

Bath & North East Somerset Council

MEETING: **Planning Committee**

MEETING DATE: **3rd July 2019**

AGENDA
ITEM
NUMBER

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RESPONSIBLE OFFICER: Simon de Beer – Head of Planning

TITLE: **APPLICATIONS FOR PLANNING PERMISSION**

WARDS: ALL

BACKGROUND PAPERS:

AN OPEN PUBLIC ITEM

BACKGROUND PAPERS

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

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

The following notes are for information only:-

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

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

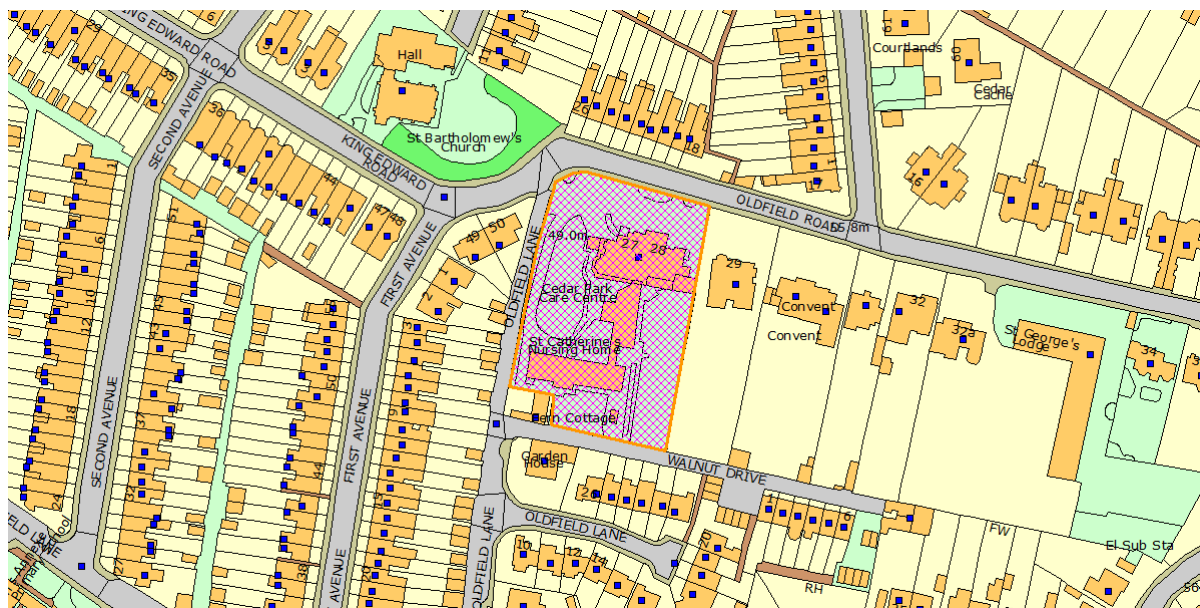
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02	17/01543/LBA 14 March 2019	Cedar Care Homes Cedar Park Care Centre, 27 - 28 Oldfield Road, Oldfield Park, Bath, Bath And North East Somerset Internal and external alterations to erect 1no. replacement two storey block and 2no. additional two storey extensions to the south and east with retained buildings to be refurbished and augmented following demolition of existing central link building.	Oldfield Park	Samantha Mason	REFUSE
03	19/00783/FUL 13 May 2019	Mr & Mrs Stock Tennis Court Farm, Wells Road, Hallatrow, Bristol, Bath And North East Somerset Erection of two storey dwelling following demolition of block build agricultural building	High Littleton	Hayden Foster	REFUSE
04	19/00457/FUL 10 May 2019	Mr Andrew De Thierry Freedom House, Lower Bristol Road, Westmoreland, Bath, BA2 1EP The addition of metal fencing/ railings fixed to the top of the existing rubble stone wall to western, northern and eastern boundaries of the Freedom House site perimeter.	Twerton	Caroline Power	PERMIT

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REPORT OF THE HEAD OF PLANNING ON APPLICATIONS FOR DEVELOPMENT

Item No: 01
Application No: 17/01542/FUL
Site Location: Cedar Park Care Centre 27 - 28 Oldfield Road Oldfield Park Bath
Bath And North East Somerset



Ward: Oldfield Park **Parish:** N/A **LB Grade:** II
Ward Members: Councillor Shaun Andrew Stephenson-McGall
Application Type: Full Application
Proposal: Erection of replacement two storey block and additional two storey extensions to the south and east with retained buildings to be refurbished and augmented following demolition of existing central link building.

Constraints:	Affordable Housing, Agric Land Class 3b,4,5, Article 4, Article 4, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, Listed Building, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,
Applicant:	Cedar Care Homes
Expiry Date:	25th April 2019
Case Officer:	Samantha Mason
To view the case click on the link here .	

REPORT

BACKGROUND:

This application was previously considered in September 2017 when officers recommended that the application be refused. The committee overturned the officer recommendation and permitted the scheme. Subsequently a judicial review was launched by third parties and the decision to grant planning permission and listed building consent was quashed for the reasons set out in the High Court Written Judgement, July 2018. As a result the application remains to be determined and is again to be considered by committee.

REASON FOR APPLICATION BEING REFERRED TO COMMITTEE:

The decision has been quashed and the application is to be re-determined. The application was called to committee and the previous Chair, who recommended that:

"I have studied this application carefully noting it's history and consultee comments including third party objections. The need for this type of development is understood to meet the increasing ageing population and the proposals could be seen to improve the present site however this is clearly a controversial application. The Officer has assessed the application in relation to relevant planning policy and addressing points raised as is evident in the report presented to me. However I believe this application should be determined by DMC where all the points raised can be debated in the public arena."

THE SITE:

Cedar Park Care Centre is a Grade II listed building. It is noted in the statutory list as a good example of a mid - 19th century former Italianate villa with elaborate architectural detail. The building is one of a series of similar villas on Oldfield Road which demonstrate well the fashion for such developments within the suburb of the City of Bath. The site is located within the Bath Conservation Area and World Heritage Site.

THE PROPOSAL:

The proposals are for the demolition of the existing central link building and construction of a replacement two storey block, together with an additional two storey extension located to the south and east. The proposed widening of one of the two access entrances from Oldfield Road also forms part of the application. Refurbishment of the existing buildings, including the blocking up of the original entrance of the principle Georgian building to

provide 2 additional bedrooms is also proposed and this is considered in the parallel listed building application (17/01543/LBA).

The current proposals follow planning and listed building applications (15/04344/FUL and 15/04345/LBA) which were refused in January 2017. Details are given later in this report. The proposals will provide a net increase in the number of bedrooms from 47 to 66 (19).

Relevant Planning History:

12/00803/LBA - CONSENT - 8 May 2012 - External alterations for the demolition of a section of party/boundary wall constructed in ashlar stone and construction of a concrete retaining wall and replacement of ashlar stone wall in same position using stone from existing wall.

15/04344/FUL - REFUSED - 17 January 2017 - Demolition of existing central link building and construction of a replacement two storey block, together with an additional two storey extension located to the south and east, retained buildings to be refurbished and augmented.

15/04345/LBA - REFUSED - 19 January 2017 - Internal and external alterations to include demolition of existing central link building and construction of a replacement two storey block, together with an additional two storey extensions located to the south and east, retained buildings to be refurbished and augmented.

There is a listed building application running parallel to the current planning application (17/01543/LBA).

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

COUNCILLOR PAUL CROSSLEY - Request for application be taken to Committee (in Sept 2017) if the officer recommendation is to refuse. Reasons are as follows:

- The application addresses the points raised in the first refusal.
- Extra facilities like this are urgently needed to meet the growing demand of an ageing population and in view of the number of people employed this has an economic impact on the city.
- The provision of accommodation such as this releases other housing back to the market.
- The design enhances and improves the current building and thus improves the area and consequently has an important positive impact on the World Heritage Site.

HIGHWAY OFFICER -

3rd May 2017: The applicant shall be requested to provide further information/detail on the following matters:

1. Will the no. of staff employed at the facility be restricted to the current number?
2. Location of bicycle parking facilities in accordance with policy ST7 of the PMP.
3. The provision of a Construction Management Plan as outlined above.

Unable to make a final recommendation on high ground until such details are available/resubmitted.

19th Sept 2017: Following discussion Highways DC are satisfied that:

1. The applicant has confirmed that the number of staff employed at the premises will not be increased by the proposal; and
2. The location of bicycle parking facilities and the submission of a Construction Management Plan can both be secured by condition.

As a consequence it is confirmed that there is no highway objection to the application.

23rd Nov 2017: When compared with the original plans submitted in support of this application the recent submission of revised drawings reduces by 2 the total number of bed-spaces proposed in the home. As a consequence and as there have been no changes in proposed car parking provision, there is no highway objection to the application.

TREE OFFICER -

4th May 2017: Not acceptable in the current form.

27th July 2017: Not acceptable in the current form.

20th November 2018: Not acceptable in the current form. The proposal requires the loss of 8 trees. The submission does not demonstrate that adequate on-site tree planting has been accommodated. Given the reduced area of open space available for residents it is not unreasonable to consider that future pressures to remove these trees are likely.

LANDSCAPE OFFICER -

4th May 2017: Not acceptable in current form.

27th July 2017: Not acceptable in the current form. Rather than conserving and enhancing the landscape and visual character and quality of the Conservation Area, the World Heritage Site and the setting of the listed building the proposals would be detrimental to it.

15th Nov 2017: Consider that the development proposals are not acceptable in their current form because:

- o the visual separation of the two buildings could be improved by a fully glazed solution
- o the loss of external space is unacceptable
- o problems of access and circulation have not been resolved
- o they will lead to increased future pressure for works to T2, T3 and T4
- o they would result in a reduced and limited landscape setting for the listed building

1st Feb 2019: Further to my previous landscape development management consultation responses (Landscape RDMCR Colm O'Kelly 04/05/17, 27/07/17, 15/11/18) a revised landscape layout has been submitted (MD Landscape Architects 973/PA/01H dated 3-1-19). However it would appear that there have been no significant changes to the hard and soft landscape proposals or to the height, mass, proposed materials and design of the proposed buildings. I therefore continue to consider that the development proposals are not acceptable in their current form.

CONSERVATION OFFICER -

Initial objection: The differences between the original application and the revised scheme are very marginal and do not improve the overall quality of the design, scale or use of materials. The application still proposes converting the current entrance hall into a bedroom which will harm legibility of plan form. It is recommended that the application is refused due to harm on character, significance and setting of the principal listed building and wider area.

14th Nov 2018: The scheme as submitted by reason of its overall design, scale, massing and use of materials will cause serious harm to the character and setting of the listed building contrary to relevant Core Strategy, Place Making plan policies, the NPPF and published Historic England advice. In the terms of the NPPF less than substantial harm must be weighed against the public benefits of the development. The degree of harm sits at the very upper end of the scale of less than substantial harm and must be given great weight. The public benefits would therefore need to be compelling to outweigh this harm and the presumption against granting permission.

DRAINAGE AND FLOODING TEAM -

31st July 2017: No objection.

ECOLOGIST -

6th June 2017: No objection subject to condition for precautionary working methods for building demolition to protect birds, bats or other wildlife and the submission and implementation of a Wildlife Protection and Enhancement Scheme.

Nov 2018: Objection. The proposal would impact on an area of roof that has potential to support protected species, this includes the roof of the building to the south which would be impacted by the proposed extension. A protected species survey and assessment is required prior to any consent.

ENVIRONMENTAL PROTECTION TEAM -

No objection, subject to conditions to restrict the burning of materials on site and control of dust and noise levels from construction and demolition activities.

CONTAMINATED LAND OFFICER -

No objection, subject to condition for reporting of unexpected contamination and advisory note for desk study and walkover survey.

HISTORIC ENGLAND -

No comment.

WALES AND WEST UTILITIES -

Standard advisory note recommended.

BATH PRESERVATION TRUST -

02/05/2017: The application appears only marginally different to the previous refused application and on balance we would not disagree with the case officer's previous concerns regarding overdevelopment of the site impacting on the listed building and conservation area. We repeat our previous concerns regarding the proposed materials for the extensions to the building. Render, cast stone and recon-stone detailing are not appropriate materials for a prominent development attached to a listed building within a conservation area as they have a low quality appearance and poor longevity which will result in harm to the listed building. In order to retain the character and appearance of the conservation area, and to preserve the special interest of the listed building, we would recommend that Bath stone ashlar is used on all outward facing elevations, with render to the rear if appropriate. Detailing such as quoins and cills should also be crafted Bath stone. We also comment that there appears to be little justification for the moving of the gate pier and question whether an 'in' and 'out' arrangement could not be put in place to avoid changes to the layout and appearance of the frontage of the listed building. We also note the lack of a landscaping scheme.

15/11/2018: This application, with a viability review and some minor changes to the interior of the proposed extension, appears otherwise unchanged from the previous scheme in height, scale, design and materiality as the previous iteration and therefore there have been no changes which assuage our concerns previously noted regarding overdevelopment of the site, harm to the listed building and inappropriate materials. We assume that this is merely to overcome the points raised by His Honour Judge Cotter QC in the successful judicial review against the previous application, namely that the committee weighed harm against benefits based on viability for which no evidence was before them and therefore could not properly have been taken into account.

The submission of a viability review appears to be indicating that the proposed extensions are justified on viability grounds. We do not oppose in principle the extension of the accommodation on this site to meet market needs of care home facilities, but we do oppose the current design, scale and materiality and its associated impacts on the conservation area and listed building as previously commented by ourselves. Design, architecture and materiality are not matters that rest on viability. Therefore we continue to have concerns regarding the application and our previous comment stands.

ADULT SOCIAL CARE -

No Objection. Cedar Park have in the last couple of months closed 23 beds in this home and now only have 27 beds which are currently full with social funded residents. Cedar Care have a third of the Care Home Market within B&NES and as commissioners this is a risk to the security of individuals and financial viability.

BUILDING CONTROL -

No objection. Foundations will need to be designed and built to take the loads from the building. If this is carried out correctly then there would be no reason for any existing subsidence to be worsened. Regarding the retaining wall it would be the builders responsibility to ensure that this is not damaged by the building operations.

Representations Received:

OTHER REPRESENTATIONS - 19 third party objection comments were received during the consultation process prior to the quashing. These can be summarised as follows:

Process and approach:

- The application is almost a repeat of a previously refused scheme and fails to respond to the Council's advice and clear reasons set out in the previous refusal.
- The proposal represents an abuse of the planning system.
- The application is contrary to relevant local and national planning policy.
- The scheme is purely for commercial gain and is not a public spirited attempt to provide more care homes.

Over-development:

- The proposals will add an additional 981.2m² of floor space to an already well developed and restricted site. This represents an increase of 50% over the existing floor space.
- The floor area of the current scheme has increased by 75.80m² when compared to the previous scheme which was refused as 'over-development'.

Character and appearance:

- A comparison between the previously refused and current elevations suggest that there has been no reduction in the maximum height of the new extensions and only minor reductions along some parts of the elevations.
- The proposed extension by reason of its design, mass, character and scale will overwhelm the existing grade II listed building and harm its setting and that of the wider

Conservation Area:

- The submitted Heritage Statement is incomplete.
- The materials and design being proposed are inappropriate.

Landscape and trees:

- The proposal will harm the existing landscape setting and trees within the site and compromise the communal garden space available for residents.
- Shading and maintenance issues will affect gardens and trees in adjacent properties.

Access and parking:

- The proposal will worsen the current access, road and traffic situation.
- The scheme provides inadequate levels of car parking for staff and visitors.

Residential amenity:

- The proposed development will severely affect the outlook of neighbouring properties and result in overshadowing, noise, light, odour pollution and loss of privacy.

