. The northern side of the garden runs parallel with the garden of adjacent no. 8 Mount Road. The southern side of the application site sits perpendicular to the rear gardens of nos. 276 - 284 Englishcombe Lane. Planning permission for a new detached house at the rear of no. 276 Englishcombe Lane was granted in November 2017 (ref: 17/02798/OUT). This consent included a new access onto Belmore Gardens.

The proposal is at outline stage however submitted plans indicate that it will consist of a two storey, four-bedroomed dwelling with its primary frontage facing Belmore Gardens. The proposed dwelling will span most of the width of the application site but will retain a small pedestrian access to the proposed dwelling's rear garden on the southern side. Three car parking spaces will be provided at the front of the property.

Policy D7 of the Placemaking Plan supports backland development providing it is in keeping with the character of the area, of an appropriate design (in terms of height, scale, mass and form), preserves the character and appearance, safety or amenity of the frontage of development and is not harmful to residential amenity.

The proposed dwelling will be located at the end a cul-de-sac (Belmore Gardens). It accords with the size and massing of the detached house granted planning permission at the rear of no. 276 Englishcombe Lane in November 2017.

Although the pattern of development is currently linear along Belmore Gardens the proposed dwelling would present itself at the head of the cul-de-sac which is generally considered an appropriate pattern of residential development. As such, it is not considered that the proposed dwelling would appear out of character with the surrounding area.

Due to the raised ground level, the proposed dwelling will be visible from points along Englishcombe Lane. However, glimpses of residential properties through gaps in housing are not uncommon and the proposed dwelling is not overly large as to appear incongruous.

As this is an outline application, details of materials and the final appearance of the building will be determined at the reserved matters stage.

HIGHWAYS AND PARKING:

The site is to the rear of no. 6 Mount Road but all access to the proposed dwelling would be taken from Belmore Gardens. The access arrangements for the existing property (no. 6 Mount Road) will not change.

Whilst the application is outline only, it does show that adequate car parking (3 spaces) could be provided on the proposed front driveway. The Highways Officer has no significant concerns with vehicles reversing back onto the carriageway at this location. Footways are provided along both sides of Belmore Gardens and this would provide adequate access for pedestrians to the site.

Based on the above, it is considered that there is no objection on highway safety or parking grounds. The Highways Officer has recommended that a bound and compacted vehicle access is constructed and that areas allocated for parking and turning are kept clear of obstruction and only used for parking. This can be controlled via conditions. It is possible that some minor works will be required to form a new vehicular access and the applicant can be made aware of this via an advisory note.

TREES:

Initial consultation comments received from the Council's Arboriculturalist highlighted a lack of consideration of off-site trees, in particular an Ash tree overhanging the site from the rear garden of no. 282 Englishcombe Lane.

An arboricultural report has been provided which includes practical measures to reduce the potential of damage to the neighbouring Ash tree during construction activities. This indicates how the canopy spread of the tree dominates the garden. The report recommends regular tree condition surveys which the tree owner, not the current applicant, will be duty bound to undertake. As such, the proposal is likely to result in pressure on the adjacent tree owners for pruning and felling.

In light of the above, the Arboriculturalist has suggested moving the dwelling towards the access to improve the separation between the proposed dwelling and trees. However, this is likely to result in the loss of car parking spaces at the front of the property. Therefore, on balance, it is not considered appropriate to amend the siting of the dwelling in this instance.

Whilst the threat to the Ash tree is acknowledged it is not considered that the impact would be significant enough to justify a refusal in this instance.

ECOLOGY:

The proposal impacts on garden vegetation and poses a risk to wildlife within the site including protected species. However these risks and potential impacts are not insurmountable and the concerns are not sufficient to justify a protected species survey prior to a planning consent. Subject to a condition for a Wildlife Protection and Enhancement Scheme the application is considered to be ecologically acceptable.

RESIDENTIAL AMENITY:

Concerns have been raised by neighbouring properties in relation to the potential overbearing impact of the proposal, as well as overlooking.

The proposed dwelling will be located at the head of the cul-de-sac and sufficiently set back (approximately 11 metres) from the frontage of Belmore Gardens to avoid any overlooking into properties along this road. Similarly, the proposed dwelling will be situated approximately 60 metres from the rear elevations of properties along Mount Road and 35 metres from the rear elevations of properties along Englishcombe Lane.

The situation on higher ground means that the proposed dwelling will be visible from the rear gardens of surrounding properties. However, the extensive length of neighbouring gardens means that the impact is not considered to be significant. Furthermore, although appearance is to be determined at the reserved matters stage, indicative drawings suggest that the first floor windows on the southern and northern elevations are bathroom or stairway windows. The use of obscure glazing on these levels could therefore be controlled via condition at the reserved matters stage. This would avoid the potential for direct overlooking and indivisibility between the properties.

Based on the above, whilst a level of overlooking or at least the sense of overlooking is anticipated, the proposal is within a residential area, and the overlooking that will result is not considered to be significant enough to warrant a refusal.

OTHER MATTERS:

Several objection comments relating to the issue of the site access have been submitted, stating that a strip of land at the hammerhead of Belmore Gardens is owned by a third party. There is no evidence of this according to land registry, and no further evidence regarding this has been submitted. According to the information currently available, the applicant has the appropriate ownership for access to the site to be possible. Any dispute over land ownership will need to be resolved by the developer of the land.

Concerns that the property could be used as a House in Multiple Occupation have been raised. This would require the submission of a planning application, and be assessed on its own merits.

There are a number of policies in the Placemaking Plan which stipulate requirements for new residential development which must now be applied. Policy requirements for water efficiency can be secured by planning condition. The proposed dwelling also has access to adequate outside garden space for local food production.

Reporting of unexpected contaminated land and requirement for a desk study and walkover survey are secured by planning condition and advisory note.

The applicant should be aware that policy CP2 of the Core Strategy requires sustainable design and construction to be an integral part of new development. This will need to be addressed at the reserved matters stage.

CONCLUSION:

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

RECOMMENDATION

PERMIT

CONDITIONS

1 Outline Time Limit (Compliance)

The development hereby approved shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the latest.

Reason: As required by Section 92 of the Town and Country Planning Act (as amended), and to avoid the accumulation of unimplemented planning permissions.

2 Reserved Matters Time Limit (Compliance)

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: As required by Section 92 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permissions.

3 Reserved Matters (Pre-commencement)

Approval of the details of the appearance and landscaping of the site (hereinafter called the reserved matters) shall be obtained from the Local Planning Authority before any development is commenced.

Reason: This is an outline planning permission and these matters have been reserved for the subsequent approval of the Local Planning Authority under the provisions of Section 92 of the Town and Country Planning Act (as amended) and Parts 1 and 3 of the Development Management Procedure Order 2015.

