

# Bath & North East Somerset Council

MEETING: **Planning Committee**

MEETING DATE: **20th October 2021**

AGENDA  
ITEM  
NUMBER

--

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.

## INDEX

ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	20/03152/FUL 25 November 2021	St Monica Trust Development Site Next To Somerdale Pavilion, Trajectus Way, Keynsham, Bath And North East Somerset, Erection of 44 no. Extra Care units (Use Class C2) and ancillary works including landscaping.	Keynsham North	Chris Griggs-Trevarthen	Delegate to PERMIT
02	21/00282/FUL 26 October 2021	Oldfield School Oldfield School, Kelston Road, Newbridge, Bath, Bath And North East Somerset Re-level existing school playing field to include excavation and filling works.	Newbridge	Isabel Daone	PERMIT
03	21/01609/FUL 15 July 2021	Mr And Mrs John Pullin Parkfield Coach House, Park Gardens, Lower Weston, Bath, Bath And North East Somerset Erection of orangery following removal of rear conservatory. Alterations to windows and installation of rooflights.	Weston	Christine Moorfield	PERMIT
04	21/03666/FUL 28 September 2021	Mr Jeff Manning 16 Oakhill Road, Combe Down, Bath, Bath And North East Somerset, BA2 5PH Erection of new one-bedroomed flat for renting to students or as a holiday-let, ancillary to the existing house and extension of porch and installation of 11 solar panels to the front roof slope of the existing house.	Combe Down	Chloe Buckingham	REFUSE
05	21/02733/FUL 19 August 2021	Mr Ben Johnson Scourse Mendip View, The Street, Ubley, Bristol, Bath And North East Somerset Erection of a rear extension and internal alterations (re-submission)	Chew Valley	Caroline Power	REFUSE

06

21/02734/LBA  
19 August 2021

Mr Ben Johnson Scourse  
Mendip View, The Street, Ubley, Bristol,  
Bath And North East Somerset  
External works for the erection of a rear  
extension and internal alterations to the  
ground floor only to remove an existing  
pantry and bathroom and accommodate  
a new wet room within the former WC  
(now used as a store) (re-submission)

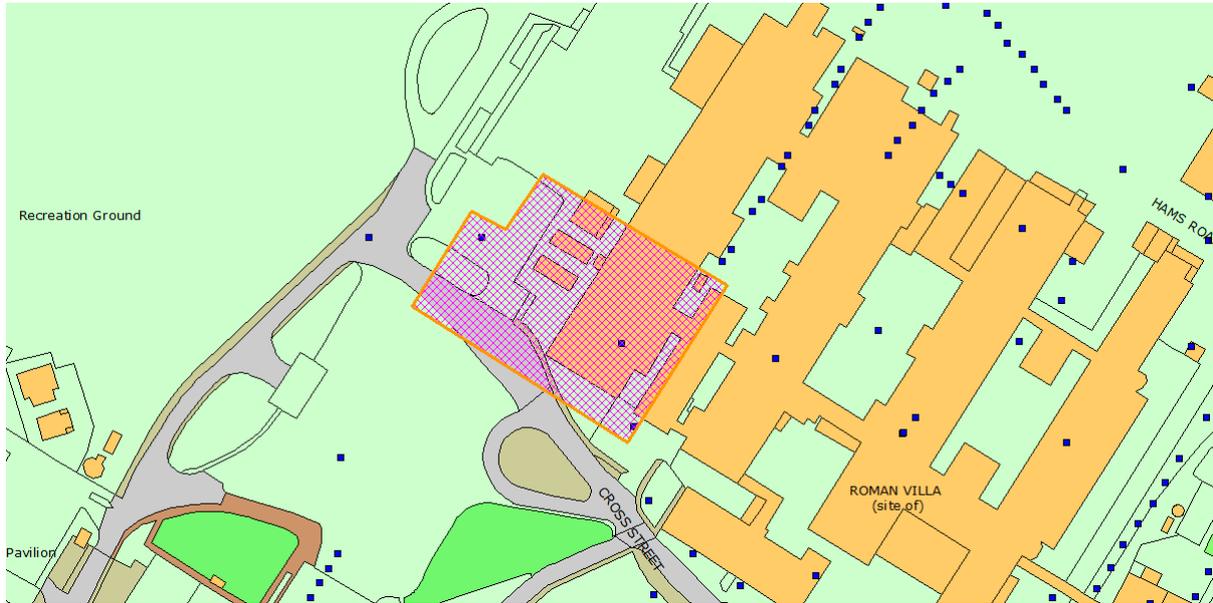
Chew Valley

Caroline  
Power

REFUSE

## **REPORT OF THE HEAD OF PLANNING ON APPLICATIONS FOR DEVELOPMENT**

**Item No:** 01  
**Application No:** 20/03152/FUL  
**Site Location:** Development Site Next To Somerdale Pavilion Trajectus Way  
Keynsham Bath And North East Somerset



**Ward:** Keynsham North                      **Parish:** Keynsham Town Council                      **LB Grade:** N/A

**Ward Members:** Councillor Brian Simmons Councillor Vic Clarke

**Application Type:** Full Application

**Proposal:** Erection of 44 no. Extra Care units (Use Class C2) and ancillary works including landscaping.

**Constraints:** Agric Land Class 3b,4,5, Coal - Standing Advice Area, Policy CP9 Affordable Housing Zones, Policy LCR5 Safeguarded existg sport & R, Policy NE1 Green Infrastructure Network, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,

**Applicant:** St Monica Trust

**Expiry Date:** 25th November 2021

**Case Officer:** Chris Griggs-Trevarthen

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

### **REPORT**

#### **REASONS FOR REPORTING TO COMMITTEE**

Keynsham Town Council have objected to the application, contrary to the officer's recommendation. In accordance with the scheme of delegation, the application has been referred to the chair of the Planning Committee. They have decided that the application should be determined by the Planning Committee for the following reason:

*"I have reviewed this application carefully and read the comments from Keynsham Town Council and other third parties.*

*The affordable housing offer is welcome and keeps the scheme within the percentages agreed in 2013 for the whole site. The parking arrangements are policy compliant and adjustments made to the landscaping plan are also welcome.*

*Many of the objections, however, reflect the revised height of Block D and the loss of previously agreed small scale local needs retail. These concerns are also expressed in the reports from the Urban Design officer and Planning Policy team.*

*I am therefore referring this application to committee so that these aspects can be debated in a public forum."*

## DESCRIPTION

The application site is approximately 0.4 hectares and is situated within the Somerdale development site located to the north of Keynsham.

Planning permission was granted on 19th February 2014 (13/01780/EOUT) for the mixed-use development of the former Cadbury factory site, Somerdale. Subsequent applications on the site (see detailed planning history below) have made various alterations to the total number and mix of dwellings proposed.

Significantly, blocks A and B which represent two of the retained buildings from the former Cadbury factory are now owned and operated by St Moncia's Trust (SMT) as a Care Village consisting of a 93-bed Care Home, 136 Extra Care apartments (Use Class C2) and communal facilities. Block C

The rest of the Somerdale site is being development by Taylor Wimpey. Phases 1 and 2 have been substantially completed and significant work has progressed in phase 3 of the development.

This application seeks permission for the erection of a five storey building (block D) to the immediate west of block C to provide 44no. extra care dwellings alongside associated landscaping and parking.

These proposals would essentially replace part of the approval under 17/02586/ERES which indicated that block D would be a four storey apartment block comprising 24 residential units with ground floor retail/medical centre uses.

## PLANNING HISTORY

There are several existing overlapping planning permission which make up the current Somerdale site. These include the following relevant planning permissions

13/01780/OUT

Hybrid planning application for the mixed use development comprising:

a) Outline application for up to 433 dwellings, 60 bed care home (C2 use) primary school (D1 use) local centre to include creche and medical facility (D1 use) and retail (A1, A3, A4, A5 uses) cafe/restaurant (A3 use).

b) Detailed application for the erection of 154 dwellings, change of use of Block A for up to 113 apartments, highway works at Somerdale Road/Station Road, social and sports pavilion (new Fry Club), new sports pitches, relocation of groundsmans hut, alterations to factory buildings B and C for employment use (B1) leisure (D2 uses) and retail (A3, A4 and A5 uses).

This permission included parameter plans which indicated that the block D site should be in mixed use and up to 4 storeys. There was a requirement for any subsequent reserved matters to be consistent with the parameters. It was also agreed that 29% of the total number of dwellings for the whole site would be provided as affordable units.

14/05811/EFUL

Full planning permission for the partial demolition, change of use and extension of Building B to a 135 unit care home use (C2, the partial demolition, extension and use of Block C for employment use (B1) alongside the erection of 30 dwellings (open market and affordable) at the site of a previously approved care home including the use of existing basements for car parking (Buildings B and C), associated surface level parking, access roads, landscaping and associated infrastructure. Works altering planning approval 13/01780/EOUT as approved on 19th February 2014.

This permission overlapped the outline permission and promoted block B for a care home use with block C proposed for B1 employment use. The previously approved care home was replaced with a proposal for 30 extra care dwellings.

15/1661/ERES

Approval of reserved matters in relation to application 13/01780/EOUT for the development of 208 dwellings.

This was an application for Phase 2 and included 'Fry Club Square' which includes some of the land subject to this current application. However, the proposed building for block D was excluded from this application before it was determined.

17/02586/ERES

Approval of reserved matters for the erection of 225 dwellings and associated infrastructure (layout, scale, appearance and landscaping) in relation to outline planning permission 13/01780/EOUT.

This application for phase 3 included the block D site and granted approval for a four storey apartment block comprising 24 residential units with ground floor retail/medical centre uses. This block was nominated as 100% affordable housing and makes a significant contribution towards the 29% affordable housing provision on the overall site.

15/04706/EFUL

Partial demolition, change of use and extension of Buildings A and B to create a Care Village consisting of a 93-bed Care Home, 136 Extra Care apartments (Use Class C2) and communal facilities. Partial demolition, change of use and extension of Building C to

B1 Office on part ground and upper floors (10,139m2 GIA) on part ground floor. Associated surface car parking, the use of basements for car parking, cycle parking, landscaping and associated infrastructure. Proposals altering previous site wide planning approval 13/01780/EOUT as approved on 19 February 2014.

This application substituted the 113 consented dwellings in block A with C2 extra care flats and granted consent for a medical centre, pharmacy and retail use within block C.

### **Environmental Impact Assessment**

The proposals the subject of the original planning application constituted Schedule 2 development under the Town and Country Planning (Environmental Impact) Regulations 2011. The original outline application was supported by an Environmental Statement (ES) that reported on the assessment of the likely significant environment effects of the proposed development.

Regulation 8 of the EIA Regulations sets out the legal requirements with respect to subsequent applications where environmental information has previously been provided. The Block D application is a subsequent application, and an ES and ES addendum were submitted in support of the outline application in March and August 2013 respectively.

It is considered that compared with the impacts assessed in the ES for the wider site no new or materially different significant effects on the environment will arise as a consequence of the current proposals. The amendments to the application now proposed do not give rise to any new or materially different significant environmental effects from those assessed as part of the original application.

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

**LANDSCAPE:** Objection

Insufficient evidence has been provided to support the conclusions of the LVIA that the only landscape effects would be beneficial.

It remains my view that the pedestrian circulation spaces around the north, south and east sides of the proposed building are excessively cramped and that a reduction in height and increased separation between the existing and proposed buildings would help alleviate this.

**URBAN DESIGN:** Scope for revision

The scheme is too great in scale, height and mass for the context. Public realm quality is compromised by the layout, highways dominance and scale of development. Sustainable construction measures are inadequate. Architecture lacks provision of quality living spaces and arrangements of homes for residents. There is much scope for improvement of the design for this proposal all round.

**CONSERVATION:** No objection

**HOUSING:** No objection, subject to conditions

**ECOLOGY:** No objection, subject to conditions

HIGHWAYS: No objection, subject to conditions

CONTAMINATED LAND: No objection, subject to conditions

DRAINAGE AND FLOOD RISK: No objection, subject to conditions

PLANNING POLICY: Scope for revision

As previously highlighted, the opportunity to include local needs retail along the ground floor of Block D that fronts onto Trajectus Way would reinforce the series of active ground floor uses along this street and be walkable from the wider Somerdale site. The agent's marketing statement sets out that they were instructed to approach a variety of occupiers in respect of ground floor space and they approached national convenience store operators with details of the opportunity, however it is unclear if other A class uses were explored.

ARCHAEOLOGY: No objection, subject to conditions

AVON AND SOMERSET POLICE: No objection

KEYNSHAM TOWN COUNCIL: Objection

(i) The development proposed is too great in scale, height (five storey) and mass for the context. The 'Transport Statement' submitted in support of the application confirms that the applicant seeks to vary the consented 'Block D' development to instead provide 44 extra care units (use class 2) in a four storey building not five storey.

(ii) The Public Realm quality is compromised by the layout, highways dominance and scale of the development. Hence sustainable construction measures are inadequate.

(iii) The proximity of the proposal to neighbouring properties would have negative implications in respect of the amenity of day light, loss of privacy, overshadowing and light pollution

(iv) Taking into consideration concerns and comments from local residents that the site already has a parking capacity issues, exasperated by visitors to the facilities in the Chocolate quarter. On street parking is already hazardous, which at times would be an issue for access of emergency vehicles. 36 allocated spaces are required to accord with B&NES

Council's adopted parking standards for C3 residential use and to reduce this number would

be detrimental to the current parking issues in the area. The developers plan to provide 41 spaces is acceptable and the Town Council would prefer to see the allocation of a parking space for each unit.

(v) The wider planning agreement on this site (13/01780/EOUT) secured the overall affordable housing contribution of 29% across the whole site deliverable as Social Rent

and Shared Ownership tenures. This application by St. Monica's Trust removes the certainty of the outstanding 24 affordable houses.

(vi) No ecological survey information submitted with the application. Full details of a Wildlife

Enhancement Scheme should be submitted and approved by the Local planning authority prior to any development.

(vii) In respect of sustainable construction further evidence should be provided by the developer to ensure that the development achieves a 5-star rating under the Home Quality Mark.

(viii) Due to the sensitive nature of the development and the contaminative historical use of the site as a factory the applicant should submit a full contamination assessment.

(ix) Previous plans associated with this site had included a local convenience store and the inclusion of such has completely been ignored.

COUNCILLOR BRIAN SIMMONS: First comments (7th October 2020)

This application does not meet with the master plan for the whole site, in that it has insufficient car parking and does not allow for correct amount of affordable housing on site nor does it have a convenience store which was in the original document. The size of the structure will be overpowering to the ordinary housing adjacent to the site and will affect the heavy traffic safety around the already congested roads in the area. There are no environmental impact studies for this development.

COUNCILLOR BRIAN SIMMONS: Second comment (15th April 2021)

In the light of new information regarding this application, I would wish to rescind the call in, Because there will be more than enough Car parking adjacent to the site. St. Monica's now own all the parking attached to the Pavilion and the spaces behind the tennis courts. The house that I thought was going to be over shadowed will not be in line with the mass of the buildings and the windows will not be deprived of light by the building.

THIRD PARTIES/NEIGHBOURS: There have been 27 OBJECTION comments from third parties. The main issues raised were:

Many comments are concerned that the proposed development is too big (described as much bigger than the original proposals). There are concerns that its increased size will block views and be unduly prominent on the skyline.

Several comments criticised the design of the proposed building, referring to it as ugly or as a carbuncle.

There was concern that the proposed development would generate additional traffic in the surrounding streets and that this would result in highways safety issues. The proximity to a

nearby school was highlighted and it was suggested that the position and size of the building would cause visibility issues.

Many comments were concerned that the proposals had an insufficient number of parking spaces. They highlight existing on-street parking issues within Somerdale and surrounding areas and suggest that the proposals will exacerbate this.

Many were concerned that the proposals did not include a shop or other amenities. This contrasts with the previous proposals for the site which included a ground floor retail use.

There was concern from neighbours about the potential loss of light and overlooking from the proposed development, particularly towards the dwellings to the north and the other properties in block C to the east.

There was concern that the proposals would result in excessive noise, traffic and disruption during their construction.

Concern about anti-social behaviour was highlighted.

A few comments highlighted the need for the proposals to include more trees and planting.

It was suggested that a block of this size lacked historical ties to the area in contrast to the existing blocks of the former Cadbury's factory.

There have been 2 GENERAL COMMENTS from third parties. The main issues raised were:

It is considered that there is a need for a retail unit in block C or D and that the size of the development that has been built should now make it viable.

There was also concern over the size of the building and that staff working in the care home may park in surrounding streets resulting in a narrowing of the street width.