Ecology:

- The proposed development may affect birds and protected species.

Drainage:

- The development will increase surface water drainage.

Other matters:

- Construction and building work will affect the structure, safety and services at neighbouring properties (land is unstable in this area).

- Limited community engagement has taken place.
- There is incomplete evidence of need.

Following the quashing third parties were reconsulted on the redetermination and the additional information submitted. Twenty further objections were received, many which raised the same points as the above, the additional points raised can be summarised as follows:

- The viability of the care home doesn't outweigh the impact of the development.
- Concern with the care being offered and need for beds
- The viability reported is limited. The findings of the viability report do not substantiate the need for this development
- Changes to access is still not acceptable
- Concerns over how the application is affecting mental health of residents
- Discrepancies and inaccuracies in submission material, including the viability report

POLICIES/LEGISLATION

The Development Plan for Bath and North East Somerset comprises:

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

Policy DW1: District-wide spatial strategy
 Policy B1: Bath Spatial Strategy
 Policy B4: World Heritage Site and its setting
 Policy SD1: Presumption in favour of sustainable development
 Policy CP1: Retrofitting existing buildings
 Policy CP2: Sustainable construction
 Policy 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:

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 D8: Lighting
Policy HE1: Historic environment
Policy NE2: Conserving and enhancing the landscape and landscape character
Policy NE2A: Landscape setting of settlements
Policy NE3: Sites, species and habitats
Policy NE6: Trees and woodland conservation
Policy PCS2: Noise and vibration
Policy H1: Housing and facilities for the elderly, people with other supported housing or care needs
Policy ST7: Transport requirements for managing development

The National Planning Policy Framework (NPPF) was published in July 2018 (amended February 2019) and is a material consideration. Due consideration has also been given to the provisions of the National Planning Practice Guidance (NPPG) insofar as relevant.

Conservation Areas

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.'

SPD's

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

OFFICER ASSESSMENT

BACKGROUND:

The current proposals follow planning and listed building applications (15/04344/FUL and 15/04345/LBA) which were refused in January 2017. Prior to the applications being refused the Planning Officer, Conservation Officer and Landscape Officer met with the applicants to discuss their concerns. At this meeting it was recommended that the applications be withdrawn and that a pre-application enquiry for a significantly altered and reduced scheme be submitted in response to the comments made. However, the applicants chose not to withdraw the applications and accordingly they were refused. The differences between the previously refused and current scheme are very marginal and do not improve the overall quality of the design, scale or use of materials. It would therefore appear that no genuine attempt has been made to overcome the reasons for the earlier refusals.

This application (17/01542/FUL) and the parallel listed building consent (17/01543/LBA) were previously approved by committee in 2017, the office recommendation was overturned. Subsequently the applications were judicially reviewed and the High Court quashed the decisions in July 2018. This application and the listed building consent are therefore to be re-determined. Additional information has been submitted in the form of a viability assessment and some revised plans have been submitted making minor amendments to the scheme, discussed below.

The main planning considerations are as follows:

- Principle of development
- Design and heritage
- Trees and landscaping
- Residential amenity
- Access and parking
- Viability
- Drainage and flooding
- Ecology
- Any other matters

PRINCIPLE OF DEVELOPMENT:

Cedar Park Care Centre is a C2 residential institution within the main urban area of Bath, where the development of residential or day care facilities is acceptable in principle, subject to the policies of the development plan and any other material considerations.

Policy H1 of the Placemaking Plan supports housing and facilities for the elderly provided the criteria in that policy are met. There is no specific requirement in the plan to provide a certain number of beds or bedrooms over the plan period. Policy H1 is discussed further in the Trees and Landscaping section below.

DESIGN AND HERITAGE:

Policy HE1 states that alterations and extensions to a listed building will be expected to have no adverse impact on those elements which contribute to their special architectural or historic interest, including their setting.

Cedar Park Care Home is a grade II listed building within the Bath World Heritage Site and Conservation Area. The recent list entry describes it as the best of five substantial

Victorian villas on Oldfield Road. The building has suffered a number of poor quality additions and extensions through its use as a care home and this has compromised its architectural interest. Nevertheless, parts of the interior of the principle building are still intact and these make an important contribution to the overall character and significance of the building.

The proposal is seeking planning permission for the demolition of the existing central link building and construction of a replacement two storey block, together with additional two storey extensions located to the south and east. The retained buildings are to be refurbished and augmented.

Following the quashing and as part of the re-determination process revised plans were received with some further alterations as follows:

- Reduction from 68 bedrooms to 66 bedrooms to improve circulation space and provide larger bedrooms
- Revisions to the landscaping plan
- Minor drafting error amendments

The application still proposes to convert the current entrance hall into bedrooms which will harm the legibility of the historical plan form. This is discussed in more detail in the parallel listed building application report (17/01543/LBA).

The principle of redeveloping the existing poor quality extension with a possible modest increase in the overall development of the site is welcomed. However, any future development must be sensitive to the context in which it sits. The submitted scheme is considered to represent overdevelopment which would detract from the character and appearance of the building itself and that of the wider Conservation Area by virtue of its visibility from public views.

The replacement link building would include a second storey which would be approximately 3.6m higher and 5.3m wider than the single storey building it will replace. The Orchard Wing extension would expand the spread of the existing building by approximately 14.9m to the west and 13.2m to the south. Overall, the proposed extensions would increase the gross internal area (GIA) by 981.2m² which is equivalent to an increase of 39.4% over and above the existing GIA (1998.4m²).

The proposed scale and built form of the extension would have an overly dominant relationship with the host dwelling and would be unsympathetic and disrespectful to the listed building. In particular, the proposed spread of development sprouting out from Orchard Wing appears awkward and would result in loss of trees and open space. Furthermore, the proposed use of render, cast stone, recon stone detailing and UPVC fenestration to match the existing unsympathetic extension, rather than the listed building, does little in the way to benefit or improve the existing situation. The plans which offer a token glazed separation from the principle building do nothing to mitigate the harmful impact and do not go far enough to overcome the objections raised.

Policy HE1 states that any harm to the significance of a designated or non-designated heritage asset must be justified. Proposals will be weighed against the public benefits of the proposal; whether it has been demonstrated that all reasonable efforts have been

made to sustain the existing use, find new uses, or mitigate the extent of the harm to the significance of the asset; and whether the works proposed are the minimum required to secure the long term use of the asset. It is considered that whilst the proposal is seeking to sustain the existing use as a care home there is potential for an alternative that would sustain the existing use more appropriately. In this instance a new use has not be considered as the application is to extend a building in a current use as a care home. Any efforts to mitigate harm as described above are unsuccessful. Finally the works are considered to be beyond the minimum required to secure the long term use of the asset.

Overall, the scheme as submitted by reason of its overall design, scale, massing and use of materials will cause serious harm to the character and setting of the listed building. The proposals will create a single, large visual element in the landscape and result in loss of trees and open space which would impact the character and appearance of the Conservation Area and the wider World Heritage Site. Paragraph 193 of the NPPF states that 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation'.

There is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Here, it is considered that for the reasons outlined above, the development would cause serious harm to the character and setting of the listed buildings.

There is a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. Here it is considered that for the reasons outlined above, the development fails to preserve the character and appearance of the City of Bath Conservation Area. Further, the development is considered to harm the setting of the wider World Heritage Site.

The impact upon the designated heritage assets is considered to be less than substantial harm. The NPPF explains that where this is the case, the harm should be weighed against the public benefits of the proposal. This will be dealt with within the 'Planning Balance' section of this report.

TREES AND LANDSCAPING:

All trees on and adjacent to the site are protected by virtue of the Bath Conservation Area designation.

A Landscape Layout Plan has been submitted with the application. This indicates that eight trees will be removed and nine will be planted. Other than this additional plan, there appears to be no material change in the proposals concerning landscape since the previous submission.

The amendment of the roofscape of the proposed building so that the two storey glazed link between the north and the south blocks is now flat roofed appears to be an attempt to visually separate the two buildings. While it could be considered to improve the façade

when viewed from the west the current arrangement of glazing and cladding as shown on the west elevation drawing is only partially successful and does not go far enough to overcome the concerns raised.

The proposed development would create a single large visual element in the landscape and result in the loss of trees and open space. Problems of access and circulation also remain unresolved. As too would the likelihood of future request for works to retained trees (T2, T3 and T4) which would reduce the already limited landscape setting to the listed building.

Placemaking plan policy H1 has regard to Housing facilities for the Elderly, people with other supported housing need or care needs. Under part B it states that that development of housing and facilities for the elderly will only be permitted where there is adequate communal garden/outdoor space within the property to meet the needs of the residents. This is not just in terms of the amount of space, but the ability for circulation, access, amount of plants and trees and natural environment (i.e. not just hardstanding).

Although the proposals would result in some enhancements to the standards of accommodation internally as required by policy H1, the proposals would result in inadequate circulation and access, with outdoor spaces being isolated from each other. Placement of shrub beds and landscaping mean some parts would likely be inaccessible for residents. Additionally it is considered that the proposal would lead to feature pressure for works on trees and therefore an eventual reduction in these. The result would reduce the landscape setting of the building with a large portion of green space becoming encroached on by the extension or by hard landscaping (slabs and gravel). As such the proposal is contrary to Policy H1.

A further revised landscape scheme was received on the 5th of February. The plans showed no significant changes to the hard and soft landscape proposals or to the height, mass, proposed materials and design of the proposed buildings. Therefore the landscape officer has continued to object to the scheme.

Based on the above, it is considered that the development would further reduce the already somewhat limited landscape setting of the listed building and affect the landscape and visual character and quality of the Conservation Area and the World Heritage Site.

RESIDENTIAL AMENITY:

Objections have been received highlighting concerns about the proposed spread of development towards surrounding properties. However, it is not considered that the scheme is of a siting and scale which would result in a level of harm in terms of undue loss of light or an overbearing impact that would be at a level to justify a refusal.

ACCESS AND CAR PARKING ARRANGEMENTS:

The property is located within a predominately residential street network with two existing vehicular access points onto Oldfield Road. The current application seeks to widen the western access onto Oldfield Road to improve ease of access and visibility. This will require extending the dropped kerb where the applicant will be required to secure a licence under Section 184 of the Highways Act 1980.

Other than the widening of this access, there appears to be no change from that previously proposed in terms of highway related impacts. The Highways Officer previously expressed concerns in relation to the use of the two existing accesses and suggested that the west access be closed up and to accommodate all vehicular traffic at the wider east access. However, it is acknowledged that both accesses are currently in use and that the increase in vehicular movements as a result of the extra bed spaces is unlikely to exacerbate the potential safety risk with the retained use of the western access to an unacceptable level.

It is noted that there is a bus stop located adjacent to the site. This is likely to be impacted during the construction phase, particularly during the works involving the widening of the west access. Impacts on the operation of the bus stop during the construction phase could be covered in a Construction Management Plan which could be secured by condition. This would also need to 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 applicant has confirmed that the number of car parking spaces has been increased to 17 (from 14). This will generate a parking shortfall of 19 spaces as required by the parking standards for C2 uses set out in the Placemaking Plan. However, with the provision of 3 extra spaces the parking shortfall will be no greater than the current shortfall and consequently no highways objection has been raised.

Concern has been raised about the potential increase in staff numbers which could result in additional on-street parking in the locality. The Highway's Officer has recommended that the number of staff be restricted to 50 and this has been confirmed by the applicant.

It is noted that one of the parking spaces on the Proposed Site Plan (space no. 1) is likely to obstruct the passage of traffic to an area (which appears to be a service area) to the east of the building. This will need to remain clear at all times so it is not acceptable for this area to be set aside for parking. However, it is acknowledged that parking spaces nos.1-15 are indicative only and are not formally marked out. As a result, it is anticipated that cars would be parked appropriately to allow access at all times.

Facilities for bicycle storage facilities in accordance with policy ST7 of the Placemaking Plan could be secured by condition.

DRAINAGE AND FLOODING:

The application is supported by a Proposed Surface Water Drainage Strategy which is considered acceptable.

ECOLOGY:

The Council's Ecologist has advised that the likelihood of protected species being present in this section is sufficiently low to justify not requiring a protected species survey. Subject to conditions the scheme is considered to be ecologically acceptable.

Following the quashing and redetermination of the scheme all internal consultees were reconsulted. The council's Ecologist has raised an objection to the scheme stating that the roof has potential to support protected species and a protected species survey is therefore required.

The planning agent has since submitted an Ecological Appraisal which includes preliminary bat roost inspection of the building and includes habitat and protected species survey of the grounds.

There is limited detail provided of the findings of the bat survey building inspection, which conclude that the buildings support negligible roost potential. For some sections of buildings affected by the proposal, is broadly accepted. However there was no access by the surveyor to the interior of the buildings or loft spaces, including the loft space of the two storey building. This, combined with the somewhat limited level of detail and very limited photos of the building inspection survey findings, does make it more difficult to have complete confidence in a negative survey result. There also remains a minor risk of new bat use of the buildings. Having discussed this site with the applicant's ecologist, the council's ecologist accepts that the risks here are low but it is agreed that it would be appropriate to require precautionary working methods and a pre-commencement inspection of the buildings by a suitably experienced ecologist (licenced bat worker). This should take place immediately prior to works, and must include provision of access to the surveyor to all internal spaces such as roof voids wherever works may have an impact and notification that this has been completed prior to commencement of works (with details of any findings) to be notified to the LPA and LA Ecologist prior to commencement of works.

Subject to this being secured by condition, along with implementation of the recommendations of the report, the council ecologist considers the risk of harm to protected species (birds, bats) is sufficiently minimised to be negligible and has no objection to the proposal.

Given the advice from the ecologist that any risk to protected species is low and reduces to negligible with the imposition of appropriate conditions, Officers are of the view that it is unlikely that the development would offend regulation 42 of the Habitats Regulations 2017. Consequently, this would not be a reason to refuse permission.

VIABILITY AND NEED:

Initially this application was taken to committee in September 2017 with a recommendation to refuse from officers. The committee overturned the officer's recommendation and permitted the application on the grounds that that an increase in bedrooms was required in order to make the care home financially viable. The decision was subsequently quashed by the High Court. One of the grounds for quashing was that the planning committee erred in law by taking into account immaterial considerations, specifically that the council faced a shortage of care home places, that the homes need to be of a particular size to remain viable, and that this particular home faced viability issues.

A viability report has been produced by CBRE on behalf of the applicant and submitted with the scheme. The Council appointed independent consultants, Cushman and Wakefield (C&W), to assess the content of the report.

The Applicant's Independent Viability Review claims to demonstrate that the development is necessary to ensure the ongoing viability of the home and that it is necessary to ensure the demand for care home beds is met.

Need

The applicant's viability assessment states that currently there is a small surplus in bedrooms but there will be a need for 23 bedrooms within the catchment area by 2020 (this proposal seeks an additional 19 bedrooms).

C&W's assessment on behalf of the Council concludes that there is also currently a small oversupply and that by 2022 this tips towards an undersupply (5 beds required). It further finds that if no new homes or beds come forward there will be an undersupply of beds within the catchment area by 2027. It agrees that a 3 mile catchment area is a suitable area within which to determine need.

C&W are therefore of the view that improvements to the internal layout and an increase in the number of bedrooms are necessary to secure the home's long term future by improving the quality of accommodation and to ensure bed provision adequately provides for future demand.

The CBRE and C&W reports indicate that there is currently an oversupply of care home beds within the immediate catchment area but that by 2020 there is a small undersupply, which increases as time goes on. This is assuming no new care home permissions are granted and that there are no additional care home closures over this period. Therefore the weight that can be attributed to this shortfall decreases as the level of uncertainty as to the number of care home places increases over time.