4 Materials - Submission of Schedule and Samples (Bespoke Trigger)

No construction of the external walls of the development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the approved details.

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

5 Flood Risk and Drainage - Drainage details (Pre-commencement)

Prior to the commencement of the development, details of the proposed means of surface water drainage, in accordance with SUDS principles, shall be submitted to and approved in writing by the Local Planning Authority.

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

6 Bound/Compacted Vehicle Access (Pre-occupation)

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

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

7 Parking (Compliance)

The areas allocated for parking and turning on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted

Reason: To ensure sufficient parking and turning areas are retained at all times in the interests of amenity and highways safety in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

8 Bicycle Storage (Pre-occupation)

No occupation of the development shall commence until bicycle storage for at least 2 bicycles has been provided in accordance with in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. The bicycle storage shall be retained permanently thereafter.

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

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

The approved development shall be carried out in accordance with the approved Arboricultural Method Statement dated February 2019 produced by Greenman Environmental Management. No occupation of the approved development shall commence until a signed certificate of compliance by the appointed Arboriculturalist has been submitted to and approved in writing by the Local Planning Authority.

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

10 Wildlife Protection and Enhancement (Pre-commencement)

No development shall take place until full details of a Wildlife Protection and Enhancement Scheme produced by a suitably experienced ecologist have been submitted to and approved in writing by the local planning authority. These details shall include:

(i) Method statement for pre-construction and construction phases to provide full details of all necessary wildlife protection and mitigation measures, including pre-commencement checks, for the avoidance of harm to bats, reptiles, nesting birds, hedgehog and other wildlife, and proposed reporting of findings to the LPA prior to commencement of works;

(ii) Detailed proposals for wildlife mitigation and provision of "biodiversity gain" including wildlife-friendly planting and provision of bat and bird boxes, with proposed specifications and proposed numbers and positions to be shown on plans as applicable; specifications for fencing to include provision of gaps in boundary fences to allow continued movement of wildlife;

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

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

11 Water Efficiency - Rainwater Harvesting (Pre-occupation)

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

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

12 Water Efficiency (Compliance)

The approved 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 Bath and North East Somerset Placemaking Plan.

13 Contaminated Land - Unexpected Contamination (Compliance)

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

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

14 Plans List (Compliance)

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

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

PLANS LIST:

This decision relates to the site location plan (ref: TQRQM18019145052737) and proposed plans (ref: 1718-1) received 2 November 2018 and the Arboricultural Impact Assessment by Greenman Environmental Management, dated February 2019.

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

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

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

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

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

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

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

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

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

ADVISORY:

The applicant should be advised to contact the Highway Maintenance Team at Highways@bathnes.gov.uk with regard to securing a licence under Section 184 of the Highways Act 1980 for the creation 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.

ADVISORY:

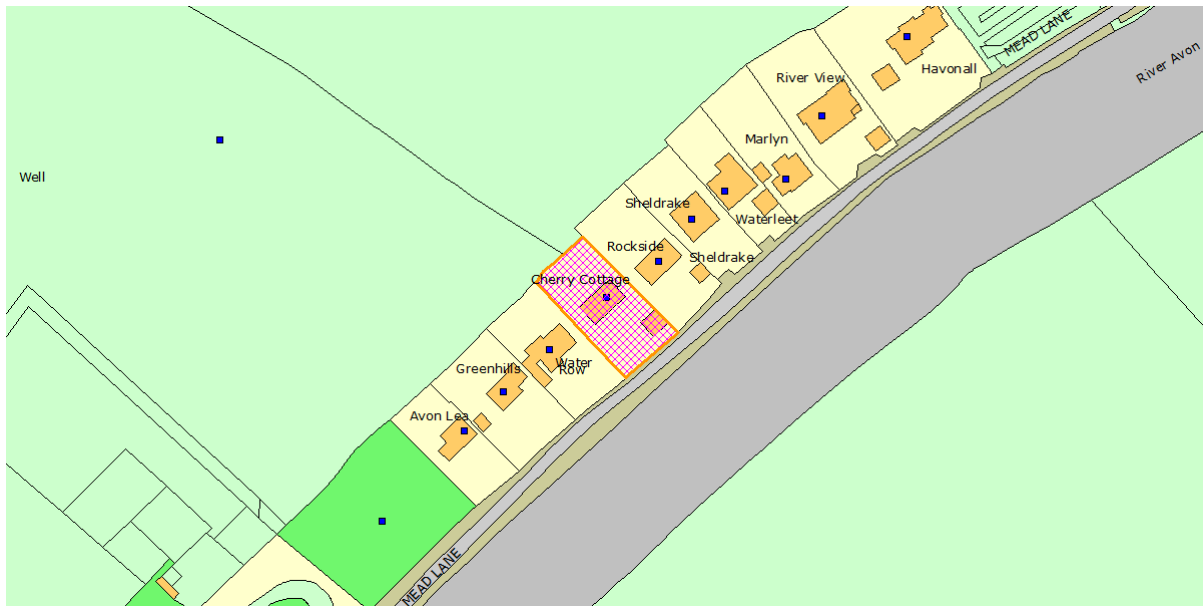
The applicant is advised that whilst they are able to abate the nuisance of overhanging branches or roots growing across the boundary, equally they also have a duty of care. The removal of roots or pruning of branches may lead the adjacent Ash tree to become unstable or shorten the life of the tree which in turn may lead to liability in negligence. Arboricultural supervision and monitoring, are, therefore, in both the applicants' and tree owners' interests.

ADVISORY:

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

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

Item No: 05
Application No: 19/00803/FUL
Site Location: Cherry Cottage Mead Lane Saltford Bristol Bath And North East Somerset



Ward: Saltford **Parish:** Saltford **LB Grade:** N/A
Ward Members: Councillor F Haerberling Councillor Emma Dixon
Application Type: Full Application
Proposal: Erection of front gables, front balcony, and external alterations (resubmission of 18/05702/FUL).
Constraints: Saltford Airfield 3km buffer, Agric Land Class 1,2,3a, British Waterways Major and EIA, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Flood Zone 2, Flood Zone 3, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE3 Regionally Important Geologic, Policy NE3 SNCI, Policy NE5 Ecological Networks, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones,
Applicant: Mr Seymour
Expiry Date: 26th April 2019
Case Officer: Rae Mepham
To view the case click on the link [here](#).

REPORT

Reason for application going to committee

Application referred to the Chair due to request from Cllr Dixon and support comment from Saltford Parish Council contrary to the officer recommendation. The Chair determined the application should be heard by the Development Management Committee for the following reason:

I have read the application details carefully noting support from SPC & the Ward Cllr DMC request.

The Officer has assessed the application in line with relevant planning policies & can see the proposals would fit in with the area however the question of percentage increase is an issue within the Green Belt.