## **POLICIES/LEGISLATION**

The Development Plan for Bath and North East Somerset comprises:

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

## **RELEVANT CORE STRATEGY POLICIES**

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

- DW1 District Wide Spatial Strategy
- SD1 Presumption in favour of Sustainable Development
- KE1 Keynsham Spatial Strategy
- KE2 Town Centre/Somerdale Strategic Policy
- KE2a Somerdale
- CP2 Sustainable Construction
- CP5 Flood Risk Management
- CP6 Environmental Quality
- CP9 Affordable Housing
- CP10 Housing Mix
- CO13 Infrastructure Provision

#### RELEVANT PLACEMAKING PLAN POLICIES

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

- SCR1 On-site Renewable Energy Requirement
- SCR2 Roof-mounted/Building-integrated Scale Solar PV
- SCR5 Water Efficiency
- SU1 Sustainable Drainage
- D1 General Urban Design Principles
- D2 Local Character and Distinctiveness
- D3 Urban Fabric
- D4 Streets and Spaces
- D5 Building Design
- D6 Amenity
- D8 Lighting
- D9 Advertisements and Outdoor Street Furniture
- H1 Housing and facilities for the elderly, people with other supported housing or care needs
- HE1 Historic Environment
- NE1 Development and Green Infrastructure
- NE2 Conserving and Enhancing Landscape and Landscape Character
- NE2A Landscape Setting of Settlements
- NE3 Sites, Species and Habitats
- NE6 Trees and Woodland Conservation
- PCS1 Pollution and Nuisance
- PCS2 Noise and Vibration
- PCS3 Air Quality
- PCS5 Contamination
- PCS7A Foul Sewage Infrastructure
- H7 Housing Accessibility
- LCR7B Broadband
- LCR9 Increasing the Provision of Local Food Growing
- ST1 Promoting Sustainable Travel

ST2 Sustainable Transport Routes  
ST7 Transport Requirements for Managing Development

## **NATIONAL POLICY**

National Planning Policy Framework and the National Planning Practice Guidance can be awarded significant weight.

## **SUPPLEMENTARY PLANNING DOCUMENTS AND ADDITIONAL GUIDANCE**

Strategic Flood Risk Assessment (SFRA) of Bath and North East Somerset (2009)  
Green Infrastructure Strategy (2013)  
Planning Obligations SPD (2015)  
West of England Sustainable Drainage Developer Guide (2015)

## **LOW CARBON AND SUSTAINABLE CREDENTIALS**

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. The application has been assessed against the policies as identified and these have been fully taken into account in the recommendation made.

## **OFFICER ASSESSMENT**

The main issues to consider are:

1. Principle of development
2. Retail use
3. C2 Use
4. Affordable Housing
5. Design
6. Highways and parking
7. Residential amenity
8. Ecology
9. Archaeology
10. Sustainable Construction
11. Drainage and flood risk
12. Contaminated land
13. Other matters
14. Conclusion

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

The site forms a parcel of land within the KE2a 'Somerdale' site allocation. Policy KE2a includes the following development requirements and design principles:

1. Around 700 dwellings;
2. At least 11,000sqm of B1 office use;

3. Submission of a Design Guide, to be approved by the Local Planning Authority;
4. Retention of Block A and alterations to Blocks B and C;
5. A new Primary School;
6. A new GP surgery (D1 use);
7. A new social and sports club and sports pitches;
8. A new small scale local needs retail (up to 500sqm of A1, A3, A4 and A5);
9. Flood protection measures, including provision of SUDS and an area of wetland habitat;
10. Provision of landscaping (including retention of avenue of trees along Somerdale Road), wildlife areas, open space and cycle/footways.
11. Provision of a multifunctional riverside path, incorporating green infrastructure.
12. Highway works at Somerdale Road/Station Road.
13. Remediation of land contamination.
14. Development to respond positively to and enhance and/or better reveal the significance of the heritage assets within the site boundary, including the Roman settlement of Trajectus.

Many of the above matters have already been addressed/provided through the earlier consents on the wider site (e.g. a new primary school, new sports club/pitches, highways works, etc.), but those matters relevant to the principle of the current application are discussed below.

Somerdale forms an important part of the district wide five-year housing land supply. The allocation policy KE2a requires the development to comprise 'around 700 dwellings'. In this context, as has been established through previous planning applications, 'dwellings' can be construed as including residential care units, whether in C2 or C3 use. On this basis, the proposals would represent a net increase of 24 dwellings over the existing consented position and would be acceptable use in principle on this site.

The site currently provides 10,140sqm of office floorspace. The proposals would not alter the overall amount of office floorspace within the wider development and are considered acceptable.

## 2. RETAIL USE

The current planning consent for Block D includes around 470sqm of ground floor retail/medical centre uses. Furthermore, the allocation policy requires, inter alia:

- 8. A new small scale local needs retail (up to 500sqm of A1, A3, A4 and A5);*

The current application proposals do not include any retail/medical centre uses.

It is noted that the redevelopment of Blocks A and B, and the new extension linking these blocks together, has already delivered a new ground floor mix of food, drink and leisure uses. These include a restaurant, cinema, indoor pool, gym, coffee shop, hairdressing, art, pottery, woodwork and physiotherapy. In addition, Block C incorporates space for a pharmacy (150sqm of A1 use). There is also a volunteer run community shop located within block C which does provide some local needs retail (although with significant limitations on operating hours).

Whilst officers would have preferred to see delivery of a local needs retail store, given the existing provision of uses within blocks A, B and C, it would be difficult to sustain an objection on this point. The site is in a highly sustainable location and is not far from Keynsham Town Centre and other shops/services, such that these journeys can be easily achieved via sustainable means, e.g. walking/cycling.

Furthermore, the applicant has provided some evidence that they have undertaken marketing for a retail use and have concluded that there is limited demand for such a use in this location.

In addition, there remain some small undeveloped parts of the allocation which are yet to come forward for development and may also provide opportunities to provide local needs retail on the wider site. Therefore the failure to provide retail space on this site does not necessarily prejudice the prospect of a retail use coming forward on another part of the wider development site.

It is therefore considered that the lack of any retail provision within the proposals is acceptable and does not conflict with the allocation policy KE2a.

### 3. C2 USE

Policy H1 of the Placemaking Plan is supportive of proposals for extra care housing provided that the use is compatible with the locality and does not create potential conflicts with existing uses. The use of block D as extra care housing would complement the existing extra care uses operated by SMT in blocks A and B of the Somerdale site.

Policy H1 also requires the provision of adequate communal spaces and garden/outdoor space for potential residents as well as meeting HAPPI12 best practice guidelines for age-inclusive housing.

The proposals include a ground floor café/bar, individual balconies serving many of the units, a communal terrace and an area of landscaped garden to the west. The site is also located opposite a public open space immediately to the south and has close access to footpaths leading to the countryside. There are also opportunities to share the extensive range of communal facilities provided in blocks A and B.

In light of the above it is considered that the proposed extra care housing will provide a good living environment for the potential occupiers.

Policy H1 also requires that consideration be given to whether a proposal is genuinely within the C2 use class and states that factors such as built form, tenure, provision of meals, allocation/eligibility criteria and support models will be taken into account.

The proposed development comprises a significant number of self-contained apartments which on first inspection may appear to simply be a collection of conventional dwellings falling within Use Class C3; the development as a whole however includes a significant number of services, facilities and features which together swing the balance in favour of the scheme falling within Use Class C2.

Furthermore, any permission will be subject to a legal agreement which restricts occupation to those over the age 55 years or with a disability whether through age, learning difficulty or health condition and are in need of immediate and/or future care and support services. Occupiers will need to qualify and be in receipt of a minimum care package of 1 hour a week.

This approach is consistent with the approach taken to the extra care units operated by SMT in blocks A and B of the Somerdale development.

The above approach is considered acceptable and will ensure that the proposed development remains in a C2 extra care use.

#### 4. AFFORDABLE HOUSING

The current planning consent for Block D includes 24 units (12 x 1 bedroom & 12 x 2 bedroom), all of which are classified as affordable housing.

The development of this site for an alternative development would therefore result in the loss of affordable housing reducing the percentage of affordable provision below the 29% agreed within the s106 agreement for the whole site.

However, whilst C2 uses do not ordinarily attract a requirement to provide affordable housing, the applicant has agreed to provide 18 of the 44 proposed units (40%) as affordable housing. This has been discussed and agreed with Adult Social Services and the Housing Enabling Team.

The offer of affordable housing will ensure that the overall percentage of affordable housing across the wider development site remains at 29%.

The proposals are therefore considered to comply with policy CP9.

#### 5. DESIGN

The proposal is for the erection of a five storey, rectangular block situated between the Somerdale Pavilion and Block C of the former Cadbury's factory. The previous block D proposals (17/02586/ERES) were for a four storey block with a slightly smaller footprint.

The site historically contained a 'block D' of the former Cadbury's factory, but this has since been demolished. The principle of erecting a new block of development in this location would therefore be in keeping with the previous consents and the historical precedent of the site.

Some concern about the five storey height of the proposed block has been raised by residents, the urban designer and the landscape officer. However, the height of the proposed block sits below that of the adjacent block C and is clearly subservient to it. In longer views of the site, the block would be seen as a smaller, subservient feature compared to the larger blocks of the former Cadbury Factory and does not unduly detract from any important views, despite its height and visibility.

The Conservation Officer also has concerns about the increase in scale but has ultimately concluded that the proposed scheme would not cause a significant level of harm to the undesignated heritage assets of the former Cadbury factory buildings.

The five storey height of the proposed block does create a sharp juxtaposition with the, relatively nearby, row of two storey dwellings to the north. However, this juxtaposition of tall, commercial scale blocks adjacent to smaller domestic scale buildings is a pre-existing characteristic of the Somerdale site, where the former Cadbury Factory buildings dominate the skyline and rise up above all of the surrounding housing development.

The height of the proposed block D also provides a transition from the height of block C to the lower scale of the Somerdale Pavilion.

The form and design of the building respects the design and appearance of the former Cadbury Factory blocks through the use of materials (red brick), and the pattern and rhythm of fenestration along the elevations.

Some criticism of the spaces around building and the landscaping proposals have been made, but the applicant has responded increasing the amount of landscaping and planting around the building and improving some of the narrower spaces around the proposed block. The reductions to the overall level of spaces within the parking area (see highways section below) have enabled the creation of a larger green space adjacent to the Fry Club to the west and additional tree planting along the eastern frontage.

Overall, the proposals are considered to be of an acceptable scale and design that will complement the character and appearance of the area.

## 6. HIGHWAYS AND PARKING

### *Trip Generation and access*

The previously consented development (24 dwellings) was forecast to generate 11 two-way trips during the am peak period and 13 two-way trips during the pm peak period. As a comparison, the proposed development (44 extra care dwellings) is forecast to generate 10 two-way trips during the am peak period together with 11 two-way trips during the pm peak period.

The difference in the number of two-way trips forecast to be generated by the consented and proposed developments is minimal. The trips generated are not considered to prejudice highways safety and there is no objection from the highways officer.

The access to the proposed car park is acceptable and the proposed building would not breach any existing visibility splays or result in harm to highways safety.

### *Parking*

Some concerns have been raised by third parties about the proposed levels of parking. There is no specific parking standard for C2 uses outside of Bath and each case must be assessed on its own merits.

As originally proposed, the application contained 41 parking spaces for the 44 extra care units. Officers were concerned that this figure was too high and would be counter to the objectives of encouraging more sustainable forms of transport.

Subsequently, revised plans were received reducing the level of parking to 33 with the following breakdown:

1. Up to 29 of the spaces will be allocated for future residents;
2. Two spaces will benefit from 'active' Electric Vehicular Charing Points (EVCPs);
3. At least one space will be "pre-bookable" for operational use and/or visitors; and
4. Three of the spaces will be for the dedicated use of Blue Badge Holders (BBH).

The Highways Officer is satisfied that the level of parking proposed is acceptable, particularly given the level of facilities already provided at Somerdale and its sustainable location. The proposed parking levels are therefore considered to achieve an appropriate balance between reducing the number of spaces to encourage sustainable travel whilst avoiding car parking "stress" in surrounding areas.

The applicant (St Monica's Trust) currently has active car park management arrangements for all the spaces it owns and operates at Somerdale which provides the flexibility to dynamically manage the spaces based upon existing and future demand. The applicant, in partnership with Enterprise Car Clubs, have already provided a space for and promoted a car club vehicle within Somerdale which provides an alternative to private car ownership and use for occasional trips. Future extra care residents will be eligible to join the car club as an alternative to owning a private car, which supports sustainable travel choices.

In addition to the above, the applicant has a minibus parking space associated with its existing operations at Somerdale which will be available for future occupiers of 'Block D' meaning that they can be picked up and set down close to the main western entrance to the block that presents another alternative to private car ownership and encourages travel by a more sustainable mode of transport.

### *Cycle Parking*

As the applicant does not envisage the proposed works increasing the existing number of staff, the proposal requires the minimum of eight secure, covered cycle parking spaces. The transport statement confirms that eight covered spaces will be provided for residents and longer stay visitors and a further four uncovered spaces will be provided for short stay visitors. The proposed cycle parking provision is welcomed as it exceeds the minimum required by the authority's adopted parking standards.

### *Deliveries and refuse*

Deliveries to the site can be made from the proposed visitor spaces and that larger occasional deliveries, such as furniture, can, by prior agreement, be accommodated by

the existing coach drop-off and pick-up layby. This approach to deliveries is considered acceptable.

The collection of refuse and recycling is proposed to be undertaken by private contract to SMT, which is also acceptable.

It is therefore considered that there is no objection in respect of parking or highways.

## 7. RESIDENTIAL AMENITY

The nearest properties to the proposed development are 143 - 149 Trajectus Way which lie immediately to the north of the application site. These two storeys, semi-detached dwellings are much smaller scale than the proposed 5 storey block. However, they are orientated east-west (front-back) and so do not look directly towards the proposed block. As such it is unlikely to have an oppressive or overbearing impact upon these properties.

Its position to the south of these dwellings means that there will be some loss of light, particularly for 143 Trajectus Way. However, a shadow study submitted with the application demonstrates that these impacts will not be significant worse than those experienced by other properties as a result of block C and that adequate daylight and sunlight will still be available to these properties.

The separation between blocks C and the proposed block D prevents any harmful overlooking, loss of light or loss of outlook.

The proposals are therefore considered to be acceptable in terms of impacts upon residential amenity.

## 8. ECOLOGY

No ecological survey information has been submitted with the application. However, the site currently comprises hardstanding with no semi-natural habitats. The former factory building (D block) was demolished in 2014. The site appears to have been used as a compound, with no ecological habitat of note or potential to support protected or notable species. Therefore, no additional ecological information is required before determination in this instance. There are no nearby designated sites or habitats which are likely to be impacted by the proposals.

Notwithstanding the above, the proposals make a commitment to providing a sensitive lighting scheme which is welcomed.

All proposals must also provide measurable biodiversity net gain and a number of commitments are set out in the Landscape Design Statement submitted with the application. However, further measures can be secured by condition through a Wildlife Enhancement Strategy to demonstrate compliance with policies NE3 and D5e of the Placemaking Plan.

Subject to these conditions, there is no ecological objection to the proposals.

## 9. ARCHAEOLOGY

This site is very close to the Scheduled Monument Roman Settlement at Keynsham Hams, former Cadbury's Factory (List number 1416459) an extensive Roman small town, possibly that of Trajectus, previously identified through excavation and geophysical survey. Excavations and watching briefs undertaken near this proposal identified archaeological features that formed part of an enclosure, holding area, and driveway more than likely for the management of livestock. Datable evidence suggests the features were in use until c. 150AD. Therefore, this proposal does have the potential to impact on relatively significant archaeology related to a designated heritage asset.

There is likely to have been damage to archaeology due to the nature of the site, but survival of deposits and features in this area has been evidenced by earlier archaeological investigation. It is therefore considered that conditions are applied to require the applicant to submit an archaeological Written Scheme of Investigation to ensure any archaeology is properly investigated before being impacted by the development and to ensure post-excavation analysis and publication in line with the NPPF.

## 10. SUSTAINABLE CONSTRUCTION

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

A detailed energy strategy and completed sustainable construction checklist have been submitted with the application. The submitted Sustainable Construction Checklist indicates that the proposals will provide a 19.7% reduction in carbon emissions. The use of solar PV to generate renewable energy for the development will provide a 18% carbon reduction meeting the requirements of policy SCR1.

The proposed development also includes the following sustainable construction measures:

- o Low U-values
- o Low energy lighting
- o Mechanical ventilation with heat recovery (MVHR)
- o High air tightness
- o Use of balconies to provide shading and prevent overheating
- o Communal areas using air source heat pump for heating and cooling
- o Smart meters

The proposed development is therefore considered to comply with policy CP2 of the Core Strategy,

## 11. DRAINAGE AND FLOOD RISK

The site falls within flood zone 1 and is at a low risk of flooding. A flood risk assessment and drainage strategy has been submitted with the application. The drainage proposals involve the use of surface water attenuation located under the proposed parking bays which will then be discharged into the existing northern and southern drainage networks within the wider Somerdale site using flow control devices.

There is no objection to this approach from the Drainage and Flood Risk team, subject to the discharge rates and point of connection being agreed with the water company and details of the maintenance of the drainage features have been provided by condition.