It is noted that the projections are broadly consistent with an increasingly ageing population in Bath with increasing care needs, which is likely to create an increasing demand for care home beds.

Additionally the reports find that there is evidence that homes with fewer than 30 beds are not sustainable. There are five homes which fall into this category in the catchment area. Therefore there is a risk that some of these care homes will fall out of the market, therefore increasing demand for places.

A consultation response commenting on the Applicant's viability report has also been received from Thrings Solicitors on behalf of a local resident. This disputes that there is - or will be - an unmet need for care home beds in the area and states that 220 new care home beds have been created in the area since early 2017 with an additional 60 beds proposed in 2018. These include Gracewell Care Home, Rosewell House Nursing Home (7.1 miles), Ivybank Care Home and the Cadbury factory in Keynsham (8.1 miles). In addition, the response notes that an outline application was made for a 64 bed care home at Silver Street, Midsomer Norton in May 2018 (6.1 miles). This supply is however outside of the immediate catchment area used to determine need.

Given the above some weight can therefore be given to the evidence of a limited shortfall in beds, and therefore small need within the catchment area by 2020/ 2022. This weight is further addressed in the planning balance below.

Viability

The council accept the general view that higher quality accommodation and improvements in layout will result in staffing efficiencies, increased occupancy and higher fee levels, as well as improvements in care, as highlighted in the viability reports. Additionally according to the reports it is noted that Cedar Park's operating profit appears to be falling year on year and its costs are increasing. Clearly if this pattern continues there is a possible risk to the on-going viability of the business.

Whilst internal improvements and an increase in bedrooms could ensure the longevity of Cedar Park Care it is also noted that an appropriate business model and operation is also required to ensure viability. The C&W report in particular notes that only very limited financial information has been provided and that it is not possible to ascertain the reason for high costs with certainty without this information. Therefore it is difficult to be definitive about the reasons behind the falling profits and increased costs based on information available. As such some small weight has been given to this element only.

PLANNING BALANCE:

In assessing the impact of a proposal on a heritage asset great weight must be given to the conservation of the asset (Policy HE1 and NPPF para 192).

The harm to the designated assets (the listed building, Conservation Area and World Heritage Site) is considered to be 'less than substantial' and where this is the case, policy HE1 explains that the harm should be weighed against the public benefits of the proposal (see also para 196 of the NPPF). In conducting this planning balance there is a further presumption against the grant of permission for development, which would cause harm to heritage assets.

The viability report with the submission sets out that Cedar Park requires additional bedrooms and internal improvements to secure its future and long-term viability. The independent viability appraisal undertaken by Cushman and Wakefield broadly concurs with the findings. However the financial information on which this viability appraisal was based is noted to be limited.

It is noted that the proposal would create jobs though the construction process (it is noted that the existing level of jobs at Cedar Park itself is not proposed to change). Given that this would last a temporary period and that a more appropriately designed proposal would also lead to job creation this has been given limited weight in the balance. If the care home were to become unviable there is also a risk that existing jobs would be lost.

Overall the benefits in terms of increasing supply/ meeting demand in the catchment area, securing long-term viability and improving quality of care are recognised and attract some weight but these are not considered to outweigh the serious harm to the heritage assets identified. The proposed development is considered to have a seriously detrimental impact

upon the character and setting of the listed building and the character and appearance of the Conservation Area and the wider World Heritage Site. It is also considered that there is potential for an alternative more acceptable scheme to be produced. There are no other material considerations of sufficient weight to outweigh this conflict and the presumption against granting permission.

In conclusion, as explained throughout the above report, the proposal is considered to be contrary to the Development Plan as a whole. Permission should therefore be refused unless material considerations indicate otherwise. There are no material planning considerations which outweigh the harm identified. The proposal is therefore contrary to the presumption in favour of the development plan in section 38(6) and contrary to the presumption created by s66 and s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The application is therefore recommended for refusal.

OTHER MATTERS:

Matters surrounding contaminated land and environmental protection could be secured by planning conditions and advisory notes.

PUBLIC SECTOR EQUALITIES DUTY:

Section 149 of the 2010 Equalities Act states that a public authority must have due regard to equalities, in particular it must have regard to the relevant protected characteristics of people.

In this case the relevant protected characteristics identified that could be affected are age and disability. The proposal will provide benefits to elderly and elderly disabled members of the community by providing additional care home facilities however there may be some disruption during the construction phase. Whilst there may be disruption temporarily it is not considered that the protected characteristic of occupiers will be disadvantaged in the long term but would benefit from the grant of permission.

By contrast, if the care home becomes unviable there is a risk that elderly residents may be forced to move out as a result of the care home closing. Equally, a lack of quality choice of accommodation and/ or a shortage of beds in the catchment area are likely to disadvantage elderly residents. These considerations have been taken into account in the planning balance above.

CONCLUSION:

For the reasons outlined above the application is considered contrary to the policies in the Development Plan as a whole and contrary to paragraph 196 of the NPPF and there are no other material considerations which outweigh this conflict. It is therefore recommended for refusal.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed development due to its scale, design and location is considered to result in the overdevelopment of the site to the detriment of the character and setting of the listed building and the character and appearance of this part of the Conservation Area. The proposal is contrary to policy CP6 of the Bath and North East Somerset Core Strategy (adopted July 2014), policies HE1, D1, D2, D3 and D5 of the Bath and North East Somerset Placemaking Plan (adopted July 2017) and guidance in the National Planning Policy Framework.

2 The proposed development will harm the existing landscape setting of the building and result in the loss of trees which make an important contribution to the character of this part of the Conservation Area. Additionally the proposal would reduce the green space resulting in inadequate access, and inadequate circulation of outdoor space. The proposal is therefore contrary to policies D1, D2, HE1, H1, NE2 and NE6 of the Bath and North East Somerset Placemaking Plan (adopted July 2017) and guidance in the National Planning Policy Framework.

PLANS LIST:

This decision relates to the following plans:

30 Mar 2017 3841_200_- Location Plan
30 Mar 2017 3841-220g- Proposed Site Plan
30 Mar 2017 3841-220g- Proposed Site Plan
30 Mar 2017 3841-231_- Elevation A Details
30 Mar 2017 3841-232_- Elevation B Details
18 Jul 2017 3841 220 Rev J Proposed Site Plan (With Parking)
18 Jul 2017 Surface Water Drainage Strategy Design A
01 Nov 2018 210 Rev N Proposed Lower Ground Floor Plan
01 Nov 2018 211 Rev N Proposed Upper Ground Floor Plan
01 Nov 2018 214 Rev F Proposed Roof Plan
01 Nov 2018 215 Rev G Proposed North Elevations
01 Nov 2018 216 Rev J Proposed East Elevations
01 Nov 2018 217 Rev J Proposed West Elevations
18 Jan 2019 973/Pa/01h Landscape Plan

Condition Categories

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

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

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

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

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

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

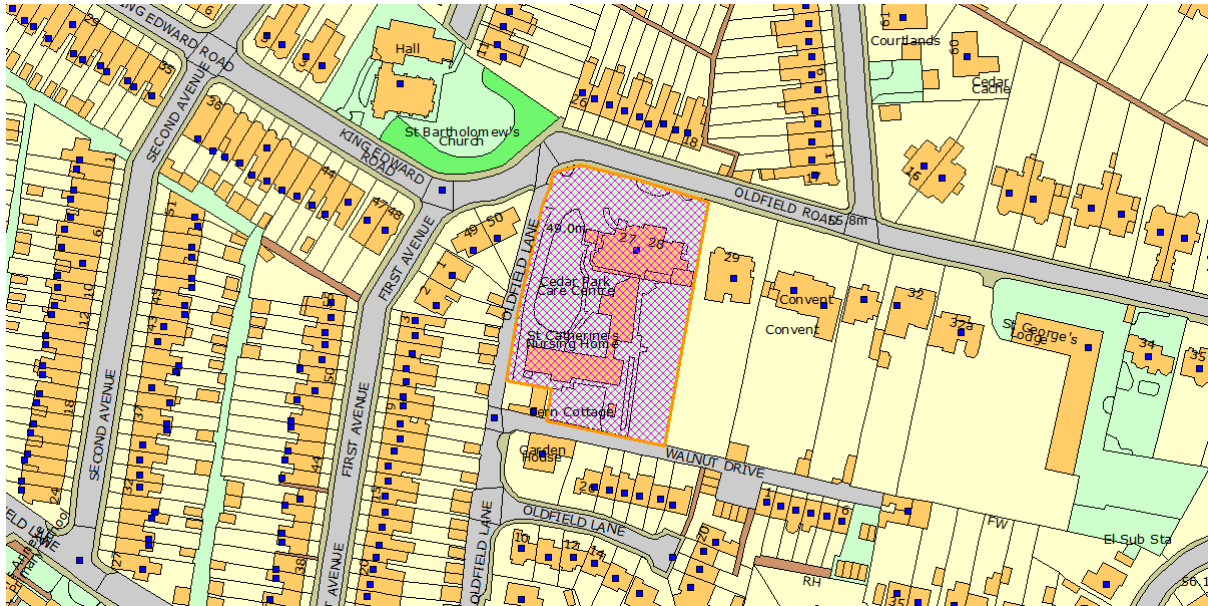
Where approval of further information is required you will need to submit an application to Discharge Conditions and pay the relevant fee via the Planning Portal at www.planningportal.co.uk or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

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: 02
Application No: 17/01543/LBA
Site Location: Cedar Park Care Centre 27 - 28 Oldfield Road Oldfield Park Bath
Bath And North East Somerset



Ward: Oldfield Park **Parish:** N/A **LB Grade:** II
Ward Members: Councillor Shaun Andrew Stephenson-McGall
Application Type: Listed Building Consent (Alts/exts)
Proposal: Internal and external alterations to erect 1no. replacement two storey block and 2no. additional two storey extensions to the south and east with retained buildings to be refurbished and augmented following demolition of existing central link building.
Constraints: Affordable Housing, Agric Land Class 3b,4,5, Article 4, Article 4, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, Listed Building, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,
Applicant: Cedar Care Homes
Expiry Date: 14th March 2019
Case Officer: Samantha Mason
To view the case click on the link [here](#).

REPORT

BACKGROUND:

This application was previously taken to committee in September 2017 recommended as a refusal; the committee overturned the officer recommendation and permitted the scheme. Subsequently a judicial review was launched by third parties and the decision to grant planning permission and listed building consent was quashed for the reasons set out in the High Court Written Judgement. The applications have been remitted to the local authority for redetermination.

REASON FOR APPLICATION BEING REFERRED TO COMMITTEE:

The decision has been quashed and the application is to be re-determined. The application was called to committee and the previous Chair recommended that:

"I have studied this application carefully noting its history and consultee comments including third party objections. The need for this type of development is understood to meet the increasing ageing population and the proposals could be seen to improve the present site however this is clearly a controversial application. The Officer has assessed the application in relation to relevant planning policy and addressing points raised as is evident in the report presented to me. However I believe this application should be determined by DMC where all the points raised can be debated in the public arena."

Given that the previous decision was made at committee the same process follows for the re-determination.

THE SITE:

Cedar Park Care Centre is a Grade II listed building. It is noted in the statutory list as a good example of a mid - 19th century former Italianate villa with elaborate architectural detail. The building is one of a series of similar villas on Oldfield Road which demonstrate well the fashion for such developments within the suburb of the City of Bath. The site is located within the Bath Conservation Area and World Heritage Site.

THE PROPOSAL:

The proposals are for the demolition of the existing central link building and construction of a replacement two storey block, together with an additional two storey extension located to the south and east. Refurbishment of the existing buildings, including the blocking up of the original entrance of the principle Georgian building to provide 2 additional bedrooms is also proposed. The proposed widening of one of the two entrances from Oldfield Road also forms part of the application.

The current proposals follow planning and listed building applications (15/04344/FUL and 15/04345/LBA) which were refused in January 2017. Details are given below.

Relevant Planning History:

12/00803/LBA - CONSENT - 8 May 2012 - External alterations for the demolition of a section of party/boundary wall constructed in ashlar stone and construction of a concrete retaining wall and replacement of ashlar stone wall in same position using stone from existing wall.

15/04344/FUL - REFUSED - 17 January 2017 - Demolition of existing central link building and construction of a replacement two storey block, together with an additional two storey extension located to the south and east, retained buildings to be refurbished and augmented.

15/04345/LBA - REFUSED - 19 January 2017 - Internal and external alterations to include demolition of existing central link building and construction of a replacement two storey

block, together with an additional two storey extensions located to the south and east, retained buildings to be refurbished and augmented.

There is a planning application running parallel to this application (17/01542/FUL).

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses :

COUNCILLOR PAUL CROSSLEY -

Request for application be taken to Committee (in Sept 2017) if the officer recommendation is to refuse. Reasons are as follows:

- The application addresses the points raised in the first refusal.
- Extra facilities like this are urgently needed to meet the growing demand of an ageing population and in view of the number of people employed this has an economic impact on the city.
- The provision of accommodation such as this releases other housing back to the market.
- The design enhances and improves the current building and thus improves the area and consequently has an important positive impact on the World Heritage Site.

CONSERVATION OFFICER -

Initial objection: The differences between the original application and the revised scheme are very marginal and do not improve the overall quality of the design, scale or use of materials. The application still proposes converting the current entrance hall into a bedroom which will harm legibility of plan form. It is recommended that the application is refused due to harm on character, significance and setting of the principal listed building and wider area.

14th Nov 2018: The scheme as submitted by reason of its overall design, scale, massing and use of materials will cause serious harm to the character and setting of the listed building contrary to relevant Core Strategy, Place Making plan policies, the NPPF and published Historic England advice. In the terms of the NPPF less than substantial harm must be weighed against the public benefits of the development. In this case, the degree of harm sits at the very upper end of the scale and the level of public benefit would need to be commensurately high to justify granting planning permission and listed building consent.

HISTORIC ENGLAND -

No comment.

BATH PRESERVATION TRUST -

02/05/2017: The application appears only marginally different to the previous refused application and on balance we would not disagree with the case officer's previous concerns regarding overdevelopment of the site impacting on the listed building and conservation area. We repeat our previous concerns regarding the proposed materials for the extensions to the building. Render, cast stone and recon-stone detailing are not appropriate materials for a prominent development attached to a listed building within a

conservation area as they have a low quality appearance and poor longevity which will result in harm to the listed building. In order to retain the character and appearance of the conservation area, and to preserve the special interest of the listed building, we would recommend that Bath stone ashlar is used on all outward facing elevations, with render to the rear if appropriate. Detailing such as quoins and cills should also be crafted Bath stone. We also comment that there appears to be little justification for the moving of the gate pier and question whether an 'in' and 'out' arrangement could not be put in place to avoid changes to the layout and appearance of the frontage of the listed building. We also note the lack of a landscaping scheme.