This particular application is a 22% increase but previous approved applications has lead to the overall total being exceeded I therefore recommend this application be determined by the DMC so the issue of whether the improvements to the dwelling would outweigh the harm caused to the openness of the Green Belt can be debated.

Site description and proposal:

Cherry Cottage is a detached property located within the Saltford Housing Development Boundary and the Bristol/Bath Green Belt. This application is for the erection of front gables, front balcony and external alterations.

The application constraints note that the site is within Flood Zones 2 and 3, the Flood Risk Consultation Area and Regionally Important Geological Site, however these areas are at the edges of the site boundary and do not impact on the development itself.

Relevant History

96/02512/FUL - REF - 25 October 1996 - Two storey side extension with garage underneath and partialteration to roof height.

96/02835/FUL - PER - 20 February 1997 - Side extension as amended by plans received 22nd January 1997

04/00232/FUL - PERMIT - 9 March 2004 - Single-storey side extension (including conversion of loft) and garage extension

04/03127/FUL - PERMIT - 10 December 2004 - Side and first floor extension to existing bungalow to create a dwelling house.

06/01450/FUL - RF - 28 July 2006 - Replacement of existing garage by single storey detached double garage, amending details under 04/00232/FUL.

06/03533/FUL - PERMIT - 30 November 2006 - Erection of detached double garage (resubmission)(Retrospective)

18/05702/FUL - WD - 22 February 2019 - Erection of front gables, front balcony, and external alterations.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation responses

Saltford Parish Council - Support:

Saltford Parish Council considers that this planning application meets the requirements of paragraph 145 (g) of NPPF (2018) as it would not have a negative impact or cause substantial harm to the openness of the Green Belt at this location compared to the existing dwelling but would provide a dwelling more in keeping with the appearance of neighbouring properties that have been updated or extended since their original construction. Cherry Cottage would remain set further back from the lane after the modest enlargement outwards at the front (south) elevation than its immediate neighbour to the east, "Rockside". If the case officer is minded to refuse this planning application Saltford

Parish Council requests that this resubmission be referred to the Development Management Committee for determination.

Canal and River Trust - No comment

Flooding and drainage - No comment.

Cllr comments:

Cllr Dixon - Support:

I would like to make a request that the application be referred to the Development Management Committee. The Parish Council are fully supportive of the application and I believe the proposed works will be an improvement to the property, having a positive effect on neighbourhood.

Third party representations

None received.

POLICIES/LEGISLATION

The Council's Development Plan comprises:

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

Core Strategy:

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

CP8 - Green Belt

DW1 - District Wide Spatial Strategy

Placemaking Plan:

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

D1 - General urban design principles

D2 - Local character and distinctiveness

D6 - Amenity

GB1 - Visual amenities of the Green Belt

GB3 - Extensions and alterations buildings in the Green Belt

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

OFFICER ASSESSMENT

Principle of development

The property is located within the Green Belt and as such Section 13 of the NPPF applies. Development within the Green Belt is generally considered harmful, with some exceptions. One of these exceptions is for an extension to a building, providing it does not result in disproportionate extensions to the original building.

The original building should be taken as being the building as it was first constructed, or as it was in 1946, whichever is first.

The Council has also produced an SPD for extensions to buildings within the Green Belt, it is to be noted that the SPD is in part no longer NPPF compliant, however the part that sets out guidance relating to size is useful in establishing what might be acceptable. This sets out that an extension of around a third, or 33% of the original buildings volume, will generally be considered acceptable. Previous extensions to a building are taken into account when calculating a third, and the cumulative impact must be considered.

The property has been extended significantly since its original construction, and has gone from being around 323m³ to 682m³, an increase of around 111%. The proposal would result in a 22% increase in itself, resulting in an overall volume of 754m³, which would be an increase of 133% from the original dwelling. This cannot be considered proportionate to the original building, and as such the proposal is contrary to both local and national policy due to harm caused to the openness of the Green Belt. The proposal is therefore unacceptable in principle.

Character and appearance

Mead Lane has a mix of styles with existing properties being subject to various modifications through the years. Recently a trend for properties to utilise substantial glazing and balconies in order to capitalise on the views across the river to the fields beyond. The property is in need of modernisation and the proposals are considered to be appropriate in terms of character and appearance.

Residential amenity

The proposed balcony is set between the proposed front gables and would only provide views to the front of the property over the public road and river. The front gables are set away from the boundary of a sufficient distance to prevent significant harm to residential amenity due to an overbearing impact.

Conclusion

The improvement to the dwelling in terms of character and appearance is given some weight when considering the proposal as a whole. However the proposal is for a disproportionate extension relative to the original building which in green belt terms is

innappropriate development and is harmful by definition. The test set out within the NPPF for inappropriate development is whether any special circumstances outweigh the harm caused to the openness of the Green Belt. It is not considered that the improvements to the appearance of the dwelling constitute very special circumstances, and thus they do not outweigh the harm caused. The application is recommended for refusal.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

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

PLANS LIST:

This decision relates to:

26 Feb 2019	1155_V1.0-A101 (A1)	SITE LOCATION PLAN & EXISTING FLOOR PLANS AND ELEVATIONS
26 Feb 2019	1155_V1.0-A102 (A1)	BLOCK PLAN & PROPOSED FLOOR PLANS AND ELEVATIONS

Item No: 06
Application No: 18/05561/FUL
Site Location: 31 High Bannerdown Batheaston Bath Bath And North East Somerset BA1 7JZ



Ward: Bathavon North **Parish:** Batheaston **LB Grade:** N/A
Ward Members: Councillor M Veal Councillor Alison Millar Councillor Geoff Ward

Application Type: Full Application

Proposal: Alterations and extension to bungalow.

Constraints: Colerne Airfield Buffer, Agric Land Class 1,2,3a, Policy B4 WHS - Indicative Extent, Policy CP9 Affordable Housing Zones, Housing Development Boundary, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE5 Ecological Networks, Policy NE5 Strategic Nature Areas, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,

Applicant: Clementine and Stephanie Gent

Expiry Date: 14th February 2019

Case Officer: Dominic Battrick

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

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

The application was referred to the Committee Chair in accordance with the Council's Scheme of Delegation. Cllr. Geoff Ward, ward councillor for Bathavon North, requested that should officers be minded to recommend approval, consideration be given to determination of the application by Development Management Committee. Planning policy reasons were given by the ward councillor and Batheaston Parish Council in objection to the application, contrary to officer recommendation. The Chair has considered the

application and decided that the application will be determined by the Development Management Committee.