## 12. CONTAMINATED LAND

A number of phases of investigation and risk assessment have been undertaken across the site as a whole and remedial measures have been undertaken within certain areas of the wider site development.

The application has not included a contamination assessment for this part of the site, nor referred to any previous assessments or potential risks in relation to contamination. However, the Contaminated Land Officer is satisfied that these matters can be dealt with through conditions requiring further investigation and risk assessment, remediation and verification (as appropriate).

## 13. OTHER MATTERS

### *Planning Obligations*

The wider Somerdale site is subject to a s106 agreement which secures a number of matters across the whole allocation. This new planning application would need to be subject to a new s106 agreement to secure a number of matters relevant to the current proposals including:

1. Affordable housing (18 extra care units, 40%)
2. Targeted Recruitment and Training obligations and contribution
3. Travel Plan
4. Parking Management Strategy
5. Restriction of extra care use (C2) to ensure they are not available as open market dwellings

### *Public Sector Equality Duty*

The Public Sector Equality Duty requires public authorities to have regard to section 149 of the Equality Act 2010. The proposals do not raise any particularly significant issues in respect of equalities duty, but a couple of points are noted.

The proposals would provide extra care housing for elderly, disabled or otherwise vulnerable residents. The provision of this sort of accommodation ensure that these

groups can receive support whilst maintaining a degree of independence and the positives of this approach have been recorded through various pieces of research (including better health outcomes, lower health costs, etc.) and noted in recent appeal decisions (Homebase, Bath). The proposals are therefore likely to have a positive impact upon these groups and provide them with greater choice regarding their accommodation.

## 14. CONCLUSION

The proposed development would provide much needed extra care housing which will compliment the existing extra care housing and facilities located within blocks A and B of the former Cadbury's Factory. The provision of 18 affordable houses is a benefit of the scheme and will ensure that the overall percentage of affordable housing at Somerdale is maintained. Whilst the lack of local needs retail provision within the scheme is disappointing, there are no clear grounds to refuse the application on this basis and the site is sustainable located near to many services and shops. The height and design of the proposal is acceptable and it will not have a significant impact upon the residential amenity of adjoining occupiers. The proposed parking levels are therefore considered to achieve an appropriate balance between reducing the number of spaces to encourage sustainable travel whilst avoiding car parking "stress" in surrounding areas.

The proposed development is therefore considered to comply with the allocation policy and all other relevant aspects of the development plan, and, in accordance with paragraph 11 of the National Planning Policy Framework, should be approved without delay.

## RECOMMENDATION

Delegate to PERMIT

## CONDITIONS

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

- a) Affordable housing (18 extra care units, 40%)
- b) Targeted Recruitment and Training obligations and contribution
- c) Travel plan
- d) Parking Management Strategy
- e) Restriction of extra care use (C2) to ensure they are not available as open market dwellings

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

### 1 Standard Time Limit (Compliance)

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

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

## **2 Archaeology - Controlled Excavation (Pre-commencement)**

No development shall commence, except archaeological investigation work and demolition required to undertake such work, until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a controlled excavation of all significant deposits and features which are to be disturbed by the proposed development, and shall be carried out by a competent person(s) and completed in accordance with the approved written scheme of investigation. Thereafter the building works shall incorporate any building techniques and measures necessary to mitigate the loss or destruction of any further archaeological remains.

Reason: The site is within an area of major archaeological interest and the Council will wish to examine and record items of interest discovered in accordance with Policy HE1 of the Bath and North East Somerset Placemaking Plan. This is a pre-commencement condition because archaeological remains and features may be damaged by the initial development works.

## **3 Construction Management Plan (Pre-commencement)**

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

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

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

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

## **4 Contaminated Land - Investigation and Risk Assessment (Pre-commencement)**

No development shall commence, except for ground investigations and demolition, required to undertake such investigations, until an investigation and risk assessment of the nature and extent of contamination on site and its findings has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. The assessment must be conducted in accordance with DEFRA

and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and shall include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- o human health,
- o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- o adjoining land,
- o groundwaters and surface waters,
- o ecological systems,
- o archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with policy PCS5 of the Bath and North East Somerset Placemaking Plan and chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition because the initial works comprising the development have the potential to uncover harmful contamination.

#### **5 Contaminated Land - Remediation Scheme (Pre-commencement)**

No development shall commence, except for ground investigations and demolition required to undertake such investigations, until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment, has been submitted to and approved in writing by the Local Planning Authority, unless the findings of the approved investigation and risk assessment has confirmed that a remediation scheme is not required. The scheme shall include:

(i) all works to be undertaken;

(ii) proposed remediation objectives and remediation criteria;

(iii) timetable of works and site management procedures; and,

(iv) where required, a monitoring and maintenance scheme to monitor the long-term effectiveness of the proposed remediation and a timetable for the submission of reports that demonstrate the effectiveness of the monitoring and maintenance carried out.

The remediation scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The approved remediation scheme shall be carried out prior to the commencement of development, other than that required to carry out remediation, or in accordance with the approved timetable of works.

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers,

neighbours and other offsite receptors and in accordance with policy PCS5 of the Bath and North East Somerset Placemaking Plan and chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition because the initial works comprising the development have the potential to uncover harmful contamination.

#### **6 Sewerage company confirmation (Pre-commencement)**

No development shall commence, except ground investigations, until written confirmation from the sewerage company (Wessex Water) accepting the surface water discharge into their network including point of connection and rate has been submitted to the Local Planning Authority. If the sewerage company are not able to accept the proposed surface water discharge, an alternative method of surface water drainage, which has first been submitted to and approved in writing by the Local Planning Authority, shall be installed prior to the occupation of the development.

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

#### **7 Biodiversity Enhancement Scheme (Pre-commencement)**

No development shall take place until full details of a Wildlife Enhancement Scheme have been submitted to and approved in writing by the local planning authority. This shall include detailed proposals, including a location plan and management and establishment specification, for implementation of native and wildlife-friendly planting / landscape details, provision of bat and/or bird boxes and any other measures to improve the site for wildlife. All works within the scheme shall be carried out in accordance with the approved details and completed in accordance with specified timescales and prior to the occupation of the development.

Reason: To prevent ecological harm and to provide biodiversity gain in accordance with policies NE3 and D5e of the Bath and North East Somerset Placemaking Plan. N.B. The above condition is required to be pre-commencement as it involves approval of enhancement measures which will need to be implemented during the construction phase.

#### **8 Materials - Submission of Materials Schedule (Bespoke Trigger)**

No construction of the external walls of the development shall commence until a schedule of materials and finishes to be used in the construction of the external surfaces, including roofs, has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include:

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

Samples of any of the materials in the submitted schedule shall be made available at the request of the Local Planning Authority.

The development shall thereafter be carried out in accordance with the approved details.

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

### **9 Landscape Design Proposals (Bespoke Trigger)**

No development beyond slab level shall take place until full details of both hard and soft landscape proposals and programme of implementation have been submitted to and approved by the Local Planning Authority. These details shall include, as appropriate:

1. Proposed finished levels or contours
2. Means of enclosure
3. Car parking layouts
4. Other vehicle and pedestrian access and circulation areas
5. Hard surfacing materials
6. Minor artefacts and structures (e.g. outdoor furniture, play equipment, refuse or other storage units, signs, lighting)
7. Proposed and existing functional services above and below ground (e.g. drainage, power, communication cables, pipelines, etc, indicating lines, manholes, supports etc)

Soft landscape details shall include:

1. Planting plans
2. Written specifications (including cultivation and other operations associated with plant and grass establishment)
3. Schedules of plants, noting species, planting sizes and proposed numbers / densities

Reason: To ensure the provision of amenity and a satisfactory quality of environment afforded by appropriate landscape design, in accordance with policies D1, D2, D4 and NE2 of the Bath and North East Somerset Placemaking Plan.

### **10 Implementation of Landscaping Scheme (Bespoke Trigger)**

All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme of implementation agreed in writing with the Local Planning Authority.

Any trees or plants indicated on the approved scheme which, within a period of 10 years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the current or first available planting season with other trees or plants of species, size and number as originally approved unless the Local Planning Authority gives its written consent to any variation. All hard and soft landscape works shall be retained in accordance with the approved details for the lifetime of the development.

Reason: To ensure that the landscape works are implemented and maintained to ensure the continued provision of amenity and environmental quality in accordance with policies D1, D2 and NE2 of the Bath and North East Somerset Placemaking Plan.

### **11 Landscape Management Plan (Pre-occupation)**

A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the local planning authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

Reason: To ensure that the landscape works are implemented and maintained to ensure the continued provision of amenity and environmental quality in accordance with policies D1, D2 and NE2 of the Bath and North East Somerset Placemaking Plan.

### **12 Contaminated Land - Verification Report (Pre-occupation)**

No occupation shall commence until a verification report that demonstrates the effectiveness of the remediation carried out has been submitted to and approved in writing by the Local Planning Authority, unless the findings of the approved investigation and risk assessment has confirmed that a remediation scheme is not required.

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

### **13 Archaeology - Post Excavation and Publication (Pre-occupation)**

No occupation of the development shall commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of post-excavation analysis in accordance with a publication plan which has been submitted to and approved in writing by the Local Planning Authority. The programme of post-excavation analysis shall be carried out by a competent person(s) and completed in accordance with the approved publication plan, or as otherwise agreed in writing with the Local Planning Authority.

Reason: The site has produced significant archaeological findings and the Council will wish to publish or otherwise disseminate the results in accordance with Policy HE1 of the Bath & North East Somerset Placemaking Plan.

### **14 Drainage Maintenance (Pre-occupation)**

Prior to occupation the details of the party responsible for maintenance of each of the private drainage features including granular attenuation and flow control chambers to be confirmed.

Reason: In the interests of flood risk management in accordance with Policy CP5 of the Bath and North East Somerset Core Strategy.

### **15 Contaminated Land - Unexpected Contamination (Compliance)**

In the event that contamination which was not previously identified is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. Thereafter an investigation and risk assessment shall be undertaken, and where remediation is necessary, a remediation scheme shall be

submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report (that demonstrates the effectiveness of the remediation carried out) must be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development.

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

### **16 Electric Vehicle Charging (Pre-occupation)**

The development hereby approved shall not be occupied until details of Electric Vehicle Charging Points (EVCP) have been submitted and approved in writing by the Local Planning Authority. Details shall include:

- a) The total number of car parking spaces to be provided with EVCPs;
- b) The number/type/location/means of operation; and
- c) A programme for the installation and maintenance of EVCPs and points of passive provision for the integration of future charging points.

The Electric Vehicle Charging Points as approved shall be installed prior to occupation of that part of the scheme and retained in that form thereafter for the lifetime of the development.

Reason: To ensure the installation of adequate electric vehicle charging point and to encourage more sustainable modes of transport in accordance with policy ST7 of the Placemaking Plan.

### **17 Sustainable Construction (Pre-occupation)**

Prior to first occupation of the development hereby approved the following tables (as set out in the Council's Sustainable Construction Supplementary Planning Document, Adopted November 2018) shall be completed in respect of the completed development and submitted for approval to the Local Planning Authority together with the further documentation listed below:

1. Table 2.1 Energy Strategy (including detail of renewables)
2. Table 2.2 Proposals with more than one building type (if relevant)
3. Table 2.3 (Calculations);
4. Building Regulations Part L post-completion documents for renewables;
5. Building Regulations Part L post-completion documents for energy efficiency;
6. Microgeneration Certification Scheme (MCS) Certificate/s (if renewables have been used)

Reason: To ensure that the approved development complies with Policy SCR1 of the Placemaking Plan (renewable energy) and Policy CP2 of the Core Strategy (sustainable construction).

### **18 Implementation of Biodiversity Scheme (Pre-occupation)**

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

Reason: To demonstrate the completed implementation of the Biodiversity Enhancement Scheme to provide biodiversity gain in accordance with NPPF and policies NE3 and D5e of the Bath and North East Somerset Placemaking Plan.

### **19 Parking (Compliance)**

No occupation of the development shall commence until 33 parking spaces have been provided on-site. The areas allocated for parking and turning on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

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

### **20 Plans List (Compliance)**

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

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

### **PLANS LIST:**

1 SITE LOCATION PLAN  
PL 02 E PROPOSED SITE PLAN  
PL 03 E PROPOSED SITE DETAIL PLAN (GROUND AND LOWER GROUND LEVEL)  
PL 04 E SITE CONTEXT PLAN  
PL 100 C BLOCK D - PROPOSED LOWER GROUND, GROUND AND FIRST FLOOR  
PL 101 B BLOCK D - PROPOSED 2ND AND 3RD FLOOR PLANS  
PL 102 B BLOCK D - PROPOSED 4TH FLOOR AND ROOF PLANS  
PL 105 C BLOCK D - ELEVATIONS SHEET 01  
PL 108 C BLOCK D - PROPOSED CONTEXTUAL ELEVATIONS  
PL 106 B PROPOSED ELEVATIONS - SHEET 2  
PL 107 B PROPOSED SECTION AA  
844\_002C REVISED LANDSCAPE PLAN  
844\_003 A LANDSCAPE SECTIONS

### **DECISION MAKING STATEMENT**

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Framework. For the reasons given, and expanded upon in a related case officer's report, a positive view of the submitted proposals was taken and consent was granted.

### **2 Condition Categories**

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

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

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

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

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

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

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

### **3 Community Infrastructure Levy - General Note for all Development**

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. CIL may apply to new developments granted by way of planning permission as well as by general consent (permitted development) and may apply to change of use permissions and certain extensions. **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 any development commences**.

**Do not commence development** until you have been notified in writing by the Council that you have complied with CIL; failure to comply with the regulations can result in surcharges, interest and additional payments being added and will result in the forfeiture of any instalment payment periods and other reliefs which may have been granted.

### **Community Infrastructure Levy - Exemptions and Reliefs Claims**

The CIL regulations are non-discretionary in respect of exemption claims. If you are intending to claim a relief or exemption from CIL (such as a "self-build relief") it is important that you understand and follow the correct procedure **before** commencing **any** development on site. You must apply for any relief and have it approved in writing by the Council then notify the Council of the intended start date **before** you start work on site. Once development has commenced you will be unable to claim any reliefs retrospectively and CIL will become payable in full along with any surcharges and mandatory interest

charges. If you commence development after making an exemption or relief claim but before the claim is approved, the claim will be forfeited and cannot be reinstated.

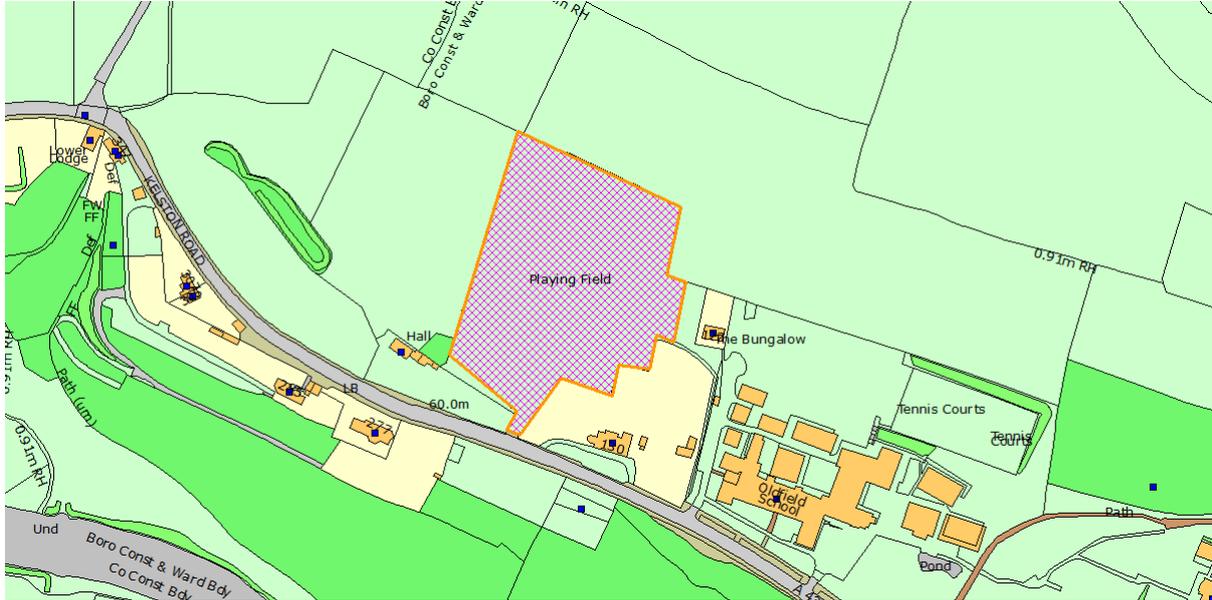
Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: [www.bathnes.gov.uk/cil](http://www.bathnes.gov.uk/cil). If you have any queries about CIL please email [cil@BATHNES.GOV.UK](mailto:cil@BATHNES.GOV.UK)

#### **4 Responding to Climate Change (Informative):**

The council is committed to responding to climate change. You are advised to consider sustainable construction when undertaking the approved development and consider using measures aimed at minimising carbon emissions and impacts on climate change.