15/11/2018: Object: This application, with a viability review and some minor changes to the interior of the proposed extension, appears otherwise unchanged from the previous scheme in height, scale, design and materiality as the previous iteration and therefore there have been no changes which assuage our concerns previously noted regarding overdevelopment of the site, harm to the listed building and inappropriate materials

Representations Received :

No third party objections were received on the Listed Building application prior to the quashing. Following the quashing third parties were reconsulted on the redetermination and the additional information submitted. Five objections were received, the points raised can be summarised as follows:

- The proposal will harm the existing landscape setting and trees within the site and compromise the communal garden space available for residents.
- Shading and maintenance issues will affect gardens and trees in adjacent properties.
- The proposal will worsen the current access, road and traffic situation.
- The scheme provides inadequate levels of car parking for staff and visitors.
- The proposed development will severely affect the outlook of neighbouring properties and result in overshadowing, noise, light, odour pollution and loss of privacy. Also impact on residential amenity for future occupiers
- The viability of the care home doesn't outweigh the impact of the development.
- Concern with the care being offered and need for beds
- The viability reported is limited. The findings of the viability report do not substantiate the need for this development
- Negative impact on listed building, its setting and the conservation area
- Incomplete heritage statement

POLICIES/LEGISLATION

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

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

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

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

The statutory Development Plan for B&NES comprises:

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

Core Strategy:

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

CP6: Environmental quality
B4: The World Heritage Site

Placemaking Plan:

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

HE1: Historic Environment

SUPPLEMENTARY PLANNING GUIDANCE:

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

HISTORIC ENVIRONMENT GOOD PRACTICE ADVICE IN PLANNING NOTES ISSUED BY HISTORIC ENGLAND:

'Making Changes to Heritage Assets' Advice Note 2

'Managing Significance in Decision-Taking in the Historic Environment' Good Practice Advice in Planning: 2

OFFICER ASSESSMENT

BACKGROUND:

Cedar Park Care Home is a grade II listed building within the Bath World Heritage Site and Conservation Area. The recent list entry describes it as the best of five substantial Victorian villas on Oldfield Road. The building has suffered a number of poor quality additions and extensions through its use as a care home and this has compromised its architectural interest. Nevertheless, parts of the interior of the principle building are still

intact and these make an important contribution to the overall character and significance of the building.

The proposal is seeking planning permission for the demolition of the existing central link building and construction of a replacement two storey block, together with additional two storey extensions located to the south and east. The retained buildings are to be refurbished and augmented.

Following the quashing and as part of the re-determination process revised plans were received with some further alterations as follows:

- Reduction from 68 bedrooms to 66 bedrooms to improve circulation space and provide larger bedrooms
- Revisions to the landscaping plan
- Minor drafting error amendments

HERITAGE:

The application still proposes to convert the current entrance hall into bedrooms which will harm the legibility of the historical plan form.

As set out in the previous refusal, the original entrance porch and hallway serving what would have been no 27 Oldfield Road is particularly important as it is crucial to the understanding of the original layout of the house. The application proposes to render the front entrance door redundant and divide what is currently the reception into bedroom and bathrooms. This is considered wholly unacceptable based on impact on the plan form, fabric and character of the listed building.

The principle of redeveloping the existing poor quality extension with a possible modest increase in the overall development of the site is welcomed. However, any future development must be sensitive to the context in which it sits. The submitted scheme is considered to represent overdevelopment which would detract from the character and appearance of the building itself and that of the wider Conservation Area by virtue of its visibility from public views.

The proposed scale and built form of the extension would have an overly dominant relationship with the host dwelling and would be unsympathetic and disrespectful to the listed building. In particular, the proposed spread of development sprouting out from Orchard Wing appears awkward and would result in loss of trees and open space. Furthermore, the proposed use of render, cast stone, recon stone detailing and UPVC fenestration to match the existing unsympathetic extension, rather than the listed building, does little in the way to benefit or improve the existing situation. The plans which offer a token glazed separation from the principle building do nothing to mitigate the harmful impact and do not go far enough to overcome the objections raised.

Policy HE1 states that any harm to the significance of a designated or non-designated heritage asset must be justified. Proposals will be weighed against the public benefits of the proposal; whether it has been demonstrated that all reasonable efforts have been made to sustain the existing use, find new uses, or mitigate the extent of the harm to the

significance of the asset; and whether the works proposed are the minimum required to secure the long term use of the asset.

It is considered that whilst the proposal is seeking to sustain the existing use as a care home there is potential for an alternative that would sustain the existing use more appropriately. In this instance a new use has not be considered as the application is to extend a building in a current use as a care home. Any efforts to mitigate harm as described above are unsuccessful. Finally the works are considered to be beyond the minimum required to secure the long term use of the asset.

Overall, the scheme as submitted will, by reason of its overall design, scale, massing and use of materials, cause harm to the character and setting of the listed building. Additionally the proposals will create a single, large visual element in the landscape and result in loss of trees and open space which would impact the character and appearance of the Conservation Area and the wider World Heritage Site. Paragraph 193 of the NPPF states that 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation'.

The impact upon the designated heritage assets is considered to be less than substantial harm. The NPPF explains in para 196 that where this is the case, the harm should be weighed against the public benefits of the proposal.

In assessing the impact of a proposal on a heritage asset great weight must be given to the conservation of the asset (Policy HE1 and NPPF para 192).

The harm to the designated assets (the listed building, Conservation Area and World Heritage Site) is considered to be 'less than substantial' and where this is the case, policy HE1 explains that the harm should be weighed against the public benefits of the proposal (see also para 196 of the NPPF). In conducting this planning balance there is a further presumption against the grant of permission for development, which would cause harm to heritage assets.

The viability report with the submission sets out that Cedar Park requires additional bedrooms and internal improvements to secure its future and long-term viability. The independent viability appraisal undertaken by Cushman and Wakefield broadly concurs with the findings. However the financial information on which this viability appraisal was based is noted to be limited.

It is noted that the proposal would create jobs though the construction process (it is noted that the existing level of jobs at Cedar Park itself is not proposed to change). Given that this would last a temporary period and that a more appropriately designed proposal would also lead to job creation this has been given limited weight in the balance. If the care home were to become unviable there is also a risk that existing jobs would be lost.

The benefits in terms of increasing supply/ meeting demand in the catchment area, securing long-term viability and improving quality of care are recognised and attract some weight but these are not considered to outweigh the serious harm to the heritage assets identified. The proposed development is considered to have a seriously detrimental impact upon the character and setting of the listed building and the character and appearance of the Conservation Area and the wider World Heritage Site. It is also considered that there is potential for an alternative more acceptable scheme to be produced. There are no other

material considerations of sufficient weight to outweigh this conflict and the presumption against granting permission.

Overall the benefits are recognised but these are not considered to outweigh the harm identified.

There is a duty under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant listed building consent for development which affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Here, it is considered that for the reasons outlined above, the development would cause harm to the character and setting of the listed buildings.

There is a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. Here it is considered that for the reasons outlined above, the development fails to preserve the character and appearance of the City of Bath Conservation Area. Further, the development is considered to harm the setting of the wider World Heritage Site.

PUBLIC SECTOR EQUALITIES DUTY:

Section 149 of the 2010 Equalities Act states that a public authority must have due regard to equalities, in particular it must have regard to the relevant protected characteristics of people.

In this case the relevant protected characteristics identified that could be affected are age and disability. The proposal will provide benefits to elderly and elderly disabled members of the community by providing additional care home facilities however there may be some disruption during the construction phase. Whilst there may be disruption temporarily it is not considered that the protected characteristic of occupiers will be disadvantaged in the long term but would benefit from the grant of permission.

By contrast, if the care home becomes unviable there is a risk that elderly residents may be forced to move out as a result of the care home closing. Equally, a lack of quality choice of accommodation and/ or a shortage of beds in the catchment area are likely to disadvantage elderly residents. These considerations have been taken into account in the planning balance above.

CONCLUSION:

For the reasons set out above, the application is recommended for refusal.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed development due to its scale, design and location is considered to result in the overdevelopment of the site to the detriment of the character and setting of the listed building and the character and appearance of this part of the Conservation Area. The proposal is contrary to policy CP6 of the Bath and North East Somerset Core Strategy (adopted July 2014), policies HE1, D1, D2, D3 and D5 of the Bath and North East Somerset Placemaking Plan (adopted July 2017), the Planning (Listed Buildings and Conservation Areas) Act 1990, the National Planning Policy Framework and relevant advice from Historic England.

2 The proposed internal alterations to subdivide the original entrance hall would result in a loss of historic fabric and compromise the legibility of the historical planform in a way which harms the character and significance of the listed building contrary to policy HE1 of the Bath and North East Somerset Placemaking Plan (adopted July 2017), the Planning (Listed Buildings and Conservation Areas) Act 1990, The National Planning Policy Framework and relevant advice from Historic England.

PLANS LIST:

This decision relates to the following plans:

18 Jul 2017 3841 220 Rev J Proposed Site Plan
01 Nov 2018 210 Rev N Proposed Lower Ground Floor Plan
01 Nov 2018 211 Rev N Proposed Upper Ground Floor Plan
30 Mar 2017 3841-230_ - Upper Ground Floor Plan Details
30 Mar 2017 3841-212e- Proposed First Floor
30 Mar 2017 3841-213c- Proposed Second Floor
01 Nov 2018 214 Rev F Proposed Roof Plan
01 Nov 2018 215 Rev G Proposed North Elevations
01 Nov 2018 216 Rev J Proposed East Elevations
01 Nov 2018 217 Rev J Proposed West Elevations
30 Mar 2017 3841-231_ - Elevation A Details
30 Mar 2017 3841-232_ - Elevation B Details
18 Jan 2019 973/Pa/01h Landscape Plan

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

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework. Notwithstanding informal advice offered by the Local Planning Authority the submitted application was unacceptable for the stated reasons and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application and having regard to the need to avoid unnecessary delay the Local Planning

Authority moved forward and issued its decision. In considering whether to prepare a further application the applicant's attention is drawn to the original discussion/negotiation.

Item No: 03
Application No: 19/00783/FUL
Site Location: Tennis Court Farm Wells Road Hallatrow Bristol Bath And North East Somerset



Ward: High Littleton **Parish:** High Littleton **LB Grade:** N/A
Ward Members: Councillor Ryan Wills
Application Type: Full Application
Proposal: Erection of two storey dwelling following demolition of block build agricultural building
Constraints: Agric Land Class 1,2,3a, Coal - Standing Advice Area, Policy CP9 Affordable Housing Zones, Housing Development Boundary, Policy M1 Minerals Safeguarding Area, SSSI - Impact Risk Zones,
Applicant: Mr & Mrs Stock
Expiry Date: 13th May 2019
Case Officer: Hayden Foster
To view the case click on the link [here](#).

REPORT

Reason for the application being referred to Committee:

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

'I think there needs to be some discussion around the officers interpretation of a market dwelling, and whether there is harm as defined by policy D6.'

Site Description and Proposal:

The application relates to a redundant farm building associated with a detached house within Tennis Court Farm, which is set off Wells Road located within the residential area of Hallatrow.

The application seeks consent for the demolition of a redundant farm building and its replacement with a new proposed dwelling.

Relevant Planning History:

10/05145/AGRN - AN - Agricultural Prior Approval NOT Required - Erection of an agricultural barn.

11/00540/FUL - REFUSE - Erection of a pair of semi-detached dwellings following demolition of an agricultural barn together with the provision of off-street car parking for No's 2-5 (incl) Bloomfield.

18/04724/FUL - WITHDRAWN - Demolish redundant farm building and replace with new proposed dwelling.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses:

High Littleton Parish Council

High Littleton Parish Council has written in support of the proposal.

Local Councillor

A local councillor has requested the application be determined by committee if officers were minded to refuse the proposal.

Representations Received:

None received.

POLICIES/LEGISLATION

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

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

CP2 Sustainable Construction
CP6 Environmental Quality
CP7 Green Infrastructure
CP10 Housing Mix
DW1 District-wide spatial Strategy
RA1 Development in the villages meeting the listed criteria
RA2 Development in villages outside the Green Belt not meeting Policy RA1 criteria
SV1 Somer Valley Spatial Strategy

Placemaking Plan:

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

D1: General urban design principles
D2: Local character and distinctiveness
D3: Urban Fabric
D4: Streets and Spaces
D5: Building design
D6: Amenity
D7: Infill and Backland Development
H7: Housing Accessibility
ST1: Promoting Sustainable Travel
ST7: Transport access and development management
LCR7B: Broadband
LCR9: Local Food Growing
SCR5: Water Efficiency
RE4: Essential Dwellings for Rural Workers

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

OFFICER ASSESSMENT

The application is for the erection of a dwelling following the demolition of an existing agricultural building. The site is set within a wider agricultural holding situated off Wells Road. The proposal is intended to be used as a retirement dwelling.

Principle of Development

The site is located within the residential area of Hallatrow, and is situated partially within the Hallatrow housing development boundary. Given the sites location partially within the Housing Development Boundary, set adjacent to an existing residential building and

established roads it is considered that the proposal would not result in an isolated house within the countryside.

Therefore the principle for the development of a house is acceptable subject to other considerations.

Whilst the application site is within the Housing Development Boundary it should be noted that the proposed dwelling is to be located within an active farm yard. The submitted information also states that the proposed building is intended to be used as a retirement dwelling. It should also be noted that although the proposed use of the building is for retirement purposes the dwelling will need to be considered as a market house dwelling capable of being occupied by any individual.

Character and Appearance

The proposed dwelling is set to replace an existing single storey agricultural building associated with Tennis Court Farm. This building will be partially single storey with a two storey element replicating the design and appearance of the nearby dwelling. The proposed dwelling will also incorporate tiles to the roof and stone for the walls. As such it is considered that the proposal will not have a negative impact in regards to its design/appearance and use of materials when viewed directly adjacent the existing dwelling.

Within the previous submission Reference: 18/04724/FUL it was noted that the site did not demonstrate sufficient outside amenity space, while also being located too close to the active farm, and as a result there would be harm to the future occupiers of the development. While the current proposal has provided outside amenity space the site is still seen within close proximity to the farm. Given the site parameters the siting of the proposed dwelling could not be altered, as this would then result in impacts to the driveway which is used to access the existing dwelling. Although the proposal closely replicates the design and appearance of the existing dwelling it can be seen that this existing dwelling has sufficient outside amenity space without having an agriculture building directly adjoining its southern boundary. Based on these factors the proposed dwelling is considered to result in the overdevelopment of the site. The siting of the proposed dwelling would be next to an agriculture building and driveway, and this presents a form of cramped development that does not reflect the existing built form.

Although the principle of residential development in this area is accepted in principle the proposal would fail to respond appropriately to its immediate context in regards to spacing, layout, form, pattern and grain of existing development. Consequently, it is considered that the proposed development would cause harm to the character and appearance of the locality. The proposal is therefore contrary to policies D2, D3 and D7 of the Placemaking Plan.

Residential Amenity

As referred to above the proposed dwelling will be situated within an agricultural holding. Within the previous submission Reference: 18/04724/FUL the proposed dwelling did not provide any outside amenity space. This was due to the proposal aiming to share the garden space belonging to the existing dwelling at Tennis Court Farm. The current proposal intends to use a space to the rear of the building as outdoor amenity space for

the proposed dwelling. This space measures (approximately) 145.8 square metres, is currently hardstanding and would be set between the proposed dwelling and an agricultural building used by the farm. The existing agricultural building is set (approximately) 6 metres away from the proposed dwelling.

Policy D6 of the Placemaking Plan requires that proposals amongst other things do not cause significant harm to the amenities of existing or proposed occupiers of, or visitors to, residential or other sensitive premises by reason of loss of light, increased noise, smell, overlooking, traffic or other disturbance. The distance between the proposed dwelling, and the existing agricultural holding is not considered sufficient. As a result it can be seen that light to the proposed dwellings south elevation would be severely restricted due to the location of the existing agricultural building. The placement of the dwelling adjacent to the access route serving the wider agricultural holding is also expected to give rise to noise, traffic and other disturbances as a result of agricultural activities. As a result the placement of a dwelling in such close proximity to an active agricultural business is considered to give rise to significant residential amenity issues to any future occupiers.

As noted above the proposed building would be considered as a market house dwelling. Given no information has been provided to demonstrate that the proposal is for an agricultural worker the determination of this proposal will be made on this basis.

The proposal is therefore considered to be contrary to policy D6 of the Placemaking Plan.

Highways

Within the previous submission Reference: 18/04724/FUL Highways DC had noted that there would not be a significant road safety concern as a result of the proposal. Given the sites location immediately adjacent to the Housing Development Boundary, there would also be no object for sustainability reasons.