DESCRIPTION OF SITE AND APPLICATION:

31 High Bannerdown is residential property consisting of a bungalow and detached garage within a residential estate in the village of Batheaston. The site is within the Housing Development Boundary for Batheaston, with the rear boundary of the curtilage of the property adjoining the boundary of this designation. The rear boundary adjoins the Bristol and Bath Green Belt, the Cotswolds Area of Outstanding Natural Beauty and a public right of way.

Planning permission is sought for the infill of the entrance courtyard between the bungalow and the garage of the property, with a first floor extension above the centre of the bungalow, converting the dwelling to a two storey house.

RELEVANT PLANNING HISTORY:

No recent/relevant planning history.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

CONSULTATIONS AND REPRESENTATIONS:

Batheaston Parish Council - OBJECTION:

Batheaston Parish Council maintains its objection to the application, having considered the revised scheme. The Parish Council's comments (6th March 2019) are summarised as follows:

- o The development is out of character with the High Bannerdown area.
- o The proposals set a precedent for a bungalow to be converted to a two storey house. Bungalows are an important part of the housing stock, providing for the elderly and disabled, and there are not many bungalows in Batheaston.

OTHER REPRESENTATIONS / THIRD PARTIES:

Third party representations were received from residents of 21 properties at High Bannerdown. 1 neighbour supports the application; neighbours at the remaining 20 properties object to the application, as revised.

The comments made in objection are summarised as follows:

- o The development will set a precedent within the estate for bungalows becoming two storey dwellings. This form of development has previously been refused within the street. This would encourage developers to propose similar development elsewhere within the estate.
- o Bungalows are in demand and important within the housing stock, particularly for the benefit of the elderly. More single storey dwellings are needed.
- o The development is large and disproportionate for the plot and street scene, with a loss of green space contributing to the character of the area.
- o The development is out of keeping with the Cotswold character and design of properties in the street, despite removal of extension above the garage.
- o Extensive number of large windows are out of keeping.

- o The estate was built on a hillside and the mixture of single and two storey dwellings was designed to reflect the topography.
- o Previous applications to extend the roof height of single storey dwellings at 20 and 29 were refused due to harm to character and appearance.
- o The previous extension at no. 25 is a gable extension with a slightly raised roof to provide a loft conversion and is not a full two storey extension.
- o The proposed roof pitch is too low and the roof form is out of proportion with existing building.
- o The proposed materials are out of keeping.
- o Loss of privacy to properties adjacent to the site, opposite the road and lower down the hillside, resulting from the two storey height and extensive fenestration.
- o The rear garden of no. 33 is currently not overlooked.
- o The size and design of the extension will dominate neighbouring properties to the detriment of amenity, including the rear gable, which is larger than the previous extension over the garage.
- o Details on external materials and lighting should be agreed if the application is approved.
- o A further planning application could be submitted at a later date applying for an extension above the garage.
- o Single storey dwellings in the estate have been extended without the need to add a two storey element.
- o A replacement chimney for the previously proposed flue has not been proposed.
- o Boundary trees which were previously providing screening have been removed without consultation. Concern is raised over potential further loss of trees and vegetation.
- o Loss of views to woodland beyond to the north.
- o There should be no construction work outside usual working hours.

The comments made in support are summarised as follows:

- o The property is in need of modernising.
- o Location of development should not impede on neighbours.
- o Several large dwellings already located on this side of High Bannerdown.
- o Development will allow families to move to the area.

Cllr Ward's concerns with the application (as amended) are as follows:

- o Loss of amenity to neighbouring properties.
- o Overdevelopment.
- o Out of character with the layout and design of the estate.
- o Development of the bungalow to a two storey house will set a precedent within the street.

POLICIES/LEGISLATION

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

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

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

Core Strategy:

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

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

D3: Urban Fabric

D5: Building Design

D6: Amenity

ST7: Transport requirements for managing development

NPPF:

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

Section 12: Achieving well-designed places

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

OFFICER ASSESSMENT

PLANNING ISSUES:

The main issues to consider are:

- The principle of development
- Character and appearance
- Residential amenity
- Parking and highway safety

OFFICER'S ASSESSMENT:

The principle of development:

31 High Bannerdown is a detached bungalow with a detached garage within a 1950s housing estate consisting of a mixture of bungalows and two storey houses. The site and wider estate is within the Housing Development Boundary for Batheaston.

Representations received state that the estate was designed to provide a housing mix of single and two storey dwellings, providing suitable homes for the elderly and disabled that bungalows make an important contribution to the housing stock. It is acknowledged that this housing mix is essential for new residential development, particularly for larger development schemes. However, the conversion of a single bungalow to a two storey house will have a modest impact on overall housing stock. More importantly, there are no adopted policies requiring the explicit retention of bungalows as single storey dwellings.

It is acknowledged that the development will set a precedent within the estate for a bungalow to be converted to a two storey dwelling. However, as above, there are no planning policies restricting this in principle and any future proposals elsewhere within the estate must similarly be assessed on their own merit in relation to design and any other material considerations relevant to the proposal.

Householder development in this location (outside the Green Belt) is acceptable in principle, subject to matters of design, which are considered separately below.

Character and appearance:

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

High Bannerdown is a 1950s estate consisting of a mixture of bungalows and two storey houses. The properties towards the top of the hill adjacent to the woodland to the north and east are predominantly two storey; the properties downhill consisting of single storey bungalows. The properties to the northeast of 31 High Bannerdown - including the adjacent 33 High Bannerdown - are two storey houses. It is considered that the host dwelling could be converted to a two storey house without appearing incongruous within the street scene, integrating with the existing row of houses. The topography of the area would not render the site inappropriate for a two storey dwelling given this context.

Attention has been drawn to 25 Bannerdown Road, which has previously undergone extensions and alterations to provide a first floor above the garage of the bungalow. However, the development involved the raising of the garage roof to match the main bungalow height, and a front gable to increase the volume of the roof, providing a loft conversion. The development at 25 High Bannerdown does not set a design precedent for the raising of a bungalow roof to provide a full height two storey house.

Various alterations were requested following public consultation and consideration of the initially submitted scheme. These include: replacing the external materials that are out of

keeping with the street scene, such as timber clad walls and a single ply membrane roof, with a tiled roof and rendered walls; the removal of an extension above the garage, reducing the two storey width and bulk from the front of the property; increasing the pitch of the roof; and removing the proposed flue on the front elevation.

The external materials and gabled roofs are considered to be the prevailing character within the street, in addition to the lawn gardens and landscaped boundaries. The alterations to the scheme address the characteristics of the development that were out of keeping with the character of the street.

Regarding fenestration, it is recognised that there will be a notable increase in the coverage of windows at ground and first floor level within the dwelling. However, several properties within the street have undergone similarly substantial alterations to front elevation windows, including full height windows and balconies, and the styling of fenestration is considered to be sufficiently varied that the proposals will not be harmful to character.