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

**Item No:** 02  
**Application No:** 21/00282/FUL  
**Site Location:** Oldfield School Kelston Road Newbridge Bath Bath And North East Somerset



**Ward:** Newbridge

**Parish:** N/A

**LB Grade:** II

**Ward Members:** Councillor Michelle O'Doherty Councillor Mark Roper

**Application Type:** Full Application

**Proposal:** Re-level existing school playing field to include excavation and filling works.

**Constraints:** Article 4 HMO, Agric Land Class 1,2,3a, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Policy LCR5 Safeguarded existg sport & R, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE2 AONB, Policy NE2A Landscapes and the green set, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,

**Applicant:** Oldfield School

**Expiry Date:** 26th October 2021

**Case Officer:** Isabel Daone

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

## REPORT

The application refers to a field located within the Oldfield School site. The field is currently used as a sports pitch, although soil from the SEND block development is currently placed on site. The site is located on the edge of an Area of Outstanding Natural Beauty (AONB) and the Green Belt.

Planning permission is sought for re-levelling of the existing field to create a level sports pitch.

Following a committee call in request from a ward councillor, the application was referred to the Chair and Vice Chair of the Planning Committee in line with the Council's Scheme of Delegation. Their comments are as follows:

**CHAIR: COMMITTEE**

"I have reviewed this application and note the comments received.

The officer and applicant have worked together during the application process to mitigate most of the issues raised but the balance between public benefit and harm to the green belt is still finely balanced so I believe this application would benefit from debate in the public forum of the planning committee."

**VICE CHAIR: COMMITTEE**

"I have read this carefully & note the comments from statutory & third-party consultees including a neighbouring Ward Cllr.

The application has been modified as it has progressed through the planning process & the Officer has addressed the points raised in the assessment of the proposal against relevant policies explaining why it does not contravene them however as this site is quite visible & points remain controversial, I think it would benefit from debate by the planning committee."

The application will therefore be decided by the Planning Committee.

**Relevant Planning History:**

96/00075/FUL - APP - 26 March 1997 - Retention of existing temporary classroom (Renewal of permission 9491-6)

96/00293/FUL - AP - 22 October 1996 - External alterations to Penn House to provide a fire escape from first floor accommodation (Re-submission)

96/00294/LBA - AP - 25 October 1996 - External alterations to Penn House to provide a fire escape from first floor accommodation

96/00425/FUL - AP - 6 January 1997 - Erection of extensions to gymnasium, and associated works

97/00557/LBA - AP - 20 August 1997 - Internal alterations to Penn House

97/00669/FUL - APP - 26 September 1997 - Retention of 2no. double temporary classrooms

97/00897/FUL - PERMIT - 2 April 1998 - Erection of a pitched roof single storey classroom extension with glazed canopy

98/01021/LBA - CON - 17 March 1999 - Conversion of disused rooms to classrooms at the Penn House

99/00430/FUL - PERMIT - 14 May 2001 - Erection of a sports hall, associated accommodation, amendments to car parking, alterations to existing changing rooms, and associated landscaping

01/02498/FUL - PERMIT - 1 February 2002 - Stationing of temporary classroom

02/01197/FUL - PERMIT - 3 July 2002 - Alterations to front main entrance to improve access and security

02/02918/FUL - PERMIT - 21 March 2003 - Erection of new classroom block at rear of main building to provide 3/4 additional classrooms and office space.

03/02823/FUL - PERMIT - 8 December 2004 - Replacement of existing temporary building with new temporary building

03/02951/LBA - CON - 26 February 2004 - Internal alterations to existing classrooms to Penn Stable Block

04/00943/FUL - PERMIT - 1 July 2004 - Erection of a building to house dance studio and changing rooms

05/01148/LBA - CON - 20 June 2005 - Partial demolition and alterations to curtilage wall (Penn Hill House) in Kelston Road (Regularisation)

06/02619/FUL - PERMIT - 27 September 2006 - Replacement windows in the toilets of the rear elevation of the main building

07/02001/FUL - PERMIT - 30 August 2007 - Replacement of existing modular classroom building

07/02209/FUL - PERMIT - 31 August 2007 - Erection of an extension to existing classroom

08/01664/FUL - PERMIT - 2 July 2008 - Erection of first floor extension to existing resource centre

11/00436/REG03 - PERMIT - 12 May 2011 - Erection of a new external stair link, uniting three existing stair cores

11/02504/FUL - PERMIT - 29 September 2011 - Erection of a new 4 court sports hall incorporating changing rooms, car park, multi-use game area, associated external works and landscaping

11/02952/FUL - PERMIT - 21 September 2011 - Installation of solar panels on the roof and electrical inverters.

12/00322/FUL - PERMIT - 29 March 2012 - Erection of two teaching blocks to replace existing temporary classroom buildings.

12/02352/VAR - PERMIT - 17 August 2012 - Variation of condition 7 of application 12/00322/FUL for alteration to elevations with windows and canopy (Erection of two teaching blocks to replace existing temporary classroom buildings.)

12/02413/VAR - RF - 23 July 2012 - Variation of condition 17 of application 11/02504/FUL (Erection of a new 4 court sports hall incorporating changing rooms, car park, multi use game area, associated external works and landscaping)

13/02302/FUL - PERMIT - 30 September 2013 - Relocation of existing temporary classroom building within the school campus, erection of new single storey Drama Block on the current site, reintroduction of grassed area and removal of existing lighting columns to current temporary car-park at rear of site

18/04457/FUL - PERMIT - 11 February 2019 - Erection of a two storey science & technology teaching block following the demolition of gymnasium.

19/03772/DEM - RF - 20 September 2019 - Demolition of caretakers bungalow.

19/05562/FUL - PERMIT - 9 July 2020 - Construction of single storey SEN(D)/ASD teaching block, following demolition of existing caretakers' bungalow

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Consultation Responses :

COUNCILLOR RUTH MALLOY:

- Visual impact: the site lies in the Green Belt and within the Cotswold AONB (part of the Cotswold Way is visible on the skyline), and the increased height of the playing field will have a negative visual impact and potentially detract from the area's multiple designations. The site is also within the boundary of Bath, a World Heritage Site recognised as a place of Outstanding Universal Value on six different counts, a designation that also needs to be protected. Specifically, this application would appear to endanger the green landscape setting OUV of Bath.

- Residential amenity impact: the raised level of the lower part of the site, proposed in order to level up the playing field, will lead to a loss of privacy of the residents of Halfway House, 130 Kelston Road. The original location and direction of the playing field was west-east, but this has now been changed to north-south, which will lead to a further loss of privacy of the residents of Halfway House, as they could be overlooked from the west side of their garden.

- (The residents will already suffer a loss of privacy from the north side of their garden, due to the SEND teaching block being built so close to the boundary of their property, as well as to the east, because the main access route from Kelston Road to the SEND teaching block is there. Ref. 19/05562/FUL.)

- Heritage impact: Given that Halfway House is a Grade II listed building, I'm also concerned about the impact of this planning application on the property, not only on the main house itself but on its entire curtilage.
- Ecological impact: Has an ecological impact report been carried out? Will bats, birds, badgers be impacted by the changed position/orientation of the playing field?
- Concerns about flooding and drainage: Halfway House has already suffered water damage due to excess water coming downhill from the SEND teaching block building site. I also have concerns about drainage problems that may affect the property from the field to its west, if the level of the playing field is substantially increased.

This application has been revised throughout the submission process and further surveys have been conducted in response to consultee comments. Given this, the final iterations of consultee comments are included below. However, all previous comments are available to view online.

#### ECOLOGY (final comments dated 17th September):

- The question regarding potential impacts of Great Crested Newts has been addressed and the assessment in the additional information is acceptable - the risk to this species can be ruled out sufficient that no survey or mitigation is considered necessary
- A condition can be used to secure the recommended further botanical survey
- The ecological / botanical enhancement of the retained areas to the north and east as a means of mitigation for any botanical impacts arising is considered appropriate.
- It is not clear how far this is accepted by the applicant and would be also feasible but given there is a substantial area remaining which would appear to give some flexibility to any proposed mitigation proposals, full details can be secured by condition, and the confirmation of the mitigation scheme and its future implementation as an acceptable solution to the school would need to be clarified at that point. I would request in addition use of translocation for any features or individual areas of particular botanical value or interest if identified through the botanical surveys yet to be completed.
- The agent has confirmed that the proposal does not involve any requirements for new external lighting. A condition must be attached to secure this and ensure any future lighting requirements must first have been approved by the LPA, due to the ecologically sensitive location of the site and likely use of this area by bats
- Habitats Regulations Screening Assessment: As the proposal does not require changes to existing linear habitats such as hedgerows that may be used by horseshoe bats as bat flight lines, and does not propose any new external lighting, the risk of a "likely significant effect" from the proposal on the SAC can be ruled out.

#### ARBORICULTURE (dated 9th August 2021):

- No objection subject to conditions
- I welcome the amendment to the location of the pitch which reduces conflicts with the surrounding green infrastructure
- My original comment regarding reinforcement planting around the perimeter remains valid and a soft landscaping condition is recommended

#### CONSERVATION OFFICER (dated 28th June 2021):

- These comments are in addition to previous comments. The applicants have submitted a Heritage Statement that attempts to assess the impact of the proposed development on the setting of adjacent listed buildings. However, there is no analysis other than a reliance on the listing descriptions to inform an understanding of the

significance of each building, which is inadequate. Therefore, the Heritage Statement does not assist in increasing understanding the role that the surrounding rural landscape plays in the significance of their settings, and is not therefore consistent with the NPPF, Section 16, para. 189.

- However, I maintain the view that the rural landscape (regarded as a heritage asset in its own right) does form an important part of their individual and collective settings, and the development of part of that rural landscape to create a modern football/sports pitch will have an adverse impact. However, it is acknowledged that the harm is less than substantial (slight/moderate) and the development has clear public benefits that will obviously need to be weighed against the harm in the planning balance process, as required by the NPPF, Section 16, para. 196.

#### FLOODING AND DRAINAGE (dated 23rd September 2021)

- I am happy with the explanation of the surface water drainage; the scheme is proportionate to the proposed development. No objection

#### Representations Received :

##### BATH PRESERVATION TRUST:

- Proposed site is within the Green Belt, Cotswolds AONB and Bath World Heritage Site

- Forms an important part of the green landscape setting OUV of the World Heritage Site due to its hillside position looking south over the River Avon and wooded boundary line contributing to landscape views enjoyed from the south, such as the Bristol Road approach into the city

- The field is located immediately north of the Grade II listed 1840 detached dwelling in 130 Kelston Road and therefore should be considered within the setting of the Listed Building

- There is no indication as to the consideration of the site's sensitive landscape setting and associated character and appearance, or its visibility in wider landscape views coming into the city

- Paragraph 172 of the NPPF notes that "great weight should be given to conserving and enhancing landscape and scenic beauty", and Paragraph 172 states that local authorities should seek "to retain and enhance landscapes, visual amenity, and biodiversity."

- We therefore do not feel that an appropriate assessment of this proposal with regards to the retention of Bath's special landscape qualities can be made with the limited information currently provided. It is unclear as to what impact the proposed works would have on the special qualities of the AONB and openness of the Green Belt.

- We strongly recommend that further documentation should be submitted to the case officer in support of this application to allow for the proper assessment of the impact, such as a Heritage Impact Assessments and LVIA. As well as statement to explain and justify the proposed ground works and reorientation of the sports pitch closer to the site boundary of the Grade II listed 130 Kelston Road, and any associated impact on its significance and setting.

- In addition, we maintain an in-principle resistance to the use of any potential lighting on the site that would result in the unacceptable illumination of the dark skies and night time character of the open countryside landscape setting of Bath and the Cotswolds AONB. Associated build structures such as floodlighting poles would result in a more

developed, built up appearance intruding into rural views. The resulting cumulative visual impact would be contrary to Policy NE2 of the Core Strategy and Placemaking Plan.

6 objection comments have been received from members of the public and the main points are summarised as follows:

- I object to the fact that I have only heard of this application by word of mouth not by publications by the planning authority.
- Surely a notice to the public of the intention to develop Green Belt land in the Cotswolds AONB should be available to inform voters and for them to be able to make informed judgements concerning this application. The Liberal Democratic Council should ensure that this takes place.
- Why should they try to conceal their intent to give possible consent to applications on the Green Belt as they have done with the SEN(D)/ASD block which is currently under construction and is very close to the site of this current application.
- I live locally and was shocked when I found out and feel that the Newbridge community is entitled to know what is happening in their vicinity and to their surrounding Green Belt and AONB land.
- Application form ignores the fact the site adjacent is Grade II Listed
- Lack of Ecological report and a visual impact report
- A huge amount of soil was deposited on this site 4 months prior to the application; this is very presumptuous
- Halfway House will be completely engulfed by Oldfield School and all its boundaries compromised
- The school area and playing fields were protected by a covenant until recently, this can be found on the Land Registry.
- Very strict controls were included in the document with regards to development for the obvious reason of protecting the Green Belt and the AONB. The legal department of the council were asked to implement this but it took 4 weeks to get response and only to find that they had overruled it. Hence the Lib Dem planning department were able to give retrospective planning consent as Oldfield School had failed declare this covenant prior to applications for developing this land. This has led to the school being able to confidently submit further applications.
- Inevitably the enormous changes to the land and positioning of the pitch will lead to more planning applications. The school and Council need to be transparent in this respect.
- I draw your attention to paragraph 1 on page 15 of the Arbtech Arboricultural Statement which says 'Protective measures are to be installed immediately and are to be sited and aligned in accordance with the tree protection plan (Arbtech TPP 01) prior to the commencement of any works or the introduction of any machinery or material to site.' Contrary to this, heavy plant and machinery has been constantly traversing this land since September 2020 depositing soil. The soil that was stacked along the hedge but has been spread across the land prior to the application being submitted and before the proposed date for a decision.
- Flooding is a concern for the neighbouring land
- Scheme is in close proximity to our boundary (approx. 35m)
- Cause problems in regard to noise, privacy and the enjoyment of our premises and amenities
- Height of pitch means high probability of balls entering our garden
- Safety will be affected
- Trespassing due to children retrieving balls

- Changing the direction of the pitch from east to west to north to south along with raising the height will have an enormous dramatic visual impact on every boundary of our property
- Want assurance that the pitch will be used by the school only during school hours (and term time only)
- The pitch has only moved down the field in the last few years, prior to this the pitch was situated towards the north end of the field. I would therefore request that the pitch is moved back further up the field
- The slope of the ground is fairly consistent and the spot levels on the plans indicate no change to the gradient higher up the field.
- In the event that this application is approved, please consider the condition for the installation of a planted mature screen at least 3 meters high of copper beach hedging and a meter back from all the boundaries affected at the cost of the Oldfield School and to be maintained at mutual consent but also at the cost of Oldfield School.

### **POLICIES/LEGISLATION**

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

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

Core Strategy:

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

- B1: Bath Spatial Strategy
- B4: The World Heritage Site and its Setting
- CP5: Flood Risk Management
- 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  
D3: Urban fabric  
D5: Building design  
D6: Amenity  
GB1: Visual amenities of the Green Belt  
HE1: Historic environment  
LCR5: Safeguarding existing sport and recreational facilities  
NE2: Conserving and Enhancing the landscape and landscape character  
NE3: Sites, species and habitats  
NE5: Ecological networks  
NE6: Trees and woodland conservation

National Policy:

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).

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.

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.'

## LOW CARBON AND SUSTAINABLE CREDENTIALS

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. The application has been assessed against the policies as identified and these have been fully taken into account in the recommendation made.

## **OFFICER ASSESSMENT**

### **SITE DESCRIPTION:**

The existing site is a field which is used as a sports pitch. The field slopes steeply down towards Kelston Road. The pitch is currently orientated East-West. It was noted on a site

visit that the pitch is no currently in use as the field is currently housing soil which has been excavated from the SEND block development to the east of the proposal site. However, should this application be refused, the site could be used as pitch; no re-levelling would be able to take place and the pitch would need to be accommodated within the existing slope.

The site is located within the Green Belt and AONB and the field boundary forms the edge of these designations. The site is also within the World Heritage Site.

#### PRINCIPLE OF DEVELOPMENT IN THE GREEN BELT:

The application site is the Green Belt. The National Planning Policy Framework (NPPF) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 149 and 150 of the NPPF outline the forms of development which are not considered inappropriate.

Part (b) of Paragraph 149 states that the provision of appropriate facilities for outdoor recreation and outdoor sport can be appropriate forms of development provided that they preserve the openness of the Green belt and do not conflict with the purposes of land within it. The development is considered to fall under this exception.