The proposal provides the same access arrangements, and provides a footprint similar to the previous proposal. As such 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 9 of the NPPF subject to compliance with conditions.

Drainage and Flooding Assessment

The BATHNES drainage and flooding team had been consulted within the previous submission Reference: 18/04724/FUL. Within the response received it was noted that there is no objection to the proposal on grounds of drainage and flooding, and that the Proposal will have minimal impact on drainage and flood risk. The revised proposal provides a similar footprint to the previous submission as such the current proposal will not have a negative impact in regards to drainage and flooding.

As the proposal is for the creation of a new dwelling a condition requiring efficient use of water will be attached to any permission in line with policy SCR5.

Other Matters

It is noted that there is sufficient outside space to allow for food growing opportunities. As such the requirements of policy LCR9: Local Food Growing is considered satisfied.

Conclusion

Based on the comments raised above the application is recommended for refusal. The proposed dwelling fails to respond appropriately to the local context in regards to spacing, layout, form, pattern and grain of existing development to the detriment of the character and appearance of the area and due to its size and design will have an adverse effect on the residential amenity and privacy of future occupiers. The proposal is therefore contrary to policies D2, D3, D6 and D7 of the Bath and North East Somerset Placemaking Plan.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed dwelling fails to respond appropriately to the local context in regards to spacing, layout, form, pattern and grain of existing development to the detriment of the character and appearance of the area and due to its size and design will have an adverse effect on the residential amenity and privacy of future occupiers. The proposal is therefore contrary to policies D2, D3, D6 and D7 of the Bath and North East Somerset Placemaking Plan.

PLANS LIST:

This decision relates to the following plans received 25th February 2019:

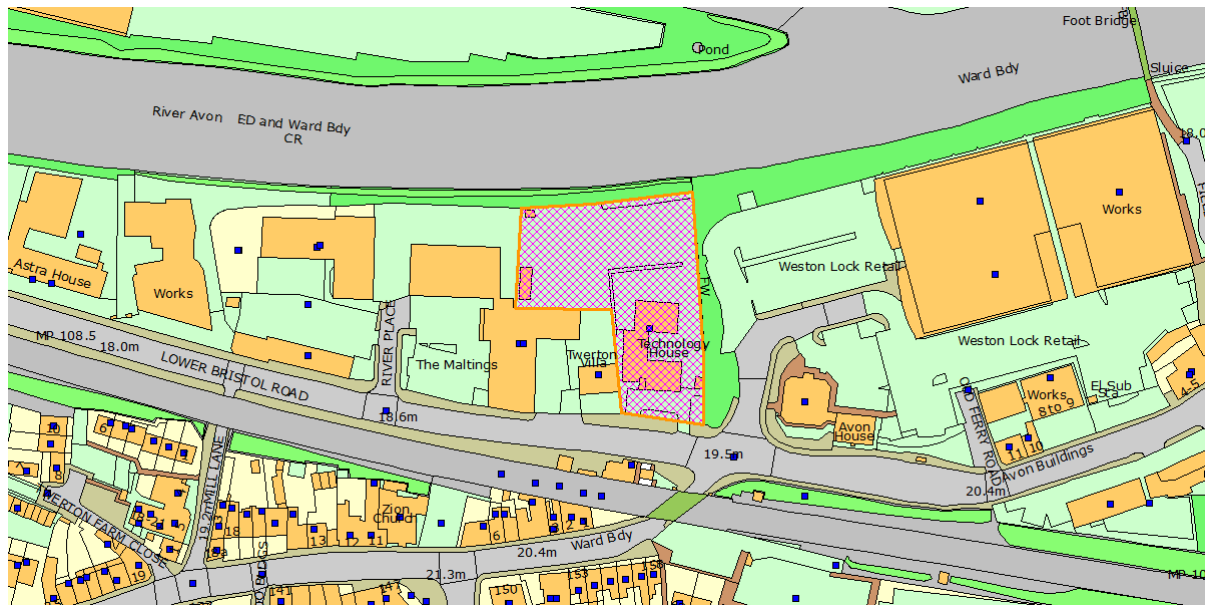
Drawing Number: 7219-1 - Existing and Proposed North Elevations
Drawing Number: 7219-2 - Existing and Proposed East and West Elevations
Drawing Number: 7219-3 - Proposed South Elevations
Drawing Number: 7219-6 - Proposed Site Plan

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework. 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: 04
Application No: 19/00457/FUL
Site Location: Freedom House Lower Bristol Road Westmoreland Bath BA2 1EP



Ward: Twerton **Parish:** N/A **LB Grade:** II

Ward Members: Councillor Tim Ball Councillor Sarah Moore

Application Type: Full Application

Proposal: The addition of metal fencing/ railings fixed to the top of the existing rubble stone wall to western, northern and eastern boundaries of the Freedom House site perimeter.

Constraints: Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Policy B1 Bath Enterprise Zone, Policy B3 Twerton and Newbridge Riversid, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, British Waterways Major and EIA, British Waterways Minor and Householders, Conservation Area, Policy CP9 Affordable Housing Zones, Flood Zone 2, Flood Zone 3, HMO Stage 1 Test Area (Stage 2 Test Req), Policy LCR5 Safeguarded existg sport & R, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE2A Landscapes and the green set, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones, Water Source Areas,

Applicant: Mr Andrew De Thierry

Expiry Date: 10th May 2019

Case Officer: Caroline Power

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

REPORT

Reason for application being considered by Committee: This application was originally recommended for Refusal but was withdrawn from the agenda for the June Committee. Following this further information has been provided informing the Officers of the activities being undertaken on the site and this has in turn led to a review of the recommendation.

Albert Villa is a grade II listed building, situated on the north side of Lower Bristol Road, on land that fronts onto the banks of the River Avon. It is a detached property that was originally built as a Victorian villa and is similar to Twerton Villa, the neighbouring listed building to the west of this site. Immediately to the east is a driveway leading to a modern retail park. The main building belonging to MacDonald's is also a listed building; Avon House grade II and of similar age and architectural style again fronting onto the main road.

The villa is attached a large two storey extension that is known as Technology House. A major development project to construct a new church called Freedom House has been implemented and has recently opened. The site is within the Bath Conservation Area. The site also falls within the World Heritage Site.

This proposal is to provide security railings to the boundary walls that surround three sides of the rear garden to the site, currently used as a car park.

Property History

DC - 02/01160/FUL - PERMIT - 8 December 2006 - Demolition of Technology House, construction of 3 storey office to rear of Albert Villa, and alterations to roof of Albert Villa

DC - 02/02006/LBA - CON - 27 February 2003 - Demolition of Technology House, internal and external alterations to Albert Villa and construction of a three storey office to rear of Albert Villa

DC - 03/00031/LBA - CON - 14 February 2003 - Temporary demolition of 8 m section of boundary wall to rear of Technology House to facilitate Bath CSO project construction works.

DC - 08/00770/LBA - CON - 16 April 2008 - Demolition of Technology House, internal and external alterations to Albert Villa and construction of a three storey office to rear of Albert Villa

DC - 09/01745/LBA - CON - 27 July 2009 - Internal alterations to Albert Villa for the installation of 1no. stud wall in roof space.

DC - 11/01354/LBA - CON - 13 July 2011 - Renewal of consent for demolition of Technology House, internal and external alterations to Albert Villa and erection of three storey office to rear of Albert Villa.

DC - 11/01367/LBA - CON - 24 May 2011 - Internal and external alterations for the conversion of ground floor WC to an office and provision of clear glazing to window, installation of a first floor tea point and installation of 2no. security cameras.

DC - 11/04339/REN - PERMIT - 7 November 2012 - Renewal of application 02/01160/FUL (Demolition of Technology House, construction of 3 storey office to rear of Albert Villa, and alterations to roof of Albert Villa)

DC - 14/02710/CLPU - WD - 24 July 2014 - Construction of outdoor playground in existing courtyard with wrought iron fencing and gate.

DC - 14/03416/FUL - PERMIT - 21 October 2014 - Construction of a children's playground, to include a 50mm artificial grass crash mat, a wooden activity fort (not a permanent fixing) and a wrought iron fence to provide protection.

DC - 15/03027/FUL - PERMIT - 6 April 2016 - Erection of auditorium with associated facilities and parking.

DC - 16/04740/COND - DISCHG - 13 December 2016 - Discharge of conditions 2,4,6 and 7 of application 15/03027/FUL (Erection of church auditorium with associated facilities and parking).

DC - 17/01571/VAR - PERMIT - 6 June 2017 - Variation of condition 14 attached to application 15/03027/FUL (Erection of auditorium with associated facilities and parking).

DC - 18/03634/VAR - PERMIT - 8 October 2018 - Variation of condition 9 of application 17/01571/VAR granted on 06.06.2017

DC - 18/03635/COND - DISCHG - 18 October 2018 - Discharge of condition 10 of application 17/01571/VAR (Variation of condition 14 attached to application 15/03027/FUL (Erection of auditorium with associated facilities and parking))

DC - 18/05410/COND - DISCHG - 29 January 2019 - Discharge of condition 6 of application 17/01571/VAR (Variation of condition 14 attached to application 15/03027/FUL (Erection of auditorium with associated facilities and parking))

DC - 18/05480/NMA - APP - 4 January 2019 - Non-material amendment to application 15/03027/FUL (Erection of auditorium with associated facilities and parking).

DC - 19/00297/LBA - PCO - - Erection of a metal fence to the existing rubble stone boundary wall to western, northern and eastern boundaries.

DC - 19/00457/FUL - PCO - - The addition of metal fencing/ railings fixed to the top of the existing rubble stone wall to western, northern and eastern boundaries of the Freedom House site perimeter.

DC - 19/00746/COND - DISCHG - 15 April 2019 - Discharge of condition 4 of application 15/03027/FUL (Erection of auditorium with associated facilities and parking)

DC - 19/01261/COND - DISCHG - 24 April 2019 - Discharge of condition 2 of application 18/05480/NMA (Non-material amendment to application 15/03027/FUL (Erection of auditorium with associated facilities and parking).)

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Environment Agency- No Objections -recommend an Informative that the applicants require a Flood Defence Consent.

Drainage and Flooding Team- No objections.

Highways DM- The highway authority has no objection to the provision of additional fencing (on existing walls) at this location.

36 letters of support for this proposal; The Trauma Recovery Centre, which is a charity that runs out of Freedom House during the week days, and as a therapy centre working with vulnerable children, young people and their families, therefore any additional safety measures are extremely helpful! Our work is to help these individuals recover following traumatic experiences through 1:1 therapy and parenting support work. There have been previous instances of windows being broken which can seriously disrupt the running of our service, and therefore a fence to help keep the premises secure would be hugely helpful for the community service we provide

The walls are fairly low and do not protect this vulnerable building with a lot of expensive glass windows from intruders/casual vandalism. The carpark to the east is well known for undesirable behaviour late at night. Furthermore, the whole complex houses a charity working with vulnerable and traumatised children during the week who need to be in a safe and protected space. Without a fence on top of the wall, this could not be

guaranteed, laying the council open to accusations of a dereliction of their duty to safeguard children.

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:

DW1: District Wide Spatial Strategy

SD1: Presumption in favour of sustainable development.

CP5: Flood Risk Management.

CP6: Environmental quality

B4: World Heritage Site

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

D3: Urban Fabric

D5: Building Design

D6: Amenity

NE.2: Conserving and enhancing the landscape and landscape character

HE1: Historic environment

ST7: Transport requirements for managing development and Parking Standards

SC5: Sustainable Construction

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

Albert Villa and its extension known as Technology House have been used as the administrative head quarters for a church; Freedom Centre UK and also provides accommodation for the Trauma Recovery Centre. Offices within the buildings are used for administration, treatment and training. The authorised planning use of the site is as B1 offices. The existing building is used five days a week to provide therapy for approximately 100 children and parenting support for those same families every week. Towards the rear of the site is a new building that operates as a church called Freedom House which has recently been completed.

A site inspection has recently taken place and it is noted that certain elements of the officers are being used as treatment, training and assessment areas for the charity, together with other parts being in use for "Sunday school" activities for children of various ages. As such Members are advised that the use of the site is currently a mix of B1 and D1. The applicants have therefore been advised that a planning application will be required to regularise this mixed use.

Both the church and charity engage with a variety of people, many of whom are young and vulnerable. Evidence has been provided demonstrating that there has been a level of break-ins and vandalism due to the location of the site to the adjacent retail park, where anti-social activity is known to take place. The charity operating on site brings with it a number of sensitivities associated with the cases receiving expert therapy and trauma relief. Consequently, the applicants contend that it is important that the site, together with the new Church, need a secure immediate environment where the users can feel safe.

The proposal is for new metal railings to be fixed, between posts, on top or along side the wall along its eastern, northern and western boundary. The new railings would provide consistent security of at least 2m high. The railing design has been revised since the original submission and is now a simple contemporary detail without any embellishment, similar to those used on the adjacent site associated with Avon House (MacDonald's), also Grade II listed.

The main issues in respect of this proposal are as follows:

- Impact on listed buildings and Conservation Area
- Impact on landscape features and visual amenity
- Highway
- Flooding

* Impact on the listed buildings and Conservation Area

The walls around Albert Villa, Technology House and Freedom House are a strong element of the public realm that characterise this part of the conservation area. The walls are also, by virtue of being within the curtilage of Technology House, protected under the same legislation as the main listed house and are therefore listed grade II.

To the road frontage the walls to the villas along this part of the road would have historically been low with cast iron railings, giving a formal appearance that is synonymous with many residential dwellings from the 18th and 19th centuries in Bath. Albert Villa and Technology House has little of this feature surviving, save for remnants of a stone wall and does not have the same aesthetic presence in the street scene as its neighbours. The walls to Curo's site, on a site to the west of Albert Villa, in contrast, are high rubble stone walls, fronting directly onto the road acting as a screen to the industrial site that once operated behind it.

Running down the eastern, northern and western sides of the site, containing both Albert House, the office extension and the recently completed Freedom House, is a continuous rubble stone wall with a mixture of concrete and stone copings that shows no evidence of railings ever being applied. It forms a strong physical barrier between Technology House and the neighbouring retail site. This acts as the boundary to the conservation area in this part of Bath's designated conservation area.

The wall continues directly towards the river and then turns 90 degrees to form another boundary adjacent to the river frontage. It returns at the end of Technology Houses' curtilage where it forms the boundary between the car parks belonging to this site and Curo's. The walls vary in height depending on the topography of the enclosed land and at some points they appear to be over 2m high. All the walls have been looked at as part of this proposal by structural engineers in order to assess whether they are strong enough to support the proposed railings. The eastern wall is in relatively good condition with coping stones of varying materials along its top. The northern and western walls are however, not in such good condition. The applicants have therefore amended their proposal to have a free-standing railing installed inside the grounds to the church adjacent to the wall.

These Victorian villas were built for residential purposes with modest garden walls, apart from their frontages, facing the street. The presence of railings on the boundary walls in this location is not considered to be an appropriate alteration and would cause harm to the character and appearance of the conservation area. Their presence on top of such a simple stretch of garden walling would be uncharacteristic of the way this wall was originally intended to be seen within the context of the listed villas and the river bank.

In addition, railings normally sit on top of low walls. The railings would have the effect of presenting a visual barrier that would present a harmful appearance to the site within the context of the river side setting and would impact negatively upon the conservation area. The resulting fortress-like appearance would create a semi-industrial character to this enclave of traditional Victorian villas that would be strongly at odds with this group.