The concerns that the development will be overdevelopment of the plot and will result in a loss of green space are unfounded. The development infills the existing enclosed and paved courtyard between the bungalow and garage, otherwise extending upwards. It is partly the motivation of retaining the existing garden and spacing between dwellings that the applicant has sought a two storey extension instead of extending outwards at single storey level.

Overall, while the development will notably alter the appearance and increase the height and bulk of the existing dwelling, transforming the dwelling from a modest bungalow to a two storey house, the resulting dwelling will not appear out of place in the street scene given the context of adjacent houses uphill to the northeast. The proposals will not harm the character and appearance of a dwelling that would benefit from modernisation.

The external materials proposed under the revised scheme are acceptable in principle, but a condition is recommended to secure details on their specification to ensure they are sympathetic to the host building and the surrounding street scene.

The proposals are considered to be in accordance with the policy CP6 of the Core Strategy, policies D1, D2, D3 and D5 of the Placemaking Plan and section 12 of the NPPF.

Residential amenity:

Policy D6 sets out to ensure developments provide an appropriate level of amenity for occupiers of the development and surrounding properties in terms of privacy, outlook and natural light, and that significant harm is avoided to private amenity by reason of loss of light, increase noise, smell, overlooking, traffic or other disturbance.

The extension above the garage, initially proposed, was removed from the scheme to address the overbearing impact on the adjacent 29 High Bannerdown. 29 High Bannerdown is downhill of the site and has a fully glazed conservatory adjacent to the garage of the application site. The conservatory provides the only light source to the

kitchen of 29 High Bannerdown, and the applicant was advised that an extension above the garage would not be supported.

In lieu of this, the first floor design has been reconfigured to provide a deeper extension within the centre of the property with a rear projecting gable. Whilst it is recognised that this rear first floor addition will be materially larger than the extension over the garage, its impact will be significantly reduced. The extension is located centrally within the site, at a reasonable distance away from the adjacent side boundaries (approximately 6 metres from the boundary of 33 High Bannerdown and 7.5 metres from the boundary of 29 High Bannerdown), and will not result significant overbearing impacts or loss of light to the adjacent gardens, rear elevations or side windows facing the site.

The moving of the rear elevation wall further back will also further reduce overlooking, particularly towards 29 High Bannerdown, due to the oblique angles of windows towards adjacent gardens. The rear elevation windows will not result in intrusive overlooking overall due to the viewing angles they will provide.

Regarding the overlooking of front elevation windows to number 20 directly opposite, it is recognised that this elevation is not currently overlooked by any windows. However, the two storey elevation will be sited approximately 26 metres away from the opposing front gable projection, and at a greater distance from the rest of the opposing front elevation of 20 High Bannerdown. Given that this is a front elevation, with an intervening highway, the level of privacy afforded to the windows on this elevation is already reduced. The overlooking and its impacts on privacy and overall amenity will be no greater than the impacts resulting from the existing two storey houses on properties opposite.

No side elevation windows are proposed above ground floor level. The variation in ground levels between properties is not so great that overlooking at ground floor level cannot be mitigated by boundary treatment, if necessary. Ground floor side elevation windows may also be installed through permitted development rights. Had the applicant explored alternatives for a single storey extension to the rear, it is likely that side elevation windows would be inevitable.

Overall, the proposed development is in accordance with policy D6 of the Placemaking Plan.

Highways Safety and Parking:

Policy ST7 requires that development avoids an increase in demand for on-street parking in the vicinity of the site which would detract from highway safety and/or residential amenity.

The proposed development will maintain the existing parking and access provision, which is considered adequate for the proposed development. The development will not compromise highway safety, in accordance with policy ST7 of the Placemaking Plan.

Other Matters:

Both the applicant and neighbours have referred to previous applications for two storey extensions approved or refused within High Bannerdown. Upon review of the street's

planning history, approved development appear to mostly relate to existing two storey dwellings, while two storey extensions to bungalows have been refused. However, the applications will have been assessed on their own merits, based on the design impacts of the proposals and the circumstances of the site and extant policy at the time. As stated above, the planning history within the street does not dictate that a two storey extension to a bungalow cannot be acceptable.

The potential for future planning applications for extensions does not carry significant weight and a proposal for such would be assessed on its own merits if an application arose. Similarly, any proposals to provide a flue or chimney would also have been considered on their own design merits.

The loss of private views to the woodland beyond the site carries very little weight in the assessment of this application and could not be refused on these grounds.

CONCLUSION:

Overall, whilst it is recognised that there is local objection to the principle of converting the bungalow to a two storey house, there are no planning policy grounds to restrict this. The proposals must be assessed on their design merits, and it is concluded that a two storey house in this location would not be out of keeping within the street scene. The design of the proposals, as revised, is considered acceptable overall, giving regard to its impacts on the character and appearance of the site and its surroundings, and residential amenity.

It is recommended that the application is permitted.

RECOMMENDATION

PERMIT

CONDITIONS

1 Standard Time Limit (Compliance)

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

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

2 Materials - Submission of Schedule and Samples (Bespoke Trigger)

No construction of the external walls of the development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the approved details.

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

3 Plans List (Compliance)

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

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

PLANS LIST:

This decision relates to the following plans:

Survey Ground Floor Plan - 720 S 02, Survey Roof Plan - 720 S 03, Survey Elevations - 720 S 04, all received 20/12/2018; Location and Site Plan - 720 P 01B, Ground Floor Plan - 720 P 02A, First Floor Plan and Section AA - 720 P 03A, Roof Plan - 720 P 04A, Elevations - 720 P 05B, Elevations - 720 P 06A, all received 22/02/2019.

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.

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

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

Protected Species

Bats are protected species under EU and national law. If bats are found during the construction phase, works must cease the Bat Helpline (Tel 0345 1300 228) or a licenced bat worker must be contacted for advice before proceeding.

Decision Making Statement

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 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/revised proposals was taken and consent was granted.

Item No: 07
Application No: 18/04535/FUL
Site Location: 49 - 50 Meadow Park Bathford Bath Bath And North East Somerset BA1 7PY



Ward: Bathavon North **Parish:** Bathford **LB Grade:** N/A
Ward Members: Councillor M Veal Councillor Alison Millar Councillor Geoff Ward
Application Type: Full Application
Proposal: Installation of timber decking and paved areas at rear of house with new decking and paving, including isolated raising of perimeter fences (retrospective).

Constraints:	Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy CP9 Affordable Housing Zones, Housing Development Boundary, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodrome, Tree Preservation Order,
Applicant:	Mr Mujib Khan
Expiry Date:	26th April 2019
Case Officer:	Martin Almond
To view the case click on the link here .	

REPORT

The application is being considered at Development Management Committee due to the officer recommendation being contrary to the response received from Cllr Millar and Bathford Parish Council.