An assessment as to the impact of the openness of the Green Belt must therefore be made. The works include the re-levelling of the existing field to provide a grass sports pitch. The ground works are fairly extensive, and officers consider that this would have an impact on the openness of the Green Belt. Although the proposal does not include any physical structures, given the proposed use, the siting of sporting equipment (such as goal nets) can be expected. The absence of development in this field and the slope towards the countryside to the rear of the school gives the site an open feel in this edge of countryside location. The presence of development which involve relatively extensive re-profiling does spread the built form of the school further into the countryside. It is therefore considered that the proposal would fail to preserve the the openness of the Green Belt in this location.

The Green belt serves five purposes; to prevent the sprawl of large, built-up areas; to prevent neighbouring towns merging; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns and to assist in urban regeneration. The application site is within the school boundary. However, the works do result in the developed school area encroaching further into the countryside.

The proposal is therefore considered to be contrary to criterion (b) of Paragraph 149 and is considered to be inappropriate development within the Green Belt as it will harm the openness in this location.

Paragraph 147 of the NPPF states that inappropriate development should not be permitted except in very special circumstances. The test is whether very special circumstances exist in this case.

The site is currently used as a sports pitch and could continue in this use if this application were refused. The current pitch operates within the existing slope and is orientated east-

west. The current conditions, due to the gradient of the slope, result in a sub-standard pitch which poses a safety risk and does not conform to Sport England Design Guidance.

The proposal will result in a pitch which is more level and therefore more usable than the existing pitch. It will provide a safe facility for the students. Paragraph 95 states that Local Planning Authorities should give great weight to the need to create, expand and alter schools through planning decision. In this case, it is considered that the improvements on the existing pitch situation in terms of safety and usability coupled with the weight which should be attributed to the alteration of schools is a very special circumstance which would outweigh the harm to the openness of the Green Belt.

It is therefore considered that very special circumstances apply in this case and that the development is permissible in the Green Belt in accordance with paragraph 147 of the NPPD.

#### CHARACTER, APPEARANCE AND AONB:

The application site is located within the Cotswolds Area of Outstanding Natural Beauty. The field itself forms the edge of the AONB as the main part of the school site is located just outside of the AONB. Concerns have been raised regarding the lack of consideration of this by the applicant and that no Landscape Visual Impact Assessment has been submitted in support of the application.

The case officer has acknowledged these concerns and has conducted a site visit to the site and surrounding area. Paragraph 176 of the NPPF states that great weight should be given to conserving and enhancing the landscape and scenic beauty of Areas of Outstanding Natural Beauty. This is echoed by policy NE2 which states that development will only be permitted where it conserves or enhances local landscape character, features and distinctiveness.

There are views of Oldfield School from the approach into the city, given its elevated position above the A4 and Bristol Road. The southern boundary of the site is bound by vegetation which offers some screening. The proposal will include the levelling of the field to enable a new grass pitch to be marked out. There is no surfacing, such as astro-turf or tarmacking proposed. Given the vegetation at the boundary and the fact that no surfacing is proposed, the application is considered to preserve the character of this part of the AONB when viewed from the south.

The proposal will also be visible from within the AONB, largely from northern directions when looking south towards the city. The existing field has a sloping character, with the lowest level located at the south of the field. The re-levelling of the pitch will reduce this slope to enable the use of the site. Towards the top of the slope, the level of the ground will be excavated to achieve this, with the lower parts of the slope being raised to create a flat pitch. Officers do accept that this will change the character of the landscape in this location. However, the site will be viewed within the context of the school and the proposal will maintain the grass surface. This helps to ensure that the site still integrates with the surrounding fields. For these reasons, it is considered that the development will preserve the landscape character of the AONB when viewed contextually with the surrounding fields and the adjacent school.

The proposal is considered to comply with Policy NE2 and Part 15 of the NPPF and considered to have an appropriate character and appearance within the context of a school.

#### WORLD HERITAGE SITE:

The proposed development is within the World Heritage Site, therefore consideration must be given to the effect the proposal might have on the setting of the World Heritage Site. In this instance, due to the size, location and appearance of the proposed development it is not considered that it will result in harm to the outstanding universal values of the wider World Heritage Site. The proposal accords with policy B4 of the adopted Core Strategy (2014) and Policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and Part 16 of the NPPF.

#### HERITAGE:

The application site is located adjacent to a Grade II Listed Building, 130 Kelston Road and is directly within its setting. 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.

The Listed Buildings Officer has raised concerns that the existing character of the site is agricultural and rural with a typical hedge boundary. It forms an important element as to how 130 Kelston Road is experienced and the rural context of its setting. The proposal to create a level playing field with associated paraphernalia is regarded as detrimental to its setting as it will reduce the existing rural character of the site.

The level of harm is considered to be less than substantial (slight/moderate). Paragraph 202 of the NPPF states that where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

The Listed Buildings Officer notes that the development has clear public benefits which must be weighed against the harm to the heritage asset. The proposal will provide a further, usable playing field for the expanding school. This provides sporting opportunities for children who attend the school. Local Planning Authorities must give great weight to the need for the expansion of schools, according to the NPPF. It is considered that the public benefit of providing a sports pitch for children in this location outweighs the harm to the setting of the listed building and on balance, is acceptable in this regard.

#### RESIDENTIAL AMENITY:

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

A number of concerns have been raised regarding residential amenity issues. These include loss of privacy due to overlooking, noise nuisance and safety concerns regarding balls entering the neighbouring gardens.

The neighbouring dwelling likely to be most affected by the development is 130 Kelston Road. No.130 is surrounded by a large garden and is located down the slope from the pitch

Concerns have been raised regarding the noise nuisance as a result of the pitch. The has previously been used as a playing field and is available for use by the school. The school site surrounds no.130 Kelston Road. It is not considered that the provision of a pitch in the location proposed would create additional noise nuisance when compared to the existing use of the site by the school.

Concerns have also been raised regarding overlooking. The position of the pitch has been moved throughout the application process. The distance between the closest boundary point and the pitch has been increased from approximately 5m to 12m, providing a greater degree of separation. The re-levelling of the land will increase the height of the land at the bottom end of the field by about 3m. Further up the field, the height of the land will decrease to result in a flat pitch area. The boundary with the neighbouring dwelling bound by vegetation which offers screening. It is considered that there will be views into the neighbouring dwelling. However, the pitch is to be used for sports and games by the school. The nature of this use means that users will be engaged in activities and movements around the pitch will be transient. The separation distance between the pitch and boundary is 12 and the closest point, which also mitigates the impact somewhat. Officers do accept that there will be an increase in the opportunities for overlooking, but given the separation distance, the vegetation along the boundary and the proposed use of the site it is not considered that the development would cause significant harm in this regard.

Safety concerns have also been raised regarding the likelihood of balls entering the garden. The separation distance of around 12m will reduce the likelihood of balls entering the neighbouring garden. In addition, it would be the responsibility of the school to ensure that the pitch is operated in a safe manner.

It has been requested that a condition securing that the pitch is not used outside of school hours and is used only by the school. Currently, there are no controls on the use of the playing field by the school including community use. It is considered that the levelling of the pitch may make it more attractive for communities to request to use the site outside of school hours. However, given that the site is operated by the school it is not considered that any increase in use would be significant. The pitch will feature real grass and there is no external lighting proposed. This will limit the potential hours that it could be used, without compromising the surface condition of the pitch. It is not considered that this condition is necessary or reasonable to attach.

It is considered, for the reasons above that the application accords with Policy D6 of the Bath and North East Somerset Placemaking Plan (2017).

**ECOLOGY:**

A number of concerns were raised during the public consultation that no ecological survey had been submitted as part of the application. Following consultation with the Council's Ecologist, an ecological survey was submitted as part of the application. Much of the landscape surrounding this site supports limestone grassland habitat with botanical value; land immediately adjacent to the site on the western, northern and north-eastern boundaries is designated as a Site of Nature Conservation Interest (SNCI) for this habitat type and botanical diversity, and species-rich hedgerows.

The survey demonstrated that the site supported a range of ecologically sensitive features and habitats which would require potential. An ecological mitigation and compensation scheme will be needed, which should also provide details of proposals for measures to provide additional / new benefit for wildlife.

An additional assessment was submitted which confirms that the risk to Great Crested Newts as a result of the development can be ruled out. A condition is recommended to secure a further botanical survey. The ecological/botanical enhancement of the retained areas to the north and east as a means of mitigation for any botanical impacts arising is considered appropriate.

The proposal does not include any new external lighting and a condition is proposed which secures that no lighting is installed without further application to the Council.

The application will not require a Habitats Regulations Assessment as it does not require changes to the existing linear habitats such as hedgerows which may be used by bats.

There is no ecological objection subject to the recommended conditions.

#### ABORICULTURE:

The relocation of the pitch away from the tree boundary as part of the application process is considered to be acceptable as it reduces the conflicts with the surrounding green infrastructure.

Soft Landscaping to reinforce the planting around the perimeter is considered to be necessary as the boundary currently includes Ash trees which may succumb to ash dieback. The maintaining of the tree boundary softens the overall visual appearance of the site and is considered necessary and reasonable. It can therefore be secured by condition.

#### FLOODING AND DRAINAGE:

A number of concerns have been raised regarding flooding and there are concerns that the levelling of the field may cause additional surface water runoff into the neighbouring property which may result in flooding.

The results of infiltration testing have demonstrated that infiltration is not viable on this site given the ground conditions. Instead, it is proposed that filtration trenches are used to manage the flow of water down the site. This will allow the pitch to be as usable as possible by preventing water logging on the surface and will prevent the surface water

run-off from discharging onto adjacent properties. This does mean that water flow will be directed towards the public highway, in preference of flowing it towards the adjacent properties. However, the development will not increase the flow of water which already occurs down the hillside given the slope of the site. By using filtration trenches, the flow will likely be slowed down and will be given the best chance of soaking into the ground. The discharge rate should not be any greater than the existing condition. This is considered to be acceptable given the scope of development and there is no objection from the Flooding and Drainage team.

Concerns have also been raised regarding the stability of the slope. A slope stability analysis has not been carried out. However, a safe, permanent maximum batter of 1 in 2 has been specified around the proposed football pitch and this can be secured by condition. The NPPF stipulates that developers are responsible for ensuring safe developments.

#### OTHER MATTERS:

A number of concerns have been raised regarding soil deposits on the site prior to development commencing. These soil deposits are from the current development for the SEND block which is being built at the school. They are considered temporary and do not form part of the development at this site. If this application were refused they would need to be removed from the site.

Issues regarding a covenant on the land have also been raised by third parties. The issue of covenants is separate to planning and are not a material consideration.

Concerns regarding future developments have also been raised. Any future development at the site which require planning permission would be subject to the application process and cannot be pre-empted as part of this application. This application has been assessed on its own merits.

The detrimental impact of the proposal on the property value of the adjacent dwelling has been raised. This is not a material planning

Concerns have been raised that local residents were not consulted. Direct neighbours to the development were consulted in accordance with the Development Management Procedure Order. As such, the Council has complied with its statutory duties.

#### LOW CARBON AND SUSTAINABLE CREDENTIALS

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. The application has been assessed against the policies as identified and these have been fully taken into account in the recommendation made.

#### CONCLUSION AND PLANNING BALANCE:

The application has been assessed against the relevant planning policies. It is considered that although the development is inappropriate development in the Green Belt, there are very special circumstances which outweigh the harm to the Green Belt (and other harm - see below) and it is therefore acceptable in this location. It is acknowledged that the development will change the landscape character of this particular field. However, when viewed within the context of the wider locality and the school setting, it is considered to preserve the character of this part of the AONB in accordance with National Policy. The development is considered to cause less than substantial harm to the adjacent designated heritage asset (listed building). However, in accordance with Paragraph 202 of the NPPF it has been demonstrated that there are public benefits which outweigh this harm.

The NPPF is supportive of school development and states that great weight must be attributed to the expansion and alteration of schools.

As such, the planning balance is considered to be in favour of the development and the proposal is recommended for permission subject to conditions.

## **RECOMMENDATION**

PERMIT

## **CONDITIONS**

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

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

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

### **2 Construction Environmental Management Plan: Ecology (CEMP: Ecology) (Pre-commencement)**

No development shall take place (including ground works or vegetation clearance) until an Ecological Construction Environmental Management Plan (CEMP: Ecology) for the protection of retained habitats and the adjacent SNCI has been submitted to and approved in writing by the local planning authority. The CEMP (Ecology) shall include, as applicable, a plan showing exclusion zones and specification for fencing of exclusion zones; details and specifications of all necessary measures to avoid or reduce ecological impacts during site clearance and construction; findings of update surveys or pre-commencement checks of the site; and details of an ecological clerk of works. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: to avoid harm to wildlife before and during construction/ The above condition is required to be pre-commencement as it involves approval of measures to ensure protection of wildlife that would be otherwise harmed during site preparation and construction phases.

### **3 Botanical Survey, and proposed ecological mitigation and enhancement scheme (Pre-commencement)**

No commencement of works, including ground preparations, excavation or removal of vegetation shall take place for the development hereby approved until a detailed botanical survey has been completed and an Ecological Mitigation and Enhancement Scheme has been submitted to and approved in writing by the Local Planning Authority. The survey report and mitigation scheme shall include:

1. Completed botanical survey of all affected grassland, with full species list/s and mapped survey findings with all details to be shown on a plan
2. Proposed ecological mitigation and enhancement scheme with details of:
  - a. proposed methods of increasing and maintaining botanical diversity and habitat value; long term management prescriptions, methods and personnel
  - b. locations and boundaries of proposed habitats and botanical enhancement areas (and translocation receptor areas if applicable)
  - c. monitoring and reporting scheme (with outcomes to be reported to the LPA) and remediation proposals for any issues arising

All details to be shown to scale on a plan and incorporated as required into all relevant related plans and drawings (e.g., soft landscape plans).

Reason: to avoid net loss of biodiversity in particular botanical value, and provide biodiversity net gain, in accordance with NPPF and Local Plan Policy NE3. The above condition is required to be pre-commencement as it involves approval of measures to ensure protection of wildlife that would be otherwise harmed during site preparation and construction phases.

### **4 Ecology Follow-up Report (Pre-occupation)**

No occupation of the development hereby approved shall commence until a report produced by a suitably experienced professional ecologist (based on post-construction on-site inspection by the ecologist) confirming and demonstrating, using photographs, adherence to and completion of the

Ecological Mitigation and Enhancement Scheme in accordance with approved details, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To demonstrate compliance with the Ecological Mitigation and Enhancement Scheme, to prevent ecological harm and to provide biodiversity gain in accordance with NPPF and policy NE3 of the Bath and North East Somerset Local Plan.

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

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

1. Lamp models and manufacturer's specifications, positions, numbers, and heights, with details also to be shown on a plan
2. Predicted lux levels and light spill;
3. Measures to limit use of lights when not required, to prevent upward light spill and to prevent light spill onto nearby vegetation and adjacent land, and to avoid harm to bat activity and other wildlife.

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

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

#### **6 Arboricultural Method Statement and Tree Protection Plan (Pre-commencement)**

No development shall take place until a revised arboricultural method statement with tree protection plan has been submitted to and approved in writing by the Local Planning Authority which accounts for the revised layout. The statement shall include proposed tree protection measures during site preparation during construction and landscaping operations. The statement should also include the control of potentially harmful operations such as the method of surface water management, storage, handling and mixing of materials on site, burning and movement of people and machinery.

Reason: To ensure that no excavation, tipping, burning, storing of materials or any other activity takes place which would adversely affect the trees to be retained in accordance with policy NE6 of the Placemaking Plan. This is a condition precedent because the works comprising the development have the potential to harm retained trees. Therefore, these details need to be agreed before work commences.

#### **7 Soft landscaping (Pre-occupation)**

Prior to commencement of use a soft landscape scheme shall be submitted to and approved in writing by the Local Planning Authority showing details of all trees, hedgerows and other planting to be retained, a planting specification to include numbers, size, species and positions of all new trees and shrubs and a programme of implementation.

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

#### **8 Soft landscaping (Compliance)**

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

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

#### **9 Batter provision (Pre-occupation)**

Prior to the first use of the pitch hereby approved, a maximum batter of 1 in 2 as shown on plan D100 Revision A shall be provided. The batter will be permanently retained thereafter.

Reason: To ensure the stability of the development.

#### **10 Flood Risk and Drainage - Infiltration Testing (Pre-commencement)**

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

Reason: To ensure that an appropriate method of surface water drainage is installed and in the interests of flood risk management in accordance with Policy CP5 of the Bath and North East Somerset Core Strategy and Policy SU1 of the Bath and North East Somerset Placemaking Plan. This is a condition precedent because it is necessary to understand whether soakaways are appropriate prior to any initial construction works which may prejudice the surface water drainage strategy.