Consequently, it is considered that the proposal would have less than substantial harm to the character and appearance of the conservation area and in particular, to the setting of the River Avon. This would be contrary to paragraph 196 of the National Planning Policy Framework (NPPF) and HE1 of Bath and North East Somerset's Placemaking Plan. In addition it is also considered that under paragraph 200 of the NPPF, any new development within Conservation Areas are required to enhance or better reveal the significance of those heritage assets. In this situation the proposal would not make a positive contribution towards the setting of the River Avon or to the character and appearance of the conservation area. It is not considered that the setting of Albert Villa will

be harmed in this instance, due to the amount of new additions and development, including the construction of Technology House and Freedom House that has already taken place within its site.

Where the proposal is deemed to have less than substantial harm to a designated heritage asset - in this case the conservation area-the addition of the railings would not preserve or enhance the significance of this heritage asset, it should be weighed up against any public benefits. Although the applicants have provided reports of crime and damage caused to the buildings on this site over the last few years, these are issues relating solely to the use and users of the site and do impact on the wider public domain.

The NPPF advises that public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress and should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. In this case the main benefit will be to the extra security to the public who use the site either for worshipping or therapy connected with the charity. This, in the Officer's view, is a public benefit. When considering the impact of a proposed development on the significance of a designated heritage asset, the NPPF requires that great weight should be given to the asset's conservation. Consequently, it is considered that the harm caused by this alteration on the character and appearance of the conservation area is outweighed by the public benefit. Therefore, the proposal meets the requirements of policy HE1 of Bath and North East Somerset Placemaking Plan 2017 and paragraphs 196 and 200 of the NPPF.

There is a duty placed on the Council under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 when considering whether to grant planning permission for any works to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. In this case the setting of the listed building has already been severely altered and will not be harmed further by this proposal.

Under Section 72 of the same Act it is the Council's duty to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. Whilst this work will have less than substantial harm on the appearance and character of the conservation area, the harm will be outweighed by the public benefits.

Impact on landscape features and visual amenity;

Policy D1 of the Placemaking Plan for Bath and North East Somerset sets out general urban design principles for new development and includes an expectation that development should work with the landscape structure and should contribute positively to the characteristics of the settlement.

Placemaking Plan Policy D2 requires development proposals to respond positively to the site context, in particular local character including layout, siting, set-back, building lines and building forms amongst other factors. This policy requires development proposals to respond appropriately to urban morphology and to enhance and respond to natural features, including landscape, green infrastructure, topography and landform and views.

Placemaking Plan Policy D7 states that backland development could be supported where, amongst other factors, it is not contrary to the character of the area, it is well related and

not inappropriate in height, scale, mass and form to the frontage buildings, and there is no adverse impact to the character and appearance, safety or amenity of the frontage development.

The proposed railings are considered to be out of keeping with the local pattern of development and fail to respond appropriately to the local character of the area with regard to siting, height and local characteristics embodied in this part of the conservation area.

However, the unique circumstances surrounding the religious and charitable uses of this site, overcomes the impact bringing public benefits to the site from the extra level of security that this scheme proposes.

Highways:

Planning permission for the construction of the church to the rear of the site on land belonging to Technology House included an area for parking with access via an existing drive and the installation of a new side gate to the drive, adjacent to Technology House was granted under 15/03027/FUL. As such the Highways Authority do not raise any concerns relating to this proposal and the scheme accords with ST7 of the PMP.

Flooding:

This part of the city is within the flood plain and the close proximity of the River Avon to the site requires any development including this proposal to be submitted to the Environment Agency for their scrutiny. In this case they have not raised any objections. The scheme therefore accords with CP5 of the Core Strategy.

Other Matters:

PUBLIC SECTOR EQUALITIES DUTY:

Section 149 of the 2010 Equalities Act states that a public authority must have due regard to equalities, in particular it must have regard to the relevant protected characteristics of people.

In this case the relevant protected characteristics identified that could be affected are age and disability. The proposal will provide benefits to members of the community, in particular children and young adults, by providing a secure environment for trauma related conditions and religious worship.

The applicants have submitted information with the application explaining the high level of public engagement carried out through the operation of the church and charity. Much of the treatment is focussed on vulnerable groups (families and children) that currently use the facilities and expertise provided by the charity operating within the buildings on the site. The proposal would provide physical infrastructure which will increase the security on the site, providing a safer environment for the users and professional counsellors and clinical staff. It is considered that the protected characteristic of users of the site would benefit from the grant of permission

In response to statutory publicity for the applications, a large number of letters of support have been received. The applicants believe that the safe running of the uses on the site could be disadvantaged by the proposals being refused. These considerations have been taken into account in the planning balance below.

Conclusion:

There is a balance to be considered in weighing up the benefits of the scheme against the harm that has been identified on the character and appearance of the conservation area.

Whilst it is acknowledged that the addition of railings to historic rubble stone walls is not a traditional treatment and will, therefore, impact negatively on the character and appearance of this part of the conservation and river corridor, the public benefits contained in successfully running the Trauma Recovery Centre must also be taken into account. In this case the importance of privacy and confidentiality surrounding the families and individuals who visit the site for treatment and religious worship is considered to outweigh the harm caused to the conservation area and consequently the proposals are recommended for permission.

In reaching a favourable recommendation the council considers it has had due regard to the public sector equality duty under section 149 of the 2010 Equality Act.

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:

Revised Drawing	01 Mar 2019	3051-087	BOUNDARY FENCE LOCATION PLAN
Revised Drawing	02 May 2019	3051-081B	EAST BOUNDARY WALL EAST ELEVATION
Revised Drawing	02 May 2019	3051-082B	EAST BOUNDARY WALL WEST ELEVATION
Revised Drawing	02 May 2019	3051-083B	NORTH BOUNDARY WALL - NORTH ELEVATION
Revised Drawing	02 May 2019	3051-084B	WEST BOUNDARY WALL - EAST ELEVATION

Revised Drawing 02 May 2019 3051-089A TYPICAL PLAN, SECTIONS AND ELEVATIONS
Revised Drawing 02 May 2019 3051-090A NORTH BOUNDARY WALL - VIEW FROM RIVERSID...
OS Extract 01 Feb 2019 3051 - 080 SITE LOCATION PLAN

Condition Categories

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

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

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

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

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

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

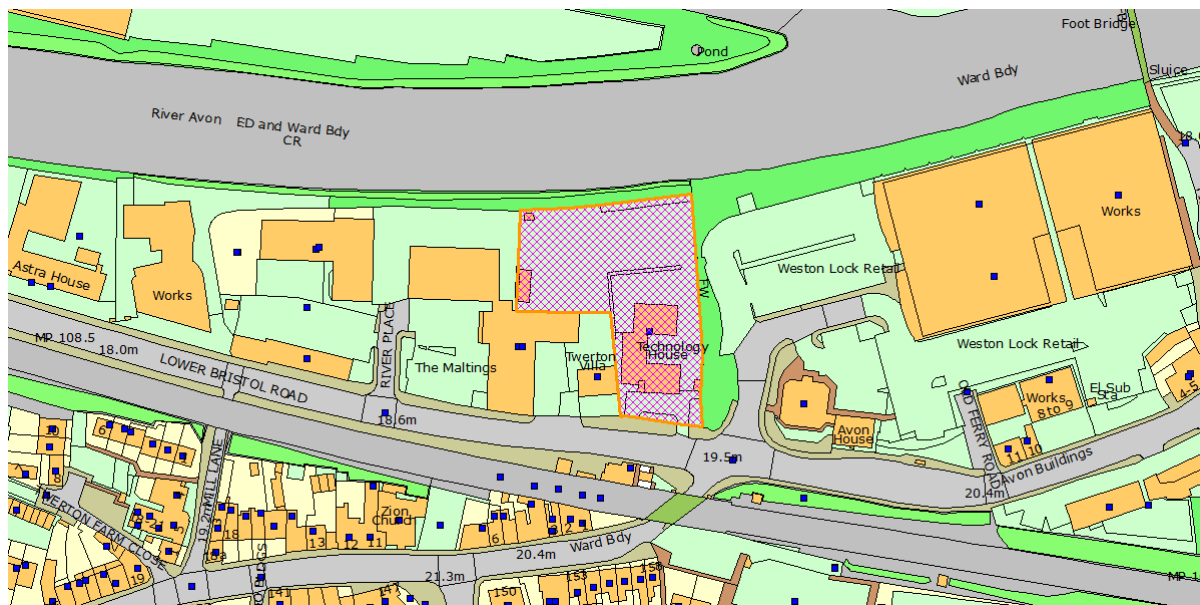
Where approval of further information is required you will need to submit an application to Discharge Conditions and pay the relevant fee via the Planning Portal at www.planningportal.co.uk or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

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

Item No: 05
Application No: 19/00297/LBA
Site Location: Freedom House Lower Bristol Road Westmoreland Bath BA2 1EP



Ward: Twerton **Parish:** N/A **LB Grade:** II
Ward Members: Councillor Tim Ball Councillor Sarah Moore
Application Type: Listed Building Consent (Alts/exts)
Proposal: Erection of a metal fence to the existing rubble stone boundary wall to western, northern and eastern boundaries.
Constraints: Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Policy B1 Bath Enterprise Zone, Policy B3 Twerton and Newbridge Riversid, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, British Waterways Major and EIA, Conservation Area, Contaminated Land, Policy CP9 Affordable Housing Zones, HMO Stage 1 Test Area (Stage 2 Test Req), Listed Building, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones,
Applicant: Mr Andrew De Thierry
Expiry Date: 10th May 2019
Case Officer: Caroline Power
To view the case click on the link [here](#).

REPORT

Reason for application being considered by Committee: This application was originally recommended for Refusal but was withdrawn from the agenda for the June Committee. Following this further information has been provided informing the Officers of the activities being undertaken on the site and this has in turn led to a review of the recommendation.

Albert Villa is a grade II listed building, situated on the north side of Lower Bristol Road, on land that fronts onto the banks of the River Avon. It is a detached property that was originally built as a Victorian villa and is similar to Twerton Villa, the neighbouring listed building to the west of this

site. Immediately to the east is a driveway leading to a modern retail park. The main building belonging to MacDonald's is also a listed building; Avon House grade II and of similar age and architectural style again fronting onto the main road.

The villa is attached a large two storey extension that is known as Technology House. A major development project to construct a new church called Freedom House has been implemented and has recently opened. The site is within the Bath Conservation Area. The site also falls within the World Heritage Site.

This proposal is to provide security railings to the boundary walls that surround three sides of the rear garden to the site, currently used as a car park.

Property History

DC - 02/01160/FUL - PERMIT - 8 December 2006 - Demolition of Technology House, construction of 3 storey office to rear of Albert Villa, and alterations to roof of Albert Villa

DC - 02/02006/LBA - CON - 27 February 2003 - Demolition of Technology House, internal and external alterations to Albert Villa and construction of a three storey office to rear of Albert Villa

DC - 03/00031/LBA - CON - 14 February 2003 - Temporary demolition of 8 m section of boundary wall to rear of Technology House to facilitate Bath CSO project construction works.

DC - 08/00770/LBA - CON - 16 April 2008 - Demolition of Technology House, internal and external alterations to Albert Villa and construction of a three storey office to rear of Albert Villa

DC - 09/01745/LBA - CON - 27 July 2009 - Internal alterations to Albert Villa for the installation of 1no. stud wall in roof space.

DC - 11/01354/LBA - CON - 13 July 2011 - Renewal of consent for demolition of Technology House, internal and external alterations to Albert Villa and erection of three storey office to rear of Albert Villa.

DC - 11/01367/LBA - CON - 24 May 2011 - Internal and external alterations for the conversion of ground floor WC to an office and provision of clear glazing to window, installation of a first floor tea point and installation of 2no. security cameras.

DC - 11/04339/REN - PERMIT - 7 November 2012 - Renewal of application 02/01160/FUL (Demolition of Technology House, construction of 3 storey office to rear of Albert Villa, and alterations to roof of Albert Villa)

DC - 14/02710/CLPU - WD - 24 July 2014 - Construction of outdoor playground in existing courtyard with wrought iron fencing and gate.

DC - 14/03416/FUL - PERMIT - 21 October 2014 - Construction of a children's playground, to include a 50mm artificial grass crash mat, a wooden activity fort (not a permanent fixing) and a wrought iron fence to provide protection.

DC - 15/03027/FUL - PERMIT - 6 April 2016 - Erection of auditorium with associated facilities and parking.

DC - 16/04740/COND - DISCHG - 13 December 2016 - Discharge of conditions 2,4,6 and 7 of application 15/03027/FUL (Erection of church auditorium with associated facilities and parking).

DC - 17/01571/VAR - PERMIT - 6 June 2017 - Variation of condition 14 attached to application 15/03027/FUL (Erection of auditorium with associated facilities and parking).

DC - 18/03634/VAR - PERMIT - 8 October 2018 - Variation of condition 9 of application 17/01571/VAR granted on 06.06.2017

DC - 18/03635/COND - DISCHG - 18 October 2018 - Discharge of condition 10 of application 17/01571/VAR (Variation of condition 14 attached to application 15/03027/FUL (Erection of auditorium with associated facilities and parking))

DC - 18/05410/COND - DISCHG - 29 January 2019 - Discharge of condition 6 of application 17/01571/VAR (Variation of condition 14 attached to application 15/03027/FUL (Erection of auditorium with associated facilities and parking))

DC - 18/05480/NMA - APP - 4 January 2019 - Non-material amendment to application 15/03027/FUL (Erection of auditorium with associated facilities and parking).

DC - 19/00297/LBA - PCO - - Erection of a metal fence to the existing rubble stone boundary wall to western, northern and eastern boundaries.

DC - 19/00457/FUL - PCO - - The addition of metal fencing/ railings fixed to the top of the existing rubble stone wall to western, northern and eastern boundaries of the Freedom House site perimeter.

DC - 19/00746/COND - DISCHG - 15 April 2019 - Discharge of condition 4 of application 15/03027/FUL (Erection of auditorium with associated facilities and parking)

DC - 19/01261/COND - DISCHG - 24 April 2019 - Discharge of condition 2 of application 18/05480/NMA (Non-material amendment to application 15/03027/FUL (Erection of auditorium with associated facilities and parking).)

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

36 Letters of Support Received - Refer to PLANNING APPLICATION.

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:

- CP5 -Flood Risk Management
- 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:

- D1: General Urban Design Principles
- D2: Local Character and Distinctiveness
- D3: Urban Fabric
- D5: Building Design
- D6: Amenity
- NE.2: Conserving and enhancing the landscape and landscape character
- HE1: Historic environment
- ST7: Transport requirements for managing development and Parking Standards
- SC5: Sustainable Construction

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

OFFICER ASSESSMENT

Albert Villa is an early 19th century villa built in ashlar and coursed limestone, with an attractive symmetrical façade facing the main Lower Bristol Road. It is one of three Victorian villas in this part of the conservation area. It has had extensive late 20th century additions to the back of it which are not discernible from the main road. These additions have harmed the listed buildings immediate setting to the rear of the site.

This group of originally residential villas, together with the Maltings Depository building, now converted to Curo's HQ, and the MacDonald's cafe form an interesting group of Victorian buildings along the northern side of the Lower Bristol Road. They are all grade II listed. None of them are currently in residential use, with Albert Vila and Technology House being used for the church and charitable activities associated with a Trauma Recovery centre for vulnerable adults and children.

This part of the Bath Conservation Area is known as Brassmill Lane, Locksbrook and Western Riverside Character Area. The character appraisal for the area identifies the River Avon as the dominant feature of the Character Area which defines the shape of the area as it flows west from Bath towards Bristol and the sea. The draft appraisal goes on to state that; " the present character is dictated by the redevelopment which has occurred since the closure of many industries in the late 20th century, principally at Western Riverside on the former gasworks and Stothert & Pitt sites. The light industrial and commercial character is mixed - sometimes uncomfortably - with residential pockets

including Georgian terraces, comfortable Victorian villas and glossy modern apartment blocks. The Avon continues to offer a tranquil route enjoyed by occasional boaters while cyclists and walkers take the vehicle-free towpath in and out of the centre".