Retrospective planning permission is sought for the installation of new timber decking and paved areas at the rear of the property including the raising of certain sections of boundary fencing at 49-50 Meadow Park, Bathford.

The property is a large link detached two storey property set within a residential area. The gardens of all the properties step steeply down a slope to a wooded area to the rear of the gardens, the wooded open space is accessed by a path alongside the boundary of the property. The property is not located within the World Heritage Site or conservation area.

No relevant planning history.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Cllr Millar - Application is retrospective, development will overlook green space to rear, represents over-development, harms residential amenity.

Cllr Ward - I visited this site and was most surprised by the scale of the timber structure that has been created at the rear of this property. It appears to cover the whole of the rear garden area and certainly can not be described as replacing what previously existed by way of decking and steps. It now is a dominating elevated structure which badly affects to enjoyment of adjacent property gardens and its new elevated height causes overlooking of adjacent properties. It adversely impacts and affects the natural landscape and character of the rear gardens. The creation of considerable storage space with enclosed undercrofts create considerable storage and risk of fire compounded by the nature of the timber structure. Land permeability and drainage will be impacted given the need to create weather proofing to storage areas. All in all the work should not have been started on this scale before the application was determined.

Bathford PC - Development will have unacceptable intrusive impact upon neighbouring properties, timber construction could be a fire risk.

7 objections and two comments received summarised as follows:

- Application is retrospective
- Trees and vegetation have been damaged
- Decking will result in overlooking and loss of privacy
- Proposed infill and fence by footpath will be overbearing
- No drainage details are shown
- Possible ground stability issues
- Proposal is not in keeping with existing character and appearance.
- Insufficient details provided for garden room.

POLICIES/LEGISLATION

The Development Plan for Bath and North East Somerset comprises:

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

Core Strategy:

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

CP6: Environmental quality

Placemaking Plan:

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

D1: General urban design principles

D2: Local character and distinctiveness

D3: Urban fabric

D5: Building design

D6: Amenity

ST7: Transport requirements for managing development

National Policy:

The National Planning Policy Framework and National Planning Practice Guidance.

OFFICER ASSESSMENT

Work to the rear garden of 49-50 Meadow Park has been substantially completed to replace an old timber deck which has resulted in an increase in height of the finished

decking and the enlargement of a lower patio area with elevated timber deck. Access to the various levels is afforded by either timber or stone steps. Retaining walls have been re-constructed and enhanced. Lighting has been installed into the decking surface.

CHARACTER AND APPEARANCE

The works to the rear garden are not considered to unacceptably harm the residential character of the property or the area. The use of the rear garden will remain as domestic outside space and the current work has replaced an old timber deck. Whilst the improved access to the space and the increase in size of the space may lead to an increased use of the external space such use would not be out of character with the residential use of the property. The works are not visible from public vantage points.

AMENITY

The submitted application proposes to raise the height of the boundary fence between 48 Meadow Park and 49-50 Meadow Park at certain points in an attempt to mitigate the potential impact on levels of residential amenity caused by providing the raised, enlarged and new surfaces.

Revised plans have been received which propose to use three wooden planters to prevent access to the last 1.5m of the raised decking platform on the lower terrace and show that the additional fencing will be of a close-boarded type and not trellis. The sections of raised fencing will provide a two metre high fence along the boundary between the properties.

The rear gardens of 49-50 and 48 Meadow Park are both terraced down the slope away from the properties. The dwelling at 48 Meadow Park is set slightly above 49-50 Meadow Park and has a different arrangement of terraces. The boundary treatment between the two properties is currently a high close boarded timber fence which steps down the slope.

Due to the layout and topographical conditions of the surrounding area, the rear of the properties along this section of Meadow Park have a close relationship with one another and there is an existing level of overlooking of the private amenity spaces and of the rear of the properties from both the properties and gardens. This close relationship between the two gardens has to some extent been controlled by the boundary fence.

The new decking adjacent to the rear of the dwelling at 49-50 Meadow Park has been raised and extends slightly further than the previous surface and therefore there is an increased potential for overlooking. The submission shows that the existing fence in this location will be raised which is considered adequate to prevent direct overlooking into the garden of 48 Meadow Park and is considered to provide sufficient protection of existing levels of residential amenity.

The presence of occupants of 49-50 Meadow Park on the lower decking due to its enlargement may be more obvious to residents of the adjoining property and the reformed terraced areas may be used more frequently however this does not mean that significant harm will be caused. The useable area of the lower decking that can be accessed by residents of 49-50 Meadow Park has been reduced and this, coupled with the modest

increase in fence height is considered to decrease intervisibility between the properties that may currently be experienced due to these changes not yet being instigated.

It is not considered that an increase in fence height would have an unacceptable impact upon the residential amenity of 48 Meadow Park and due to the short sections required will not appear overbearing. Taking into account the existing situation between properties and the works proposed to the fence and planters, the works undertaken in the rear garden are not considered to cause significant harm to the residential amenity of the adjoining property.

The area below the raised decking area is proposed to be used for storage by the occupants of 49-50 Meadow Park. Currently this area is shown as having open sides, whilst there is potential for this area to be enclosed and used as enclosed storage it is not considered that this would have any detrimental impact.

A number of surface level light have been installed within the decking. The installation of lighting within a domestic garden would normally be permitted development however since the as-built structure is unauthorised consideration should be given to any impacts that the lighting will have.

The rear of the property already has external lighting installed to the rear elevation. Any additional increase in light levels to the rear of the properties is considered to be limited due to the type and position of the inset lighting.

The raising of the fence on the boundary with the footpath whilst higher than previously in place is not considered to be overbearing and does not unacceptably harm the character of the area.

Areas of the rear garden remain permeable (such as the terraced areas for planting) and sufficient space exists within the garden to control surface water.

The application is recommended for approval subject to a conditions.

RECOMMENDATION

PERMIT

CONDITIONS

1 Boundary Fencing (Bespoke)

Within 3 months of the date of the decision the additional boundary fencing and planters shown on drawing MPB49 101A and MPB49 102A dated as received 20th March 2019 shall be installed and thereafter permanently retained.

Reason: In the interests of residential amenity.

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 drawings MPB1000 dated as received 10th October 2018, MPB49/100 Rev B dated as received 28th November 2018 and drawings MPB49/101A and MPB49 102A dated as received 20th March 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.

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

Community Infrastructure Levy

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

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

Item No: 08
Application No: 18/05670/FUL
Site Location: Richmond House Weston Park Upper Weston Bath Bath And North East Somerset



Ward: Weston **Parish:** N/A **LB Grade:** II
Ward Members: Councillor Colin Barrett Councillor Matthew Davies
Application Type: Full Application
Proposal: Erection of a rear kitchen & garden room extension.
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, Listed Building, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE2A Landscapes and the green set, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,
Applicant: Mr Matthew Davies
Expiry Date: 26th April 2019
Case Officer: Adrian Neilson
To view the case click on the link [here](#).