### **11 Plans List (Compliance)**

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

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

### **PLANS LIST:**

1 This decision relates to the following plans:

0500 P01 Site Location Plan. Received 21st January 2021

0502 P02 Proposed Site Plan. Received 25th June 2021

D100 A Pitch Plan. Received 25th June 2021

D110 A Pitch Sections. Received 25th June 2021

### **2 Permit/Consent Decision Making Statement**

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

### **3 Condition Categories**

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

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

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

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

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

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

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

#### **4 Community Infrastructure Levy - General Note for all Development**

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. CIL may apply to new developments granted by way of planning permission as well as by general consent (permitted development) and may apply to change of use permissions and certain extensions. **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 any development commences**.

**Do not commence development** until you been notified in writing by the Council that you have complied with CIL; failure to comply with the regulations can result in surcharges, interest and additional payments being added and will result in the forfeiture of any instalment payment periods and other reliefs which may have been granted.

#### **Community Infrastructure Levy - Exemptions and Reliefs Claims**

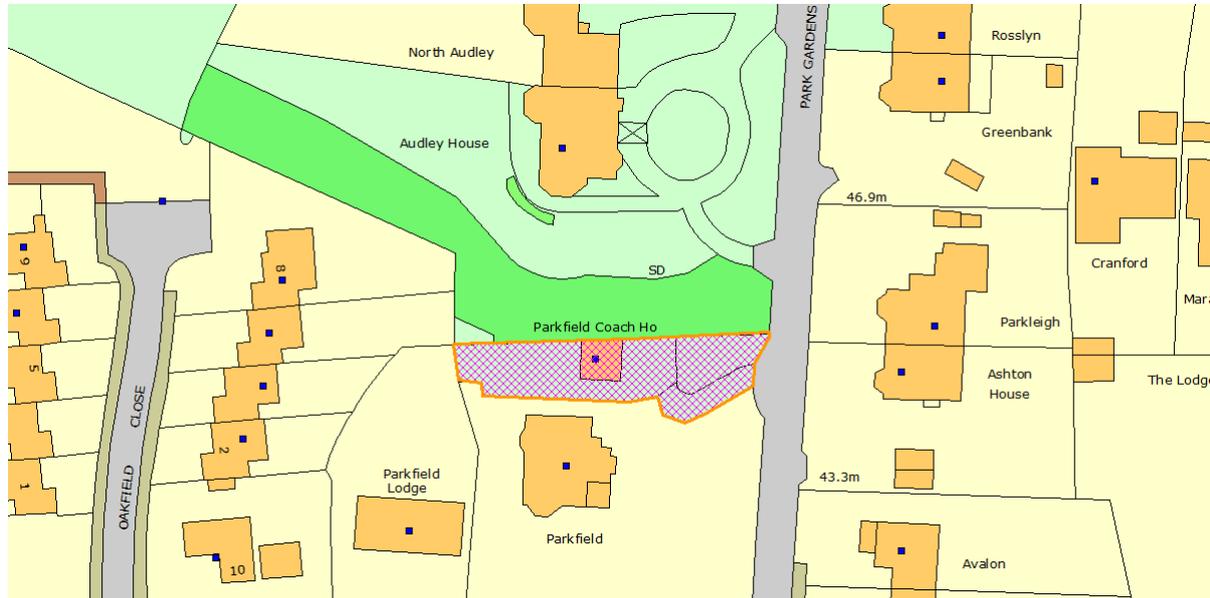
The CIL regulations are non-discretionary in respect of exemption claims. If you are intending to claim a relief or exemption from CIL (such as a "self-build relief") it is important that you understand and follow the correct procedure **before** commencing **any** development on site. You must apply for any relief and have it approved in writing by the Council then notify the Council of the intended start date **before** you start work on site. Once development has commenced you will be unable to claim any reliefs retrospectively and CIL will become payable in full along with any surcharges and mandatory interest charges. If you commence development after making an exemption or relief claim but before the claim is approved, the claim will be forfeited and cannot be reinstated.

Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: [www.bathnes.gov.uk/cil](http://www.bathnes.gov.uk/cil). If you have any queries about CIL please email [cil@BATHNES.GOV.UK](mailto:cil@BATHNES.GOV.UK)

#### **5 Responding to Climate Change (Informative):**

The council is committed to responding to climate change. You are advised to consider sustainable construction when undertaking the approved development and consider using measures aimed at minimising carbon emissions and impacts on climate change.

**Item No:** 03  
**Application No:** 21/01609/FUL  
**Site Location:** Parkfield Coach House Park Gardens Lower Weston Bath Bath And North East Somerset



**Ward:** Weston                      **Parish:** N/A                      **LB Grade:** N/A  
**Ward Members:** Councillor Shelley Bromley Councillor Ruth Malloy

**Application Type:** Full Application

**Proposal:** Erection of orangery following removal of rear conservatory. Alterations to windows and installation of rooflights.

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

**Applicant:** Mr And Mrs John Pullin

**Expiry Date:** 15th July 2021

**Case Officer:** Christine Moorfield

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

## REPORT

This application is for the erection of an orangery following removal of an existing rear conservatory. Alterations to windows and installation of rooflights.

The proposal now being considered has been amended from the scheme as originally submitted.

## HISTORY

No relevant recent planning history.

The site sits between Audley House and Park Field, both these properties are Grade II listed buildings and the site is located in the conservation area and world heritage site of Bath.

This application has been called to committee at the request of Cllr Malloy if the case officer is minded to permit the application.

The reason for the call in is as follows:

Parkfield Coach House sits between two Grade II listed buildings in a Conservation Area, in Bath World Heritage site, and the proposed loft conversion with installation of roof lights and accompanying revision to the pitch of the roof, the erection of a large orangery at the rear of the building, plus internal changes to windows at the front of the house, will substantially increase its size, constituting overdevelopment of this already narrow and (in my view) overdeveloped site.

Parkfield Coach House was built in the 1990s on the site of the original coach house belonging to Parkfield House, on the condition that its total length would not be greater than the main depth of adjacent Parkfield House.

If the current proposals were to be approved, the historical and architectural relationship of the coach house to the main house will be significantly altered, and the whole character of the area will be negatively impacted.

The proposal will impact on the amount of light that the residents of Parkfield House will enjoy if the Parkfield Coach House roof structure is increased.

In particular, the orangery would constitute a significant increase to the length of the Parkfield Coach House and an equivalent decrease in the area of its garden, meaning an overall loss of green space amenity.

Any future residents of the Parkfield Coach House would also be overlooked by the residents of Audley House, via the five large Vellux windows in the heightened roof.

The Chair commented as follows:

I have reviewed this application and note the comments from ward members and third parties. Much work has been done between the applicant's agent and the planning officer during the course of assessing the application which has led to adjustments to the submitted plans. Objections remain regarding the potential impact of the roof lights which I believe would benefit from an open debate at the planning committee.

The Vice Chair commented as follows:

I have studied this application carefully & all related comments from both third party & statutory consultees, the Officer has negotiated changes to the initial proposal to address concerns raised however there are concerns remaining regarding roof lights as Ward Cllrs have stated which I think would benefit from debate by the planning committee therefore I recommend the application be determined by the planning committee.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

### **DRAINAGE**

No objection

### **HIGHWAYS**

In respect of the scheme as originally submitted the Highway Engineer commented as follows:

The proposed loft conversion will increase the bedrooms the dwelling currently benefits from by one, taking it from a two-bed property, to a three-bed property. This proposal will have no increase on the required parking provision, which will remain at two off-street car parking spaces. As such, Highway Development Control raise no objection.

## ECOLOGY

Further to ecology comments on 18 June 2021, a Bat Survey and Assessment report (Alder Ecology, July 2021) has been provided. The report confirms that, based on surveys completed in accordance with best practice guidance, no evidence of roosting bats has been recorded. No bats were recorded emerging from the property during an evening emergence survey. Six species of bats were recorded during the emergence survey, including occasional passes by light-sensitive species, although there were no passes by horseshoe bats. The precautionary measures included in the report are welcomed and should be secured by condition if consent is granted. At least one integrated bat and/or bird box should also be secured to ensure net gain of biodiversity and in accordance with Policy D5e.

Although this is only a small sample of bat activity at the site, it appears unlikely that the site and adjacent habitats are of high importance for horseshoe or Bechstein's bat populations linked to the Bath and Bradford-on-Avon Bats Special Area of Conservation (SAC). Conditions in respect of external lighting will be required.

## TREES

A desk top assessment indicates that no trees will be affected by the proposal.

## CONSERVATION OFFICER

The increase in roof height looks to have been omitted from the scheme which helps retain the appropriate degree of architectural subservience between the Coach House and the principal listed building Parkfield.

However, the introduction of two more sets of formal paired doors to the front elevation takes the building in the opposite direction by elevating its architectural status. It is considered that the existing configuration of central doors flanked by sash windows is retained.

The size of the glazed extension has also been beneficially reduced.

Blocking in the lower half of the side elevation sashes might appease the neighbour but this will compromise the design of this elevation. There is wide choice of window film on the market that will stop overlooking but still let light in that could be used in this situation.

The four rooflights seem unnecessary given the roof space is now storage. It is acknowledged that public views of this building are limited. However, photographs on the file do show that the roof is seen against the backdrop of the side elevation of Parkfield and that respect the rooflights will add a distracting degree of visual clutter to the view.

The submission still lacks details and if the planning balance were to tip in favour of granting permission then further details for joinery should be sought.

For clarity, 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 must always be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset requires clear and convincing justification.

Under the NPPF where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

In this case there would be at the very low level of less than substantial harm which would put the application in conflict with Place Making Plan policy HE1 and the NPPF.

It has been requested by Cllr Malloy that planning application, ref. 21/01609/FUL, be called in to the Planning Committee to be decided by Members, if the case officer is minded to permit the application.

Reasons:

Parkfield Coach House sits between two Grade II listed buildings in a Conservation Area, in Bath World Heritage site, and the proposed loft conversion with installation of roof lights and accompanying revision to the pitch of the roof, the erection of a large orangery at the rear of the building, plus internal changes to windows at the front of the house, will substantially increase its size, constituting overdevelopment of this already narrow and (in my view) overdeveloped site.

Parkfield Coach House was built in the 1990s on the site of the original coach house belonging to Parkfield House, on the condition that its total length would not be greater than the main depth of adjacent Parkfield House. I

If the current proposals were to be approved, the historical and architectural relationship of the coach house to the main house will be significantly altered, and the whole character of the area will be negatively impacted.

The proposal will impact on the amount of light that the residents of Parkfield House will enjoy if the Parkfield Coach House roof structure is increased.

In particular, the orangery would constitute a significant increase to the length of the Parkfield Coach House and an equivalent decrease in the area of its garden, meaning an overall loss of green space amenity.

Any future residents of the Parkfield Coach House would also be overlooked by the residents of Audley House, via the five large Vellux windows in the heightened roof.

Cllr. Shelley Bromley has objected for the following reasons:

1. The present building is already "squashed" into a very small plot and the proposed extension would over-develop the site.
2. This is a conservation area, and this development is out of keeping with the adjacent listed buildings.
3. The heightened roof will block the light of the residents of the ground-floor flat in Parkfield House.
4. Light pollution from the roof veluxes does not support the drive towards "dark skies" and will disturb the wildlife.

Eleven neighbour comments have been received but it should be noted only one letter has been received after the plans have been amended.

The main issues raised being as follows:

The proposals change the nature of a subservient coach house to a scale of development contrary to the grain of the Conservation Area and the importance of the listed building and its setting.

The increase in height will create demonstrable harm in relation to its impact against the listed building and its setting

Ancillary buildings in historical form need to ensure such subserviency and scale is vitally important.

The listed buildings adjacent the Coach house are significant, and the setting and street scene are important aspects of that value.

This proposal does not make any contribution to local character or distinctiveness and does not comply with the NPPF paras 192 194 and 196.

There is no public benefit as a result of the development.

The development and its increased scale detracts from the existing heritage assets.

The large side of the roof enlargement will be overbearing and overly dominant.

The rear orangery as an extension the full width of the property goes beyond the rear building line.

The introduction of excessive roof lights will detract from historic character.

No heritage character assessment, no assessment of impact and no justification for the works within the DAS has been provided.

The plans are drawn at an insufficient scale to assess the details.

The increase in height, bulk and form should be rejected in heritage terms as contrary to preserving the setting of Parkfield and policies HE1, B4, BD1(3) (4), D2 and D6.

Parkfield is set at a lower level than the coach house so is already impacted by overshadowing this situation will be exacerbated by the increased height.

Overbearing impact as a result of the building being enlarged.

Additional loss of daylight and sunlight

Impact on parking

The proposal represents a gross overdevelopment of the plot.

Park gardens is a private road and a narrow one construction vehicles will create a problem for adjacent residents.

Possible damage to adjacent properties as a result of construction vehicles.

Impact on highway safety.

The current Coach House, as built, with the addition of a conservatory not the subject of a planning permission does not comply with the March 1995 planning permission drawings in that the roof is already larger than permitted.

Great care was taken at the time to propose an acceptable development of an appropriate scale when the dwelling was permitted.

The conservatory was not authorised in the final permission.

The proposal will not preserve or enhance the Conservation area.

Proposed details such as an Orangery and three fenestrated doors to the front elevation are incongruous in this setting.

Adjacent residents will not be able to avoid overlooking through the proposed roof lights.

The proposal will give rise to light pollution.

The coach house is not set back from the rear elevation of the adjacent property.

Too many roof lights are proposed.

Lack of detail of materials

Obstruction of neighbours view. Not a material consideration

Impact on property values. Not a material consideration.

## **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

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:

D.5: Building Design

D.6: Amenity

HE.1: Historic Environment

NE3: Sites, Species and Habitats

National Policy:

The Revised National Planning Policy Framework adopted July 2018 and National Planning Practice Guidance.

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.

## LOW CARBON AND SUSTAINABLE CREDENTIALS

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. The application has been assessed against the policies as identified and these have been fully taken into account in the recommendation made.

## OFFICER ASSESSMENT

As initially submitted the applicant was advised that the proposed alterations to the roof form and the rear extension were considered to be unacceptable. The enlargement of the roof form was seen to harm the setting of Parkfield as was the rear extension at the scale originally proposed. The roof has now been retained in its current form and the rear extension has been reduced.

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

The impact on the adjacent Listed Building(s)/

The Impact on the Conservation Area and World Heritage Site.

Access and parking

Impact on residential amenity.

Other matters such as ecology/trees.

The impact on the adjacent Listed Building(s)/The Impact on the Conservation Area and World Heritage Site.

The proximity of the two properties is such that it is recognised that any works to the Coach House will impact on the setting of the adjacent Listed Buildings but primarily Parkfield.

Given the concerns raised in respect of the initially proposed alterations to the roof the roof form is now to be retained as existing. It should be noted that as the Coach House is detached from Parkfield and its walls, listed building is not required for the development proposed. Nevertheless, in determining any planning application the impact on the setting and significance of Parkfield would be a decisive consideration.

The existing building was erected circa 1995 following demolition of an historic, albeit altered structure - presumably the original coach house to Parkfield. Both Parkfield immediately to the south and North Audley and Audley House to the north were designed by James Wilson circa 1860 along with other houses in Park Gardens. They are therefore significant both individually and as part of a wider coherent group.

Parkfield is an example of the picturesque classical style incorporating a belvedere popular in Bath at the time. There are groupings of other such houses on the edge of the Georgian city.

The Coach House is a classically inspired and traditional looking single storey building with a hipped roof largely concealed behind a parapet when viewed from the front. Although a separate dwelling house it was clearly scaled and designed in deference to the main house Parkfield.

The proposed alteration are for the inclusion of 4 roof lights into the north facing roof slope of the existing building. A conservatory to the rear of the building that was not the subject of a planning permission is to be replaced with an orangery type extension. Alterations to the front elevation and windows in the side elevation are proposed.

The orangery extension has been reduced from that originally proposed. The extension has a foot print of 4m x 3.75m and is set 4m away from the boundary with Parkfield. The extension has a height of 3.25m with a roof lantern on the flat roof.

The windows on the southern elevation are to be partially infilled in order to improve the relationship with Parkfield and to reduce the level of possible overlooking. Whilst an alternative to the infilling may be preferable it is considered the benefits for the adjacent neighbours of these alterations outweighs the impact these changes will have on the design of the Coach House.

The alterations as originally proposed to the front elevation were considered to have a detrimental impact on the front elevation as seen from the street and this elevation is now to remain as existing.

The extension is shown to be constructed of materials to match the main building.

### **Planning Application in Respect of Listed Buildings**

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 must always be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset requires clear and convincing justification.

Under the NPPF where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The Conservation Officer raised concern in respect of the proposal and in particular the alterations to the front elevation considering there would be at the very low level of less than substantial harm. However given that the front elevational changes have been removed and the front elevation remains as existing with the roof form remaining as existing it is not considered that the proposals would cause harm to, or loss of, the significance of a designated heritage asset.

There is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant planning permission for development which affects a listed building or its setting, that the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Here it is considered that the proposals are consistent with the aims and requirements of the primary legislation and planning policy and guidance. The proposals would not have an unacceptable impact on the listed building or its setting and would preserve the significance of the designated Heritage asset. The proposal accords with policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and part 16 of the NPPF.