This group of villas, together with Curo's HQ, feature rubble stone walls around their perimeters and are constructed of varying styles and heights. The character area verifies this; "Boundaries throughout the area are varied reflecting the very mixed uses. Walls range from high Bath stone walls on some of the industrial frontages to low stone or brick walls around residential properties. 19th century cast-iron railings are found with housing and more modern security railings are often found on commercial and industrial sites. There are occasionally hedges and fences around house boundaries".

The walls around Albert Villa, Technology and Freedom House are a strong element of the public realm that characterise this part of the conservation area. To the road frontage the walls to the villas would have historically been low with cast iron railings, giving a formal appearance that is synonymous with many residential dwellings from the 18th and 19th centuries in Bath. Albert Villa has little of this feature surviving, save for remnants of a stone wall and does not have the same aesthetic presence in the street scene as its neighbours. The walls to Curo's site, in contrast, are high rubble stone walls, fronting directly onto the road acting as a screen to the industrial site that once operated behind it.

Running down the eastern, northern and western sides of the site, containing Albert Villa, Technology House and the recently completed Freedom House, is a continuous rubble stone wall with a mixture of concrete and stone copings that shows no evidence of railings ever being applied. It forms a strong physical barrier between Technology House and the neighbouring retail site. This is also the boundary to the conservation area in this part of Bath's designated conservation area. The wall continues directly towards the river and then turns 90 degrees to form another boundary adjacent to the river frontage. It returns at the end of the villa's curtilage where it forms the boundary between the car parks belonging to this site and Curo's.

These walls, by virtue of being within the curtilage of Albert Villa, are protected under the same legislation as the main listed house and are therefore listed grade II. The walls vary in height depending on the topography of the enclosed land and at some points they appear to be over 2m high. All the walls have been looked at as part of this proposal by structural engineers in order to assess whether they are strong enough to support the proposed railings. The eastern wall is in relatively good condition with coping stones of varying materials along its top. The northern and western walls are however, not in such good condition. The applicants have therefore amended their proposal to have a free-standing railing installed inside the grounds to the church adjacent to the wall.

Albert Villa and Technology House has been used as a church called Freedom Centre UK since 2000 and also rents the building to a charity the Trauma Recovery Centre. The listed building is used five days a week to provide therapy for approximately 100 children and parenting support for those same families every week. Both the church and charity engage with a variety of people, many of whom are young and vulnerable. The applicants contend that it is important that the site and the construction of a new church on this site called Freedom House need a secure immediate environment.

The proposal is for new metal railings to be fixed, between posts, on top or along side the wall along its eastern, northern and western boundary. The new railings would provide consistent security of at least 2m high. The railing design has been revised since the original submission and is now a simple contemporary detail without any embellishment, similar to those used on the adjacent site associated with Avon House (MacDonald's).

The applicants have provided evidence that the site is vulnerable to vandalism and burglary. The applicants have made a case based on these statistics and the need to protect future users and buildings on the site, justifying the proposed railings on the basis that this will deter anti-social behaviour and result in a public benefit to this part of the city. Recent information has also been submitted that relates to the charity operating on site that brings with it a number of sensitivities associated with the cases visiting the site to receive expert therapy and trauma relief. Consequently, the applicants contend that it is important that the site, together with the new Church, need a secure immediate environment where the users can feel safe. There is substantial evidence to support the view that the need for this development is a public benefit.

These Victorian villas were built for residential purposes with modest garden walls, apart from their frontages, facing the street. The presence of railings on the boundary walls in this location is not considered to be an appropriate alteration and will cause harm to the character and appearance of the conservation area. Their presence on top of such a simple stretch of garden walling will be uncharacteristic of the way this wall was originally intended to be seen within the context of the listed villas and the river bank.

Consequently, it is considered that the proposal would have less than substantial harm to the character and appearance of the conservation area and in particular, to the setting of the River Avon. This would be contrary to paragraph 196 of the National Planning Policy Framework (NPPF) and HE1 of Bath and North East Somerset's Placemaking Plan. In addition it is also considered that under paragraph 200 of the NPPF, any new development within Conservation Areas and World Heritage Sites are required to enhance or better reveal the significance of those heritage assets. In this situation the proposal would neither preserve nor enhance the existing walls to Albert Villa and would not make a positive contribution towards the setting of the River Avon or the character and appearance of the conservation area. It is not considered that the setting of Albert Villa will be harmed in this instance due to the amount of new additions and development, including the construction of Freedom House, that has already taken place within its site.

Where the proposal is deemed to have less than substantial harm to a designated heritage asset - in this case the conservation area-the addition of the railings would harm not preserve or enhance the significance of this heritage asset, it should be weighed up against any public benefits. The applicants have provided reports regarding the sensitive nature of visitors to the Trauma Charity and Church which together with the reported criminal damage are issues relevant to the public domain. The NPPF advises that public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress and should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit.

In this case the high level of public engagement carried out through the operation of the church and charity is a public benefit. Much of the treatment is focussed on vulnerable individuals and groups (families and children) that currently use the facilities and expertise

provided by the charity operating within the buildings on the site. The proposal would provide physical infrastructure which will increase the security on the site, providing a safer environment for the users and professional counsellors and clinical staff. It is considered that the protected characteristic of users of the site would benefit from the grant of permission. Consequently in the Officer's view, there are special circumstances that make this proposal a public benefit.

When considering the impact of a proposed development on the significance of a designated heritage asset, the NPPF also requires that great weight should be given to the asset's conservation. Consequently, it is considered that the harm caused by this alteration on the character and appearance of the conservation area is outweighed by the public benefits of allowing the extra security that this unique site requires. Thus the proposals meet the requirements of policy HE1 of Bath and North East Somerset Placemaking Plan 2017 and paragraphs 196 and 200 of the NPPF and Consent is recommended.

There is a duty placed on the Council 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. It is considered that the works will have a neutral impact on the setting of the listed building and consent is recommended.

Under Section 72 of the same Act it is the Council's duty to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. This work will have a harmful impact on the appearance and character of the conservation area but this will be outweighed by the public benefits to the charity and church operating on the site.

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 Schedule of Repairs (Bespoke Trigger)

Prior to the installation of the railings; in accordance with the approved plans and prior to any further works being undertaken, a detailed schedule of any repair work to the existing walls, including methods and materials to be 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 features of special architectural and historical interest and preserve the character and appearance of the building in accordance with Policy CP6 of the Bath

and North East Somerset Core Strategy and Policy HE1 of the Bath and North East Somerset Placemaking Plan.

3 Mortar Mix (Bespoke Trigger)

No re-pointing shall be carried out until details of the specification for the mortar mix and a sample area of pointing demonstrating colour, texture, jointing and finish have been provided in situ for the inspection and approval in writing by the Local Planning Authority and retained for reference until the work has been completed. Once approved the works shall be completed in accordance with the approved details.

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

4 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:

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Revised Drawing	02 May 2019	3051-089A	TYPICAL PLAN, SECTION & ELEVATION
Revised Drawing	02 May 2019	3051-090A	NORTHBOUNDARY WALL - VIEW FROM RIVERSIDE
OS Extract	23 Jan 2019	3051 - 080	SITE LOCATION PLAN

Condition Categories

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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.

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

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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.

Community Infrastructure Levy

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Item No: 06
Application No: 19/00383/FUL
Site Location: 2 Longhouse The Hollow Dunkerton Bath Bath And North East Somerset



Ward: Bathavon South
LB Grade: N/A

Parish: Dunkerton & Tunley Parish Council

Ward Members: Councillor Neil Butters Councillor Matt McCabe

Application Type: Full Application

Proposal: Erection of a detached double garage along side the house

Constraints: White Ox Mead Air Strip 3km buffer, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Contaminated Land, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Floodplain Protection, Policy HE2 Somersetshire Coal Canal & Wa, LLFA - Flood Risk Management, Policy NE1 Green Infrastructure Network, Policy NE5 Ecological Networks, Policy NE5 Strategic Nature Areas, Neighbourhood Plan, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones,

Applicant: Mr Peter Woodrow

Expiry Date: 3rd July 2019

Case Officer: Samantha Mason

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

REPORT

Reasons for going to committee:

Dunkerton and Tunley Parish Council have supported the scheme. The Case Officer is minded to refuse. As per the Councils scheme of delegation the application was referred to the Chair of the Committee for a recommendation. The Chair said in his decision 'there is some area for debate around the impact on the Green Belt'.

Details of location and proposal and Relevant History:

The application refers to a semi-detached property located in the village of Dunkerton. The site is not within a Housing Development Boundary however the site is located within the Bath and Bristol Green Belt.

Planning permission is sought for the erection of a detached double garage alongside the house.

Relevant Planning History:

DC - 98/03164/FUL - PER - 14 May 1999 - Two storey side extension amended by plans received 27th April 1999

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses:

Dunkerton Parish Council: At its meeting on 21 February 2019 Dunkerton & Tunley Parish Council unanimously supported this application as it complies with policies D2, D5, GB3, GB1, CP8 and ST7. The proposal conforms to policy D2 by positively responding to the context of the site and is in keeping with the local character reflecting the materials of the adjacent landscape. The proposed design is in line with policy D5 in that it complements and enhances the existing host building. The proposed increase in the volume of the property is not disproportionate to the original building and is therefore compliant with policy GB3. This proposal is compliant with policy GB1 in that it would not prejudice the visual aspect of the green belt by way of its design or materials used. The openness of the green belt will not be compromised by this proposal which is in line with policy CP8. The proposal also conforms to ST7 as due to the ample on-site parking provided by this development highway safety is not prejudiced.

Highways DC: No objections subject to conditions and advisories.

Representations Received:

1 comment received from a third party as follows;

No 2 Longhouse is one of a pair of modest but attractive miners' cottages attached to Grade 2 Listed Crooked Cottage. The elevations are of coursed local rubble stone with bath stone ashlar detailing to all openings. The roofs are brown tiled and pitched with black guttering.

In 1998 planning permission was granted for a 2 storey extension which we understood was to include a single garage.... it was not built as such. The footprint/volume of the cottage was increased by more than 50%. The proposed double garage is large (8.9m wide) and the footprint will consequently be more than 100% larger than the original property. The road facing elevation is 3.6m high extending up to create a walled terrace on the paved flat roof of the garage. Less intrusive would be a pitched roof with a ridge at the height of the terrace wall and a flat roof terrace behind. The roadway (not shown on the drawings) is single track, narrow and sloping. The front of the garage is within 2m of the road. Vehicles often pass at more than the 20mph restriction. All other garages in the

neighbourhood are set back from the road (and have pitched tiled roofs) We appreciate that no 2 Longhouse currently has a parking space for only one car and a small garden compared with all neighbours. The proposed double garage will reduce the garden area, hence the flat roof terrace and the location of the garage at the extreme front of the site.

POLICIES/LEGISLATION

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

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

Core Strategy:

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

CP2: Sustainable Construction

CP6: Environmental Quality

CP8: Green Belt

DW1: District Wide Spatial Strategy

SD1: Presumption in favour of sustainable development

Placemaking Plan:

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

D1: General urban design principles

D2: Local character and distinctiveness

D.3: Urban fabric

D.5: Building design

D.6: Amenity

GB1: Visual amenities of the Green Belt

GB3: Extensions and alterations to buildings in the Green Belt.

HE1: Historic Environment

NE2: Conserving and Enhancing the landscape and landscape character

ST7: Transport requirements for managing development

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).

SPD's:

The Existing Dwellings in the Green Belt Supplementary Planning Document is also relevant in the determination of this application.

OFFICER ASSESSMENT

The main issues to consider are:

- Principle of development in the Green Belt
- Design and Heritage
- Residential amenity
- Highways safety and parking
- Any other matters

GREEN BELT:

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

The National Planning Policy Framework (NPPF) states that the construction of new buildings within the Green Belt should be regarded as inappropriate development which, by definition, is harmful to the Green Belt and should not be supported except in very special circumstances. The proposed development, being a detached double garage would be within this definition and should therefore be refused planning permission. However as the proposed garage is sited so close to the existing house, as extend, and will have both a very close visual and functional connection with the house it can, in these circumstances, be regarded as an extension to the original building i.e. original house. In these circumstances the NPPF states that there are a number of exceptions to inappropriate development, one of these exceptions is the extension of an existing building, providing it does not result in a disproportionate addition over and above the size of the original building.

This national policy advice is to be read together with the relevant development plan. Policy GB3 of the Placemaking Plan states that proposals to extend a building in the Green Belt will only be permitted provided they would not represent a disproportionate addition over and above the size of the original building. In relation to extensions or alterations to existing dwellings the Placemaking Plan states that the SPD 'Existing Dwellings in the Green Belt' (2008) should continue to guide decisions.

The SPD states that limited extensions to a dwelling house may be acceptable, providing that they do not represent a disproportionate addition over and above the size of the

'original dwelling'. It advises that extensions up to about a third the size of the original property are generally considered acceptable. Extensions greater than this are considered inappropriate development.

The original dwelling was previously extended in 1998 with a large two storey side extension. Volume calculations have not been submitted with the scheme but the officer has undertaken an assessment of volume. The original dwelling was approximately 260m³ and the 1998 extension was approximately 230m³, resulting in a volume increase of well over a third at 89%. The property has therefore already been extending beyond the limits usually allowed in the Green Belt. The proposed garage block would result in an additional 189m³ of volume and the result would be a percentage increase of over 150% compared to the original property. This far exceeds the council's guidance within the SPD, representing a disproportionate extension and therefore should be refused planning permission.

Impact on Openness:

The Government attached great importance to Green Belts. The NPPF states that a fundamental aim of green belt policy is to keep land permanently open. Openness is a key characteristic of the Green Belt.

The proposal site currently comprises a large mature hedge and a steep bank setting the garden well up above street level. This current part of the site is free from development.

An assessment of impact on openness is based on visual and spatial impact. The proposal would be readily visible from the road and spatially is a large double garage (189m³ in volume) that requires a large amount of excavation. The proposal would clearly reduce the openness of the site, replacing a verdant bank with a permanent structure, representing encroachment into the countryside.

Overall it is considered that the proposal would impact on openness of this part of the Green Belt as a whole, by reducing the physical openness of the site. The proposal is therefore inappropriate development which is by definition harmful to the Green Belt.

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 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. The council does not consider that there are any Very Special Circumstances relating to this proposal but the applicant considers that they have a 'fall-back position'. A 'fall-back position' in planning terms is a legitimate alternative scheme that could be implemented.

Under permitted development rights the applicant could build an outbuilding incidental to the enjoyment of the dwelling house. However the applicant would be required to do extensive engineering works which would not be permitted development to achieve the garage in its proposed location. Under permitted development the garage would have to

be set well above street level within the applicants garden (which is significantly raised above street level) and therefore would render it inaccessible by car. If the applicant chose to set it back in the site significant engineering works would still be required to access the garage which would likely require permission. It is therefore considered that the application has no 'fall-back position' to rely on and which the council could regard as Very Special Circumstances which would outweigh the harm caused to the Green Belt by the inappropriate development.

Green Belt Summary:

The proposal is contrary to policy CP8 of the adopted Core Strategy and policy GB1 and GB3 of the Placemaking Plan for Bath and North East Somerset (2017) and the NPPF.

DESIGN AND CHARACTER:

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.