REPORT

The Grade II protected building is located in the Bath Conservation Area and wider World Heritage Site and in the area of Bath known as Weston. It is one of a characteristic pair of Regency villas dating from the early C19 employing the increasingly popular semi-detached formula, but showing the clear influence of urban terrace design. It is typically constructed in local limestone ashlar with a double-depth plan and three storeys including an attic storey.

The proposals are for internal and external alterations to include erection of a rear kitchen & garden room extension.

Reason for consideration by Development Management Committee: the applicant is Cllr Matthew Davies and therefore cannot be considered under delegated powers.

Planning History

DC - 00/00408/LBA - CON - 3 August 2000 - External alterations to replacement of sash windows to front

elevations of Weston Park House and Richmond House.

DC - 98/00048/FUL - PERMIT - 26 March 1998 - Erection of railings and gates to frontage of Weston Park

House and Richmond House.

DC - 98/00049/LBA - CON - 19 March 1998 - Erection of railings and gates to frontage of Weston Park

House and Richmond House.

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DC - 15/03636/FUL - PERMIT - 22 October 2015 - Erection of 1no four bed detached dwelling and creation

of new access following demolition of 2no existing garages.

DC - 16/02046/FUL - PERMIT - 30 June 2016 - Erection of 1no cottage and 2no town houses following

demolition of existing dwelling and 2no garages.

DC - 16/04612/TCA - NOOBJ - 20 October 2016 - 1x Lawsons Cypress (T1) - fell.

DC - 18/00587/TCA - NOOBJ - 15 March 2018 - 1x Apple T1 - fell.

DC - 18/00596/TCA - APPRET - Apple-Fell.

DC - 18/04130/NMA - APP - 13 November 2018 - Non-material amendment to application 16/02046/FUL

(Erection of 1no cottage and 2no town houses following demolition of existing dwelling and 2no garages).

DC - 18/05671/LBA - PCO - Erection of a rear kitchen & garden room extension.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

One neighbour objection received relating to the use of the proposed colour of the zinc cladding.

POLICIES/LEGISLATION

The Development Plan for Bath and North East Somerset comprises:

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

- Policy GDS.1/V3: Paulton Printing Factory (site)
- Policy GDS.1/V8: Former Radford Retail System's Site, Chew Stoke (site)
- Neighbourhood Plans

RELEVANT CORE STRATEGY POLICIES

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

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

RELEVANT PLACEMAKING PLAN

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

D1: General urban design principles
D2: Local character and distinctiveness
D.3: Urban fabric
D.5: Building design
D.6: Amenity
HE1: Historic environment

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

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

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

OFFICER ASSESSMENT

The site is located within the Bath Conservation Area and, whilst the area was originally characterised by either detached or paired, predominantly early C19 villas set within generous garden plots, Richmond House is one of a pair of villas whose garden plot has been reduced and adjoining sites have recently been redeveloped. The setting and the composition in which Richmond House sits has therefore been altered by these changes.

The existing ashlar built side extension appears to post-date the principal house originating from the early to mid C20 having replaced a C19 glass house. The quality of its

construction does not match that of the principal house. Furthermore, it has been significantly altered internally and externally reducing its significance and architectural interest. The modern external alterations include the construction of a half storey lead-clad roof extension.

The plans show that the majority of the extension proposed is positioned to the side of the existing property and is comprised of two parts: a glazed single storey extension and a first floor roof extension to provide an en-suite bathroom and dressing room for the master bedroom.

The design approach has deliberately adopted a modern style to differentiate it from the historic house and make it legible as a modern intervention as distinct from the existing modern lead-clad roof extension that is overtly traditional in style. It is acknowledged that this approach is robust and bold, as is the use of a bronze or brown coloured zinc cladding that has caused concern from a neighbour. The use of this alternative roof covering and glazing clearly separate the extension from the character of the historic building, whilst at the same time the bronze or brown coloured zinc is close in the colour scale to the honey coloured limestone that the principal house and the historic extension are constructed from. It therefore integrates visually, relating to the principle building without seeking to follow a traditional interpretation. The glazing will reflect the surrounding garden context and will assist in the integration of the extension. The greatest visual impact is to the rear elevation. The impact to the front and primary elevation will be more limited with and only a smaller proportion of the roof extension visible. The neighbour objection to the use of the brown coloured zinc cladding is acknowledged and has been duly considered in the assessment of the proposals.

The proposal will not cause a reduction in levels of daylight or sunlight to neighbouring properties and will not result in an increase in levels of overlooking to other properties

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. In this case by virtue of the design, scale, massing, position and the external materials of the proposed development it is considered that the development would at least preserve the character and appearance of this part of the Conservation Area and its setting.

There is also 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. Here it is considered that the proposals are consistent with the aims and requirements of the primary legislation and planning policy and guidance. The proposals would not have an unacceptable impact on the listed building or its setting and would preserve the significance of the designated heritage asset.

The proposal accords with policy CP6 of the adopted Core Strategy (2014) and policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and Part 16 of the NPPF.

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.

3 Zinc and Glazing Samples (Bespoke Trigger)

No installation of the zinc cladding or glazing shall commence until samples have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

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

PLANS LIST:

1847 AP(0)10, 1847 AP(0)20, 1847 AP(0)40, 1847 AS(0)10, 1847 AS(0)20, 1847 AS(0)01
date stamped 21 December 2018.

Community Infrastructure Levy

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

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

Condition Categories

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

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

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

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

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

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

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

Item No: 09
Application No: 18/05671/LBA
Site Location: Richmond House Weston Park Upper Weston Bath Bath And North East Somerset



Ward: Weston

Parish: N/A

LB Grade: II

Ward Members:	Councillor Colin Barrett Councillor Matthew Davies
Application Type:	Listed Building Consent (Alts/exts)
Proposal:	External and internal alterations to include erection of a rear kitchen & garden room extension.
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, Listed Building, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE2A Landscapes and the green set, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,
Applicant:	Mr Matthew Davies
Expiry Date:	26th April 2019
Case Officer:	Adrian Neilson
To view the case click on the link here .	

REPORT

The Grade II protected building is located in the Bath Conservation Area and wider World Heritage Site and in the area of Bath known as Weston. It is one of a characteristic pair of Regency villas dating from the early C19 employing the increasingly popular semi-detached formula, but showing the clear influence of urban terrace design. It is typically constructed in local limestone ashlar with a double-depth plan and three storeys including an attic storey.

The proposals are for internal and external alterations to include erection of a rear kitchen & garden room extension.

Reason for consideration by Development Management Committee: the applicant is Cllr Matthew Davies and therefore cannot be considered under delegated powers.