### **World Heritage Site**

The proposed development is within the World Heritage Site, therefore consideration must be given to the effect the proposal might have on the setting of the World Heritage Site. In this instance, due to the size, location and appearance of the proposed development it is not considered that it will result in harm to the outstanding universal values of the wider World Heritage Site. The proposal accords with policy B4 of the adopted Core Strategy (2014) and Policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and Part 16 of the NPPF

### **Conservation Area**

There is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. In this case by virtue of the design, scale, massing, position and the external materials of the proposed development it is considered that the development would at least preserve the character and appearance of this part of the Conservation Area and its setting. The proposal accords with policy CP6 of the adopted Core Strategy (2014) and policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and Part 16 of the NPPF.

### **Character and Appearance**

As amended the alterations and extensions to this property by reason of their design, siting, scale, massing, layout and materials is acceptable and contributes and responds to the local context and maintains the character and appearance of the surrounding area. The proposal accords with policy CP6 of the adopted Core Strategy (2014) and policies D1, D2, D3, D4 and D5 of the Placemaking Plan for Bath and North East Somerset (2017) and part 12 of the NPPF.

### **Access and Parking**

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.

### **Residential Amenity**

The scheme has been substantially amended from the scheme originally submitted. In the light of concerns of neighbours and the Case Officer it is now not proposed that the roof form will be altered. The issues that remain are in respect of the roof lights and the impact the scheme may have on the privacy and light break out for adjacent neighbours.

Whilst there is a possibility that residents to the north may be able to look into the rooflights proposed given the distance between the properties it is considered that this relationship would not be one that would justify refusal of this application. The ability of residents of Parkfield to look into the roof light into the orangery is again such, that it would not warrant refusal of this application.

The reduction in the size of the windows in the south elevation of the Coach House will improve the relationship between the Coach House and the lower floor flat in Parkfield and this benefit is seen to outweigh the impact the change to these windows will have on the appearance of the Coach House. (As per comments above).

The scale of the proposed Orangery and its position away from the immediate neighbour to the south is not considered to impact on the amenity of residents to a level that would justify refusal of this application. Whilst it is appreciated the ground level of the Coach House sits above the windows of the lower floors of the adjacent flat the scale of the extension is modest and therefore, 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 part 12 of the NPPF.

### **Trees/Ecology**

Trees-The proposed development will not have an adverse impact on a tree which has significant visual or amenity value. The proposal accords with policy NE6 of the Placemaking Plan for Bath and North East Somerset (2017) and part 15 of the NPPF.

Ecology-Concerns had been raised in respect of the impact the number of proposed roof lights would have on bats within the vicinity of the site. A Bat Survey and Assessment report (Alder Ecology, July 2021) has been provided. The Councils Ecologist has commented that the precautionary measures included in the report are welcomed and should be secured by condition. At least one integrated bat and/or bird box should also be secured to ensure net gain of biodiversity and in accordance with Policy D5e.

Although this is only a small sample of bat activity at the site, it appears unlikely that the site and adjacent habitats are of high importance for horseshoe or Bechstein's bat populations linked to the Bath and Bradford-on-Avon Bats Special Area of Conservation (SAC). A conditions in respect of external lighting is necessary.

### **Low Carbon and Sustainable Credentials:**

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. The application has been assessed against the policies as identified and these have been fully taken into account in the recommendation made.

In summary the application is considered to comply with the relevant policies and therefore, the Officers recommendation is that the application be PERMITTED.

### **RECOMMENDATION**

PERMIT

### **CONDITIONS**

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

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

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

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

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

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

### **3 Materials (Compliance)**

The external stonework to be used shall be natural stone to match that of the existing building in respect of type colour block size finish texture joint size and mortar colour.

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

### **4 Velux roof lights (Compliance)**

The roof lights as permitted shall be conservation style roof lights unless agreed otherwise in writing by the Local Planning Authority. Thereafter the work shall only be carried out in accordance with the approved details.

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

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

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

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

### **6 Wildlife Protection and Enhancement (Pre-commencement)**

The development hereby permitted shall be carried out only in accordance with the precautionary recommendations on Page 18 of Bat Survey and Assessment report (Alder Ecology, July 2021) with at least one integrated bat or bird habitat feature also installed within six months after completion of the development. All works within the scheme shall be carried out in accordance with the approved details and completed in accordance with specified timescales and prior to the occupation of the development.

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

## **PLANS LIST:**

1 03F-16/09/2021  
04G-28/09/2021  
01 and 02 -21/04/2021.

## **2 Condition Categories**

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

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

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

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

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

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

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

### **3 Community Infrastructure Levy - General Note for all Development**

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. CIL may apply to new developments granted by way of planning permission as well as by general consent (permitted development) and may apply to change of use permissions and certain extensions. **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 any development commences**.

**Do not commence development** until you been notified in writing by the Council that you have complied with CIL; failure to comply with the regulations can result in surcharges, interest and additional payments being added and will result in the forfeiture of any instalment payment periods and other reliefs which may have been granted.

### **Community Infrastructure Levy - Exemptions and Reliefs Claims**

The CIL regulations are non-discretionary in respect of exemption claims. If you are intending to claim a relief or exemption from CIL (such as a "self-build relief") it is important that you understand and follow the correct procedure **before** commencing **any** development on site. You must apply for any relief and have it approved in writing by the Council then notify the Council of the intended start date **before** you start work on site. Once development has commenced you will be unable to claim any reliefs retrospectively

and CIL will become payable in full along with any surcharges and mandatory interest charges. If you commence development after making an exemption or relief claim but before the claim is approved, the claim will be forfeited and cannot be reinstated.

Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: [www.bathnes.gov.uk/cil](http://www.bathnes.gov.uk/cil). If you have any queries about CIL please email [cil@BATHNES.GOV.UK](mailto:cil@BATHNES.GOV.UK)

#### **4 Responding to Climate Change (Informative):**

The council is committed to responding to climate change. You are advised to consider sustainable construction when undertaking the approved development and consider using measures aimed at minimising carbon emissions and impacts on climate change.

#### **5 Permit/Consent Decision Making Statement**

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

**Item No:** 04  
**Application No:** 21/03666/FUL  
**Site Location:** 16 Oakhill Road Combe Down Bath Bath And North East Somerset  
BA2 5PH



**Ward:** Combe Down                      **Parish:** N/A                      **LB Grade:** N/A  
**Ward Members:** Councillor Gerry Curran    Councillor    Bharat    Ramji    Nathoo  
Pankhania  
**Application Type:** Full Application  
**Proposal:**                      Erection of new one-bedroomed flat for renting to students or as a holiday-let, ancillary to the existing house and extension of porch and installation of 11 solar panels to the front roof slope of the existing house.  
**Constraints:**                      Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Contaminated Land, Policy CP9 Affordable Housing Zones, MOD Safeguarded Areas, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,  
**Applicant:**                      Mr Jeff Manning  
**Expiry Date:**                      28th September 2021  
**Case Officer:**                      Chloe Buckingham  
To view the case click on the link [here](#).

## REPORT

### REASON FOR REPORTING APPLICATION TO COMMITTEE:

Cllrs Gerry Curran and Paul Crossley have supported this application and called it into committee and the chair of committee has decided to take the application to committee for the following reason:

I have reviewed this application and note the comments from ward councillors. Although no objections have been raised locally to this application, the design is, nonetheless,

controversial because it doesn't fit in with the local context in terms of siting, spacing, layout and design. For this reason, I recommend that the application is debated in the public forum of the planning committee.

#### DESCRIPTION OF SITE AND APPLICATION:

This application relates to an end-terrace property situated within the built-up residential area of Bath within the World Heritage Site.

The application seeks planning permission for the erection of one 1-bedroom flat for renting to students or as a holiday-let, ancillary to the existing house and extension of porch to existing house and 11-solar panels to the front of the roof of the main dwelling.

It must be noted that whilst the description of the application reads that the new dwelling will be used as either student accommodation or as a holiday-let ancillary to the main house, as this is a separate dwelling and there is no physical connection with the main house and it has its own access and parking, this can not be considered ancillary to the main house and so will be assessed as a separate planning unit.

#### Relevant Planning History:

DC - 20/04878/FUL - REFUSE - 11 February 2021 - Erection of two dwellings.

DC - 21/01789/FUL - REFUSE - 2 July 2021 - Erection of garden flat for renting as a holiday-let or student accommodation, and to remain ancillary to the existing house.

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

#### CONSULTATIONS:

Relevant comments on previous application:

Highways: no objection subject to 3 conditions.

Contaminated Land: no objection subject to 1 condition and 1 advisory.

Drainage: no objection subject to 1 condition.

Arboriculture: no objection subject to 1 condition.

#### Third party comments:

Cllr Gerry Curran: As one of the local Councillors for Combe Down Ward, I have no objection to this application at 16 Oakhill Road and I have received no objections from residents either.

Cllr Paul Crosley: This is the 3rd application on this location, and I consider that the latest integration has adequately addressed the concerns of the department in its previous refusal.

By reducing the size and shape of the building I consider the design objection is now met.

In terms of local character the subdivision of the plot into two units has produced a scheme with two self-contained areas both with adequate space and replaces a ramshackle environment that was there before.

The new dwelling has appropriate access and egress from its site and has not hindered that of the main dwelling. The new structure is clearly subservient to the main dwelling.

In my opinion this provides an attractive additional accommodation space which could be used in a variety of ways.

For these reasons I support this application and should the case officer reach a different conclusion this is a formal request that it is considered by committee in a public hearing.

Third party comments: 9 support comments received. The main points being:

No concerns- happy with the project.

Good design.

No issues with over-looking for neighbours or future occupiers.

Environmentally sound design- well insulated and using renewable energy.

No detrimental impact on the surrounding area.

The building is smaller in area and volume than the earlier proposals.

Now plenty of amenity space around all buildings.

It will add to the housing stock.

The brambles and rotting sheds will be removed and it will be an improvement on what is there.

Plenty of room for parking and the access is already existing.

## **POLICIES/LEGISLATION**

The Development Plan for Bath and North East Somerset comprises:

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

## **RELEVANT CORE STRATEGY POLICIES**

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

- SD1 Presumption in favour of Sustainable Development
- B1 Bath Spatial Strategy

- B4 World Heritage Site
- B5 Spatial Policy for Baths' Universities
- CP2 Sustainable Construction
- CP6 Environmental Quality
- CP7 Green Infrastructure
- CP10 Housing Mix

## RELEVANT PLACEMAKING PLAN POLICIES

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

- SU1 Sustainable Drainage
- D1 General Urban Design Principles
- D2 Local Character and Distinctiveness
- D3 Urban Fabric
- D4 Streets and Spaces
- D5 Building Design
- D6 Amenity
- D8 Lighting
- HE1 Historic Environment
- NE1 Development and Green Infrastructure
- NE2 Conserving and enhancing the landscape and landscape character
- NE3 Sites, species and habitats
- NE6 Trees and woodland conservation
- PCS2 Noise and Vibration
- H5 Retention of existing housing stock
- SCR1 On-site renewable energy requirement
- ST1 Promoting sustainable travel
- ST7 Transport requirements for managing development
- RE7 Visitor accommodation

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

## LOW CARBON AND SUSTAINABLE CREDENTIALS

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. The application has been assessed against the policies as identified and these have been fully taken into account in the recommendation made.

## **OFFICER ASSESSMENT**

### PRINCIPLE OF PROPOSED USE:

The site is located within the built-up residential area of Bath and as such the principle of development is accepted subject to compliance with all other policies.

## Character and Appearance

The site is in relation to the outdoor amenity space to the rear garden of no.16 which is an end-terrace property. The terrace comprises two-storey, pitched roof dwellings constructed from recon stone and brown concrete roof tiles. The existing dwellings benefit from elongated rear gardens and smaller front gardens.

The scheme now proposes to erect a slightly smaller rectangular single storey structure with a flat 'green' roof constructed from timber cladding. The dwelling would be situated to the rear garden with its own access. The changes are that the rectangular structure is now 100mm smaller in width, 2m smaller in length and 300mm smaller in height and the scheme is now for one 1-bed dwelling rather than a 2-bed dwelling. However, the reduction in the size of the structure is not seen to overcome the original concerns and the dwelling would still be positioned very close to the boundary of the host property and there would be very limited garden space. Therefore, the plot size and arrangement are still considered to give rise to a cramped form of development that would not be in-keeping with the local context in terms of siting, spacing, layout and design. The scheme would still be contrary to policies D2, D3, D4, D5 and HE1 of the Placemaking Plan (2017).

Comments from the councillor have explained that the dwelling will be subservient to the main dwelling. Whilst it is agreed that this is the case, this is not considered to be a positive attribute as the dwelling is a dwelling in its own right and this is not an extension to the main dwelling or proposed to be used in conjunction with the main dwelling. The application is for a separate dwelling and as such, whilst the structure would be owned by the applicant, it is a dwelling in its own right. Therefore, by explaining that the dwelling is subservient to the main dwelling serves to highlight how different and incongruous the structure is in relation to the other properties on the street.

Comments have been submitted to explain that the dwelling is a good design. It is agreed that in general the structure is a modern design utilising a green roof and timber cladding and as an outbuilding used ancillary to the main residential use of the host dwelling it may be acceptable. However, the subdivision of the plot and the creation of a separate single-storey wooden-clad dwelling is at odds with the character, appearance, spacing, siting and layout of the surrounding street.

Comments have been submitted to explain that the dwelling is environmentally sound, well-insulated and uses renewable energy. Whilst it is agreed that this is the case, this is not seen to overcome the issues as described above.

Comments have been submitted to explain that the dwelling will add to the housing stock. However, one 1-bed dwelling is considered negligible in terms of adding to the housing stock.

Comments have been submitted to explain that the brambles and rotting sheds will be removed and it will be an improvement on what is there. However, whilst the removal of brambles and rotting sheds is welcomed, this does not mean that the site is suitable for a new dwelling.

## Residential Amenity

Due to the size and proportions of the proposed dwelling and the distances between the site and neighbouring properties, there aren't considered to be any significant negative residential amenity impacts for surrounding occupiers or future occupiers of the proposed dwelling. The dwelling has been reduced in size and is now a 1-bed dwelling and the amount of outdoor amenity is acceptable. Whilst the scheme is broadly compliant with policy D6, this is not seen to overcome the issues regarding character and appearance as discussed.

### Arboriculture

The proposal will require connections to services which will result in trenching and the details of services or routes have not been provided. Precautionary working measures should be taken to ensure construction activities are confined to within the site and do not spill out over the adjacent land and root protection area of the offsite Silver Birch which is the only notable tree directly implicated. Therefore, if the scheme were acceptable an arboriculture method statement and tree protection plan would be required prior to commencement of development in compliance with policy NE6 of the Placemaking Plan (2017).

### Highways

The applicant has explained that one intention is for the use of the structure to be as student accommodation (C2 use class) and another to be as a holiday let (C3 use class). However, Use Class C2 (residential institutions) relates to residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres. Therefore, as the scheme is for one 1-bed dwelling this does not fall under use class C2 and as such the scheme will be assessed against the parking provision required for use class C3 (dwellinghouses).

The scheme is now for a one-bed dwelling and one off-street parking space can be provided. off-street, car parking space would be at the expense of the on plot turning facilities. Whilst the comments received have explained that there is an existing access and parking provision available on-site, and it is agreed that this is sufficient, this is not considered to overcome the issues regarding character and appearance as discussed.

It is also noted that there is storage for two bicycles and this would be attached as a pre-occupation condition if the scheme were acceptable.

### Visitor accommodation

The applicant has also explained that the building could also be used as a holiday let. Policy RE7 states that permission will be granted for new build visitor accommodation provided:

- a) it is in a sustainable location or, accessible by a choice of transport modes
- b) there are no other buildings available and suitable for conversion
- c) the scale of the proposal will not harm the character or appearance of the countryside
- d) the materials, form, bulk and general design of buildings are in keeping with their rural surroundings

- e) there is safe and convenient access to the highway network and there are no significant adverse impacts on the local highway network
- f) the proposal would not adversely affect protected species or habitats.

Whilst points a), b), e) and f) are likely to be satisfied, the scheme fails points c) and d) considering the negative impact on the character and appearance of the locality as assessed in the character and appearance section above.

### Drainage

There is no objection to the scheme regarding drainage subject to a condition to ensure that surface water is managed onsite using soakaways as indicated on the application form and/or approved drawings. Soakaways are to be designed and constructed in accordance with Building Regulations Approved Document Part H section 3, noting the requirement for infiltration testing which should be undertaken at an early stage of the development to confirm viability of infiltration techniques. If the infiltration test results demonstrate that soakaways are not appropriate, an alternative method of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The soakaways or other approved method of surface water drainage shall be installed prior to the occupation of the development. If the scheme were acceptable this condition would be considered necessary to ensure that an appropriate method of surface water drainage is installed and in the interests of flood risk management in accordance with policy CP5 of the Core Strategy and policy SU1 of the Placemaking Plan.