The Hollow is a typical rural road that becomes relatively lush and verdant in nature as the settlement begins. The proposal sees the removal of a large mature hedge that adds to the local character. The loss of the hedge is considered to impact on the verdant nature of the site and locality in a way that is considered harmful to the rural character.

Overall the proposal by reason of its siting, and as such loss of the hedge, is considered to result in harm to the rural character of the site and as such is contrary to Policy D2 of the Placemaking Plan for Bath and North East Somerset (2017) and paragraph 17 and part 7 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.

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

Highways Development Control originally raised concerns over the scheme. Revised plans and further information was subsequently submitted. The 'Proposed Garage

Dimensions' plan demonstrates that the proposed internal dimensions of the garage are sufficient to safely accommodate two 6-metres by 3-metres spaces, which is acceptable.

Submitted plan reference 1899/001 demonstrates that a 'Ford Connect' type vehicle is able to approach the proposed dwelling from the south-east and safely reverse into both spaces within the garage, which is acceptable.

The same plan also indicates that the same vehicle is able to exit both spaces within the garage in a forward gear when heading in a north-westerly direction.

The manoeuvres indicated on the submitted plan are the most onerous, therefore, HDC is satisfied that a 'Ford Connect' type vehicle approaching the proposed garage from the north-west will also be able to safely reverse into the two spaces within the garage and also exit the garage in a forward gear when heading south-eastbound.

HDC therefore raises no highway objection, subject to conditions and advisory notes.

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.

CONCLUSION:

This application is clearly contrary to the guidance within the NPPF and council policy, and in the absence of Very Special Circumstances should be refused to safeguard the Green Belt from inappropriate development and to safeguard the character and appearance of this part of The Hollow.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed development represents inappropriate development in the green belt and it would be harmful to the openness of the green belt. The proposal is contrary to policy CP8 of the adopted Core Strategy and policy GB1 and GB3 of the Placemaking Plan for Bath and North East Somerset (2017) and the NPPF.

2 The proposal by reason of its siting, and loss of the hedge, is considered to result in harm to the rural character of the site and as such is contrary to Policy D2 of the Placemaking Plan for Bath and North East Somerset (2017) and paragraph 17 and part 7 of the NPPF.

PLANS LIST:

This decision relates to the following plans:

06 Feb 2019 Existing Plan and Site Location Plan

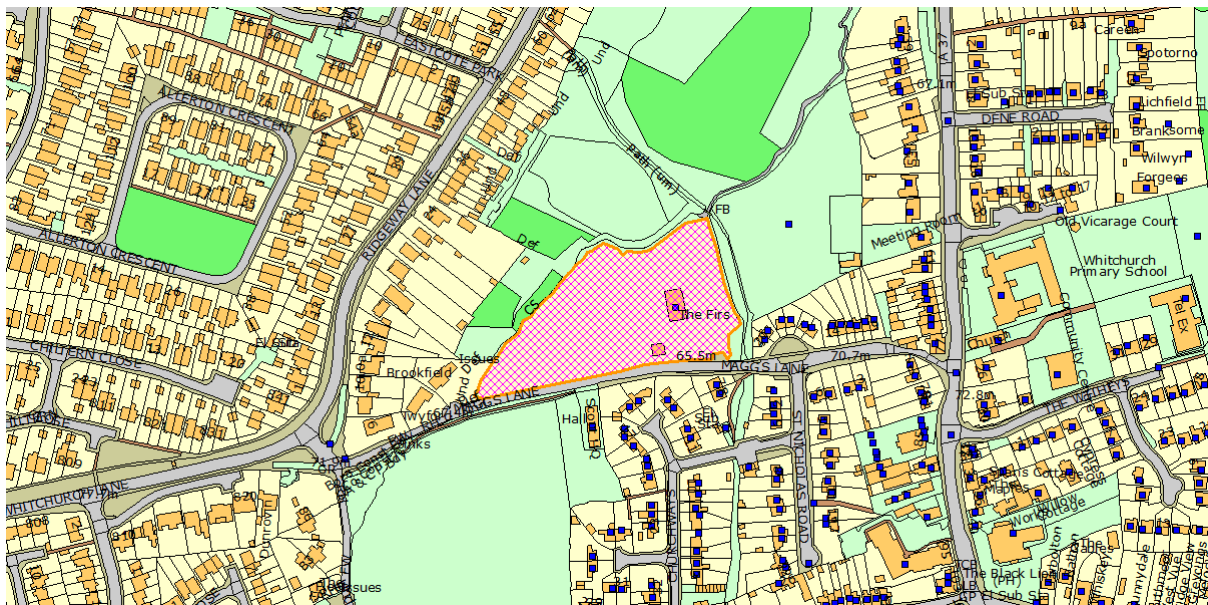
06 Feb 2019 Existing Front Elevation and Proposed Front Elevation

06 Feb 2019 Existing Rear Elevation and Proposed Rear Elevation

28 March 2019 Existing Side Elevation and Proposed Side Elevation
28 Mar 2019 Proposed Hardstanding
16 Apr 2019 Proposed Garage Specifications
16 Apr 2019 Proposed Site Plan and Access

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

Item No: 07
Application No: 19/01177/FUL
Site Location: The Firs Maggs Lane Whitchurch Bristol Bath And North East Somerset



Ward: Publow And Whitchurch **Parish:** Whitchurch **LB Grade:** N/A
Ward Members: Councillor Paul May
Application Type: Full Application
Proposal: Provision of loft conversion. (Resubmission)
Constraints: Bristol Airport Safeguarding, Agric Land Class 3b,4,5, Coal - Standing Advice Area, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Housing Development Boundary, LLFA - Flood Risk Management, Policy NE2A Landscapes and the green set, Policy NE5 Ecological Networks, All Public Rights of Way Records, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,

Applicant:	Mr Ian Rideout
Expiry Date:	17th May 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 Paul May, ward councillor for Public and Whitchurch, requested that should officers be minded to recommend refusal, that application is referred to the Planning Committee. Planning policy reasons were given by both the ward councillor and Whitchurch Village Council in support of the application. The Chair has considered the application and decided that the application should be determined by the Planning Committee.

DESCRIPTION OF SITE AND APPLICATION:

The Firs is a detached residential bungalow located within the parish of Whitchurch. The property is outside the Housing Development Boundary for the village, located between the HDB of Whitchurch and the boundary of Bristol City Council. The site is within the Bristol and Bath Green Belt.

Planning permission is sought for the erection of an extension to the main roof, changing its form from a hipped to a gabled roof with half-hips to facilitate a loft conversion.

The application is a revised submission of refused application 18/05720/FUL.

RELEVANT PLANNING HISTORY:

AP - 03/00001/RF - DISMIS - 9 September 2003 - Extension

DC - RURAL01/01323/FUL - RF - 3 August 2001 - Extension and alterations to form 2-storey house

DC - 02/01905/FUL - RF - 26 September 2002 - First floor extension

DC - 04/00271/FUL - RF - 11 March 2004 - Roof extension to provide additional floor of residential accommodation

DC - 97/02653/FUL - REF - 5 September 1997 - Conversion of garage to form residential annexe

DC - 98/02432/FUL - REF - 17 June 1998 - Alterations to garage to form granny flat as amplified by letter received 2nd June 1998.

DC - 05/00939/FUL - PERMIT - 10 May 2005 - Provision of three dormer extensions as amended by letter dated 3 May 2005

DC - 05/03402/FUL - PERMIT - 8 December 2005 - Conversion of loft with side dormer (resubmission)

DC - 06/01027/FUL - RF - 1 June 2006 - Extensions and alterations to property to create first-floor accommodation

DC - 06/03876/FUL - PERMIT - 29 December 2006 - Extensions and alterations to property to create first floor accommodation (Resubmission)

DC - 07/02798/FUL - RF - 22 October 2007 - Installation of loft with dormers

DC - 18/05720/FUL - RF - 22 February 2019 - Provision of loft conversion.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

CONSULTATIONS:

Whitchurch Village Council support the application, commenting as follows:

"The development is of good design and within the existing footprint of the site. It does not create an overdevelopment of the site.

The development is an individual property and is therefore in line with the Neighbourhood Plan policy WV 1.2 The design is high quality and matches policy WV 1.1 The property is not listed so does not contradict policy 1.4 It does not represent any reduction in Green Belt between Whitchurch Village and Bristol The property already exists and therefore integrates well within policy WV 3.1 The property has been extended for a long time before the green belt 30% increase policy.

The Village Council request that this application is referred to committee to assess the minimal impact this extension will have."

OTHER REPRESENTATIONS / THIRD PARTIES:

Cllr Paul May supports the application, commenting as follows:

"The property is in the green belt and had previously increased in size by 50% before the current green belt policy was introduced.

It is a large site between housing areas and the application keeps to the existing footprint and would find favour but for the 30% current policy.

I can and will appeal to the committee for a reasonable interpretation of the current policy."

No third party comments received.

POLICIES/LEGISLATION

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

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

Core Strategy:

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

CP6: Environmental Quality
CP8: Green Belt

Placemaking Plan:

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

D1: General Urban Design Principles
D2: Local Character and Distinctiveness
D3: Urban Fabric
D5: Building Design
D6: Amenity
GB1: Visual Amenities of the Green Belt
GB3: Extensions and alterations to buildings in the Green Belt.
NE2A: Landscape Setting of Settlements
ST7: Transport requirements for managing development

Neighbourhood Plan:

The Whitchurch Village Neighbourhood Plan was 'made' on 18th December 2017. The plan contains policies on design, housing development, employment, maintaining the green buffer between Whitchurch and Bristol, highway impacts, and community facilities. The following policies are relevant to this application:

WV 1.1 - Village Design

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
Section 13: Protecting Green Belt land
Section 15: Conserving and enhancing the natural environment

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

SPDs

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

OFFICER ASSESSMENT

PLANNING ISSUES:

The main issues to consider are:

- Impact on the Green Belt
- Character and appearance
- Residential amenity
- Parking and highway safety

OFFICER'S ASSESSMENT:

Green Belt:

The site is within the Bath and Bristol Green Belt. Section 13 of the NPPF states that new buildings are inappropriate in the Green Belt and that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 of the NPPF outlines the exceptions where new buildings may be appropriate. This includes proposals for extensions and alterations to existing buildings, provided that the development does not result in disproportionate additions over and above the size of the original building.

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

The available planning history, historic mapping and aerial photography all indicate that the original dwelling was a square bungalow contained within the footprint of the main four-sided hipped roof. According to aerial photography and reports of applications outlined within the planning history, a rear extension was constructed in the 1990s which included the two lower hipped sections at the rear of the existing bungalow.

The current application is a revision of refused application 18/05720/FUL to enlarge the roof space by converting the roof form from a hipped to a gable roof. As stated within the report of 07/02798/FUL and verified within the assessment of 18/05720/FUL, the dwelling has already been extended by 50% of the original volume with the previous single storey rear extension. The proposed roof extension in addition to previous extensions would have resulted in a cumulative volume increase of 57% of the original building, far in excess of the limit allowed within the SPD.

The proposal has now been revised and resubmitted with the corners recessed to provide half-hips within the gable ends, reducing the additional bulk. However, the proposed roof and previous extensions will result in a 52.6% increase in volume over the original dwelling.

It is appreciated that the dwelling had previously increased in size by 50% prior to adoption of the SPD and the current policy framework where the test would not have been applied. However, Green Belt policy explicitly states that extensions must be assessed

against the volume of the original building. Applications can only be assessed against adopted policy at the time of determining the application and the previous works exceeding the limit of subsequent policy restrictions do not mean that the restriction no longer applies to this building.

It is accepted that the footprint of the building will not increase, but extensions to buildings in the Green Belt are assessed in relation to bulk and volume and this detail does not alleviate the harm. It is claimed that the dwelling is within a residential area and not open Green Belt countryside. However, this does not carry significant weight in assessing whether a building is disproportionate in Green Belt terms. Furthermore, the site is located within the land between Whitchurch Village and the city of Bristol, where Green Belt openness is particularly sensitive.

As it is concluded that the development is disproportionate by virtue of the adopted test, very special circumstances must be justified to comply with Green Belt Policy. It has been highlighted that no concerns were raised in the assessment of 18/05720/FUL over the design of the roof extension and Whitchurch Village Council outline how the scheme is compliant with Neighbourhood Plan policies, where relevant. However, compliance with Development Plan policies on design or other matters does not outweigh Green Belt policy.

The case referred to within the submission for a new club house (under application 13/01415/FUL) represents very different development that is accepted under a particular exception for new buildings in the Green Belt for outdoor sports and recreation, and is not relevant to this application.

While the personal circumstances of the family occupying the dwelling is appreciated, personal circumstances very rarely carry material weight in the assessment of planning considerations and would not outweigh harm to the Green Belt.

As defined within adopted Green Belt policy, the proposed development will result in a disproportionate increase to the original building. The proposal therefore represents inappropriate development in the Green Belt in principle, contrary to policy GB3 of the Placemaking Plan, Policy CP8 of the Core Strategy and Section 13 of the NPPF.

Character and Appearance:

Policy D1, D2, D3 and D5 of the Placemaking Plan require proposals to have regard to the character and appearance of the development and its impact on the character and appearance of the host dwelling and wider area. Development proposals will be supported 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.

The Firs is a bungalow set centrally within a large plot, set back and gated off from the highway. It appears physically disconnected from the dwellings to the south and east within the village of Whitchurch and this is reflected in its exclusion from the Housing Development Boundary for the village. It is its own entity within the street scene, as a hipped roofed bungalow, but is not particularly prominent within it. However, the site falls

within land designated as landscape setting of a settlement to be assessed under policy NE2A of the Placemaking Plan.

The bungalow has a pyramid shaped main roof with two smaller projecting hipped sections at the rear providing a single storey rear extension to the dwelling. The application proposes a loft conversion, increasing the volume of the roof space by changing the form of the main roof to a side-facing gable roof with the corners clipped to provide half-hips. Despite this change in roof form, it is considered that the proposals will not significantly detract from the character of the host building. The proposed materials are concrete double roman tiles, as per the existing roof.

In this regard, the proposed development will not harm local character and distinctiveness and the proposal sufficiently respects the character and appearance of the existing dwelling. The proposal is therefore in accordance with policy CP6 of the Core Strategy, policies D1, D2, D3, D5 and NE2A of the Placemaking Plan and section 12 of the NPPF.

The proposed additional bulk resulting from the roof alterations, whilst changing its appearance, will not harm the openness or visual amenities of the Green Belt. In this respect, the proposal is in accordance with policy GB1 of the Placemaking Plan.

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 dwelling is located centrally within a large plot, where distances to neighbouring dwellings and their gardens are sufficient to minimise harm. The additional bulk and fenestration proposed with the roof alterations will have a negligible impact on the amenities of surrounding properties.

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 adequate parking and will not affect the existing access arrangements. The proposal will therefore not compromise highway safety, in accordance with policy ST7 of the Placemaking Plan.

CONCLUSION:

It is considered that the proposal is contrary to Green Belt policy as inappropriate development in the Green Belt, and it is recommended that the application is refused.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed development, by virtue of its volume increase in conjunction with previous additions to the dwelling, will result in a disproportionate increase to the original building. The proposals therefore constitute inappropriate development in the Green Belt, contrary to policy GB3 of the B&NES Placemaking Plan, Policy CP8 of the B&NES Core Strategy, Section 13 of the NPPF and the guidance contained within the B&NES Existing Dwellings in the Green Belt Supplementary Planning Document (October 2008).

PLANS LIST:

This decision relates to the following plans:

Location Plan, Existing Front and Rear Elevations, Existing Side Elevations, Existing Ground Floor Layout, Proposed Front and Rear Elevations, Proposed Left and Right Side Elevations, Proposed Ground Floor Layout, Proposed Loft Conversion Layout, all received 20/03/2019.

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