Planning History

DC - 00/00408/LBA - CON - 3 August 2000 - External alterations to replacement of sash windows to front elevations of Weston Park House and Richmond House.

DC - 98/00048/FUL - PERMIT - 26 March 1998 - Erection of railings and gates to frontage of Weston Park House and Richmond House.

DC - 98/00049/LBA - CON - 19 March 1998 - Erection of railings and gates to frontage of Weston Park House and Richmond House.

DC - 12/05187/FUL - PERMIT - 15 January 2013 - Provision of new vehicle access from Weston Park.

DC - 12/05188/LBA - CON - 15 January 2013 - Provision of new vehicle access from Weston Park.

DC - 15/03636/FUL - PERMIT - 22 October 2015 - Erection of 1no four bed detached dwelling and creation of new access following demolition of 2no existing garages.

DC - 16/02046/FUL - PERMIT - 30 June 2016 - Erection of 1no cottage and 2no town houses following

demolition of existing dwelling and 2no garages.

DC - 16/04612/TCA - NOOBJ - 20 October 2016 - 1x Lawsons Cypress (T1) - fell.

DC - 18/00587/TCA - NOOBJ - 15 March 2018 - 1x Apple T1 - fell.

DC - 18/00596/TCA - APPRET - Apple-Fell.

DC - 18/04130/NMA - APP - 13 November 2018 - Non-material amendment to application 16/02046/FUL

(Erection of 1no cottage and 2no town houses following demolition of existing dwelling and 2no garages).

DC - 18/05670/FUL - PCO - Erection of a rear kitchen & garden room extension.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

One objection received relating to the use of bronze/brown coloured zinc.

POLICIES/LEGISLATION

The Council has a statutory requirement under Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant listed building consent for any works to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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

The Revised National Planning Policy Framework (NPPF) 2019 is national policy in the conservation and enhancement of the historic environment which must be taken into account by the Council together with the related guidance given in the Planning Practice Guidance (PPG).

The Council must have regard to its development plan where material in considering whether to grant listed building consent for any works.

The statutory Development Plan for B&NES comprises:

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

Core Strategy:

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

- CP6 - Environmental quality
- B4 - The World Heritage Site

Placemaking Plan:

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

HE1 Historic Environment

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

- Making Changes to Heritage Assets
- Managing Significance in Decision-taking in the Historic Environment
- The Setting of Heritage Assets

OFFICER ASSESSMENT

The site is located within the Bath Conservation Area and, whilst the area was originally characterised by either detached or paired, predominantly early C19 villas set within generous garden plots, Richmond House is one of a pair of villas whose garden plot has been reduced and adjoining sites have recently been redeveloped. The setting and the composition in which Richmond House sits has therefore been altered by these changes.

The existing ashlar built side extension appears to post-date the principal house originating from the early to mid C20 having replaced a C19 glass house. The quality of its construction does not match that of the principal house. Furthermore, it has been significantly altered internally and externally reducing its significance and architectural interest. The modern external alterations include the construction of a half storey lead-clad roof extension.

The principal house has also suffered from some modern interventions to the side elevation including an external modern flue that spans the entire height of the building and the stone it is constructed in is failing. To the rear is a canted oriel bay window that was latterly clad in uPVC panels.

The proposals are to create more living space to the ground and first floors. On the ground floor the proposal is to construct a structural glass kitchen/garden room extension as a continuation to the existing historic extension. The roof extension will double the amount of existing space to serve the bedrooms and is proposed to be clad in a bronze coloured zinc roof covering.

The design approach has deliberately adopted a modern style to differentiate it from the historic house and make it legible as a modern intervention as distinct from the existing modern lead-clad roof extension that is overtly traditional in style. It is acknowledged that this approach is robust and bold, as is the use of a bronze or brown coloured zinc cladding that has caused concern from a neighbour. The use of this alternative roof covering and glazing clearly separate the extension from the character of the historic building, whilst at the same time the bronze or brown coloured zinc is close in the colour scale to the honey coloured limestone that the principal house and the historic extension are constructed from. It therefore integrates visually, relating to the principle building without seeking to follow a traditional interpretation. The glazing will reflect the surrounding garden context and will assist in the integration of the extension. The greatest visual impact is to the rear elevation. The impact to the front and primary elevation will be more limited with and only a smaller proportion of the roof extension visible. The neighbour objection to the use

of the brown coloured zinc cladding is acknowledged and has been duly considered in the assessment of the proposals.

The internal alterations will involve the blocking of an existing door opening and the creation of a new door opening and reusing the historic door. Whilst this will result in the loss of some historic fabric this will have a minor impact on the significance of this part of the building.

The proposed opening created by the enlargement of an existing small window will likewise result in the loss of historic fabric this will have a minor impact on the significance of this part of the building.

The applicants were encouraged to identify heritage gains as part of the proposals and it is noted that some form part of the proposals. Whilst these are more limited in scope than had been hoped for they do include the removal of the detracting C20 stone-built flue to the side elevation and the repair and enhancement of the canted oriel bay to the rear that includes the replacement of the modern uPVC cladding with timber. This will improve the appearance and presentation of the listed building.

There is a duty under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant listed building consent for any works, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. There is also a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. Here it is considered, on balance, that the proposals are consistent with the aims and requirements of the primary legislation and planning policy and guidance including the Council's specialist guidance: The Cleaning of Bath Stone (2010), policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and part 16 of the NPPF. The proposals would be an acceptable alteration to the listed building that preserve its architectural interest and character and will preserve and enhance the setting and appearance of the conservation area.

RECOMMENDATION

CONSENT

CONDITIONS

1 Time Limit - Listed Building Consent (Compliance)

The works hereby approved shall be begun before the expiration of three years from the date of this consent.

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

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.

3 Timber Cladding Joinery Details (Bespoke Trigger)

No installation of the external timber cladding of the rear canted oriel bay shall commence until full details comprising 1:5 elevations and 1:1 or 1:2 horizontal and vertical sections and proposed paint colour have been submitted to and approved in writing by the Local Planning Authority. Thereafter the work shall only be carried out in accordance with the approved details.

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

4 Reuse of Door Architrave (Compliance)

The existing architrave of the door opening that is proposed for infilling shall be reused for the proposed new door opening on the first floor shown on drawing: 1847 AP(0) 10.

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

5 Installation of Skirting (Compliance)

The installation of new skirting as a result of the blocking of the internal door shall exactly replicate the detail of existing adjacent historic skirting including height, depth and mouldings.

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

PLANS LIST:

1847 AP(0)10, 1847 AP(0)20, 1847 AP(0)40, 1847 AS(0)10, 1847 AS(0)20, 1847 AS(0)01
date stamped 21 December 2018.

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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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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.

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