### Local food growing and water efficiency

There is sufficient outdoor space for pots to grow plants and vegetables and so it is considered that the proposal would comply with policy LCR.9 but this doesn't overcome the issues regarding character and appearance and highways.

Policy SCR5 explains that all dwellings will be expected to meet the national optional Building Regulations requirement for water efficiency being 110 litres per person per day. Rainwater harvesting or other methods of capturing rainwater for use by residents eg) water butts will be required for all residential development. This would normally be secured by condition on the permission but as the scheme is unacceptable for the reasons as described such conditions are not necessary.

### Sustainable Construction

The sustainable construction checklist submitted on 31st July 2021 is satisfactory and if the scheme were acceptable a condition would be attached to ensure that the scheme adheres to the 19% reduction in emissions in accordance with policy CP2 of the Core Strategy (2014).

### Extension to the front porch:

The extension of the front porch and the inclusion of the solar panels on the main dwelling is considered acceptable and the character and appearance of the main dwelling and wider streetscene will be preserved. There are also not considered to be any significant negative residential amenity impacts considering the scale of the design and distances

between neighbouring properties. This part of the proposal is in compliance with policies D2, D4 and D6.

#### Conclusion

For the reasons set out above, it is recommended that this application is refused permission for the reasons as outlined in the decision notice.

#### **RECOMMENDATION**

REFUSE

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

1 The proposal is considered to give rise to a cramped form of development that would not be in-keeping with the local context in terms of siting, spacing, layout and design. The scheme would be contrary to policies D2, D3, D4, D5 and HE1 of the Bath and North East Somerset Placemaking Plan (2017).

#### **PLANS LIST:**

1 This decision relates to plan references:

Site Location Plan received 3rd August 2021

OAK29-D, OAK31-D, OAK25-D and OSK26-D received 9th August 2021.

OAK16B, OAK20B, OAK28 and OAK30C received 31st July 2021.

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 reasons outlined above and the applicant was advised that the application was to be recommended for refusal unless amendments to the scheme were supplied. The applicant was unable to submit revisions in a timely manner, and did not choose to withdraw the application. Having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.

**Item No:** 05  
**Application No:** 21/02733/FUL  
**Site Location:** Mendip View The Street Ubley Bristol Bath And North East Somerset



**Ward:** Chew Valley      **Parish:** Ubley      **LB Grade:** II  
**Ward Members:** Councillor Vic Pritchard      Councillor Karen Warrington

**Application Type:** Full Application

**Proposal:** Erection of a rear extension and internal alterations (re-submission)

**Constraints:** Bristol Airport Safeguarding, Agric Land Class 1,2,3a, Conservation Area, Policy CP9 Affordable Housing Zones, Housing Development Boundary, Listed Building, Policy NE2 AONB, Neighbourhood Plan, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,

**Applicant:** Mr Ben Johnson Scourse

**Expiry Date:** 19th August 2021

**Case Officer:** Caroline Power

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

## REPORT

Reason For Committee Referral;

Under the Planning Scheme of Delegation (as amended April 2020) this application is referred to Committee for a decision as the Parish Council has recommended the applications for approval and the Case Officer recommends refusal.

Ubley parish is situated on the northern slopes of the Mendip Hills AONB overlooking the Chew Valley. The village is located to the north of the A368. Mendip View is listed Grade II, is located within one of the main streets within Ubley. Other key significant listed buildings within close proximity to Mendip View are Ubley Methodist Church (grade II listed) and The Manor House (grade II listed) both located on The Street. This site is situated within the Housing Development Boundary and sits within the Conservation Area.

Mendip View reads as a terraced dwelling, that is in a group of similar traditional buildings within this part of Ubley Village. The property stands out from its neighbours as it has a fine symmetrical, classical façade associated with the late 18th/early 19th century. However, internally there is an earlier structure of probable 17th century origins, hidden behind this façade. Like similar buildings of this period the frontage is rendered and lined out to look like ashlar, with a slate roof with brick gable stacks. It is a traditional 2 storey dwelling currently used as a family home.

This proposal is to provide the addition of a single storey extension to the rear of the property and partially remove part of an existing projecting addition and corridor link. The works also entail internal alterations to the rear section of the host building and within the adjoining building, all on the ground floor. The accompanying listed building application deals with this aspect of the scheme.

#### Planning History;

DC - 04/02783/LBA - CON - 28 October 2004 - Re-render front and rear elevations of building with lime render.

DC - 98/02589/LBA - PER - 28 September 1998 - Retention of metal flue on rear roof slope and other alterations to dwelling house.

DC - 05/01300/LBA - RF - 22 August 2005 - Remove cement render from front and rear of property and replace with full lime repointing

DC - 16/04016/LBA - RF - 14 October 2016 - Internal alterations comprising of the removal of an internal partition between the kitchen and lounge, in order to extend the kitchen, and the erection of a new partition to subdivide the existing lounge.

DC - 21/00638/FUL - WD - 6 April 2021 - Internal and external alterations to include erection of a rear extension.

DC - 21/00639/LBA - WD - 6 April 2021 - Internal and external alterations to include erection of a rear extension.

DC - 21/02733/FUL - PCO - - Erection of a rear extension and internal alterations (re-submission)

DC - 21/02734/LBA - PCO - - External works for the erection of a rear extension and internal alterations to the ground floor only to remove an existing pantry and bathroom and accommodate a new wet room within the former WC (now used as a store) (re-submission)

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

Ubley Parish Council; Unanimously support it.

We acknowledge the need for sensitivity because of the main property's Grade II listing and feel that this proposal achieves that. The application removes a rear single storey outbuilding and lean-to which is in very poor condition and replaces it with a thoughtful design that makes minimal alterations to the existing property. It is clear that the current outbuildings do not provide accommodation very suitable for a family and also detract from the look of the property from the rear.

The finished work keeps a similar 'L' shape footprint to the existing outbuildings and provide significant improvements in living without being overpowering. There are minimal alterations to the existing building, with those planned actually improving areas and remove some shoddy previous amendments. This application has no effect on the street

view of the property. The rear view will be significantly improved whilst retaining the integrity of the existing property. It uses traditional materials as part of a design that compliments the existing building. The Parish Council thus has no hesitation in fully supporting the application.

Neighbours Comments -1 letters of support;

The re-submitted design is a significant reduction on the original proposed footprint. The proposed design has maintained the existing ridge line as the highest part of the new build keeping the slope of the roof below the first floor windows, and therefore mirrors the shape of the existing rear extension. The addition of a retaining wall between the proposed patio area and the foundations of The Old Mill House is welcomed. The required minimum height above the surface of the new patio and width from the boundary of the Old Mill House, can be agreed prior to the start of construction.

## **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

RA2-Development in Villages outside the Green Belt not Meeting Policy RA1 Criteria

CP1: Retrofitting Existing Buildings

CP2; Sustainable Construction

CP6 - Environmental Quality

## **RELEVANT PLACEMAKING PLAN**

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

HE1- Historic Environment.

D1 : General Urban Design Principles

D2 : Local Character and Distinctiveness

D6 : Amenity

D3 Urban fabric

D4 Streets and spaces

D5 Building design

## NE2: Conserving and Enhancing the Landscape and Landscape Character

The Chew Valley Neighbourhood Plan.

Policy HDE2 - Settlement Build Character

Policy HDE3 - Important Views

Policy HDE5a - Housing Mix

Policy HDE6a - Sustainability - Renewable Energy

National Planning Policy Framework (2021) 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.

### LOW CARBON AND SUSTAINABLE CREDENTIALS

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. The application has been assessed against the policies as identified and these have been fully taken into account in the recommendation made.

### OFFICER ASSESSMENT

Ubley is an architecturally diverse village with many traditional sandstone buildings as well as more recent development comprising detached houses set back from the road within generous garden plots. The large gardens generally contribute to the lower part of The Street having a verdant character. The diversity is reflected in the Ubley Village Plan which refers to the village having an eclectic mix of housing whilst noting that the houses are of similar scale with nothing over two storeys.

Within the vicinity of Mendip View are a variety of cottages and later 19th century buildings of various styles and materials, some of which can be termed non-designated heritage assets due to their age and architecture. Both houses to either side of Mendip View are of sandstone construction with Fir Tree Cottage being of a vernacular appearance, set back on the same plane as Mendip View, whilst The Old Mill House (to the south) projects forward of this building line, fronting directly onto The Street.

The property lies within the village conservation area. The conservation area roughly follows the boundary of the village settlement from the south where it meets the main A368 at Cleeve Hill, to the north end of the village, in the valley bottom, around the grade I listed Church of St Bartholomew. Mendip View is located on the western side of the Street at the southern end of the village, close to the main road. As already stated, it forms an

attractive group of cottages and houses in an informal terrace that front the Street behind front gardens with formal walls and garden plots.

To the rear of Mendip View is agricultural land, creating a rural setting to Mendip View from the back of its rear garden. There are 2 no. public footpaths that run through the field behind Mendip View. This makes it possible to view its back garden from the field, thus allowing public views into the conservation area from these paths and towards the rear of Mendip View, together with other property within the enclave of traditional property.

Mendip View has two principal elevations, resulting from being attached on each side by separate residential units. The front façade, as already described above, is fashioned to emulate a Georgian facade of polite, symmetrical proportions and style. It has a distinctive smooth rendered appearance that is characterised by white painted render with black surrounds to the fenestration. The back of this building is by contrast more vernacular in character with rendered stone walls and timber casement windows. The back door is currently covered by a single storey lean-to porch that runs into a lean-to extension that covers part of the rear elevation, providing an internal corridor linking to the ground floor bathroom housed within a separate building.

To one side of the cottage-(northern side of the rear elevation)- is a slender addition that runs parallel with and forms part of the party wall with the neighbouring property, Fir Tree Cottage. This addition appears to be possibly a 19th century addition although its original use is unknown. However, it currently provides accommodation for a second bathroom and storage facilities for the main house. It is built of the local sandstone with some brick infill and appears to have been modified in the last century by replacing one side with a glazed roof and side walls, whilst retaining its more traditional appearance on the outer roof slope and walls. It is recognised that the timber and glass elements of the additions are in need of repair or replacement could be considered, provided the design is appropriate to the character and appearance of the principal building. Despite the need for some repair, the resultant appearance is one of a modest traditional cottage with subservient additions, sited within an essentially uncompromised rural setting.

#### Background;

Previous applications for a larger rear extension under 20/00638/FUL & 20/00639/LBA were Withdrawn last year. The proposal was for;

"Internal and external alterations to include erection of a rear extension". The applicants withdrew these applications in April 2020 following advice from the Case Officer as they were unable to support the size, scale and impact of the proposal on the rear of this listed building.

#### Proposal;

The current application seeks to add a single storey extension with a sloping roof and attach it to the ridge of the existing building, removing the existing glazed structure that was added to this separate building in the late 20th century and is of no historic interest. The roofline of the new extension is a shallow mono-pitch roof, pitching from the existing ridge of the existing addition. Since the original submission a revision has been made to the design to retain the entire end wall of the existing building.

#### Assessment.

The main issues here are the principle of development, the impact of the proposed extension on the character and significance of the listed building and on the character and appearance of the conservation area. In addition to this the impact on design, the AONB and amenity issues are considered below.

#### PRINCIPLE OF DEVELOPMENT:

The site is within the Housing Development boundary of Ubley, where the principle of development is acceptable, subject to other material planning considerations discussed below.

Ubley is an "RA2 village" and the proposed development is within the housing development boundary. Policy RA2 states; In villages outside the Green Belt with a housing development boundary defined on the Policies Map and not meeting the criteria of Policy RA1 proposals for some limited residential development and employment development will be acceptable where:

- a. they are of a scale, character and appearance appropriate to the village.
- b. in the case of residential development they lie within the housing development boundary

In terms of the scale of the proposed scheme, the extension represents a volume increase of 27m<sup>3</sup> equivalent to an increase of 4.7% over and above the original building volume of 564m<sup>3</sup> and would therefore meet part of the criteria in RA2 as set out above. However, it is considered that the character and appearance of the proposed extension is inappropriate within the context of Ubley village due to its impact on the character and appearance of the conservation area and on the significance of the listed building. As a result, the scheme does not meet the requirements of Policy RA2 of the Placemaking Plan and in terms of other material planning considerations as set out below.

#### HERITAGE ISSUES;

The proposed single storey extension projects from the existing addition and is formed with a heavy monopitch roof, with a range of upstanding rooflights. It bisects the dual pitch roof of the existing single storey addition which runs parallel with the neighbouring property and the remainder of the existing additions are removed to enable it to sit against the principal building. The elevations are essentially fully glazed panels. It will create a garden room connected to the kitchen via the existing back door, whilst the footprint of the existing outbuilding with which it bisects the roof, will provide accommodation for a study and wet room.

The juxtaposition of the proposed roof where it joins the roof of the existing addition is awkward and incongruous, cutting into the pitch below the ridge, similarly the juxtaposition of the proposed roof with the principal building is also awkward. The overall form of the building in this location is at odds with the character and appearance of the listed building. The upstanding rooflights add to the awkward appearance, standing proud of the roofline. Also the proposed fully glazed elevations sit at odds with the simple vernacular character of the rear of the building and its traditional window and door openings.

It is therefore considered that the proposed extension by virtue of its juxtaposition, visual appearance, massing and roof form will be at odds with and harmful to the character and appearance of the listed building. In the terminology of the NPPF, the proposal will lead to less than substantial harm to the significance of this listed building

Alternative solutions have been discussed with the applicants and agents to overcome these concerns. This has included, for example, a traditional 'double pile' roof that meets the existing addition at the eaves. This has been rejected due to the low eaves height of the existing addition. It is considered that improvements and alterations could be made to the existing additions but not in the harmful format proposed.

In respect of the impact of the proposal on the conservation area, although there is some appreciable distance between the closest footpath and the rear of Mendip View, the proposed extension would be visible and in particular views of the awkward relationship between the existing and proposed roofs and the form of the roof of the extension, at odds with the composition and alien in appearance to the vernacular composition.

When considering the impact of works on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

There is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant planning permission for 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. The proposed extension, by virtue of its juxtaposition, visual appearance, massing and roof form will be at odds with and harmful to the character and appearance of the listed building.

There is also a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. Similarly, by virtue of its form and appearance the proposal will have a detrimental impact on the character and appearance of this part of the conservation area.

It is concluded that the harm caused to the designated heritage assets, is, in the context of the significance of the assets as a whole and in the language of the NPPF, less than substantial. In such circumstances Paragraph 202 of the NPPF (2021) requires that any harm be weighed against the public benefits of the proposal including, where appropriate, securing the optimum viable use of the building. It is not considered that there are any public benefits secured by this proposal that would outweigh the harm.

The proposals are not therefore consistent with the aims and requirements of the primary legislation and planning policy and guidance and constitute unacceptable alterations to the listed building and the conservation area that would not preserve the significance as a designated heritage asset, also failing to meet the requirements of policy HE1 of the Bath and North East Somerset Placemaking Plan 2017 and paragraph 202 of the NPPF.

#### DESIGN;

With regards to the design of the proposed extension, given the strong historic context created by an array of designated and non-designated heritage assets within the vicinity of this site and the relatively unaltered survival of the rear elevation to this listed building, the addition of this single storey structure would be an alien and disproportionate addition to the traditional character and appearance of this particular building.

Therefore, it does not accord with Policy D1 of the adopted Bath & North East Somerset Placemaking Plan as it does not enrich local character and quality or contribute to local distinctiveness, identity and history. The addition would also fail to accord with Policy D2, as it will harm local character and distinctiveness. Further, it does not accord with Policy D3, as it would not contribute positively to the urban fabric or Policy D5 as the scheme does not complement and enhance the host building.

#### **AONB**

The site is within the AONB and as such policy NE2 states that development will not be permitted where it is seen to adversely affect the natural beauty of the landscape. In this instance, given the location of the site within the high street and the context of its built-up urban characteristics and the overall scale of this development against the larger host building, it is not considered to detract from the natural beauty of the area.

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

#### **RESIDENTIAL AMENITY:**

The scheme impacts directly on the rear elevation and additional building to Mendip View. It will not impinge on any other property in the vicinity of the site nor will it impact on any windows that may overlook the site.

Given the design, scale, massing and siting of the proposed development the proposal would not cause harm to the amenities of adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, noise, smell, traffic or other disturbance. The proposal is in accordance with policy D6 of the Placemaking Plan for Bath and North East Somerset (2017) and paragraph 7 and part 2 of the NPPF.

#### **CONCLUSION;**

This application will result in less than substantial harm to the character and significance of this grade II listed building, will impact on the character and appearance of the village and its conservation area and on the local quality and urban fabric of the settlement and is therefore contrary to sections 12 and 16 of the NPPF and policies RA2, HE1, D1, D2, D3, and D5 of the PMP and Officers recommend Refusal.

#### **RECOMMENDATION**

**REFUSE**

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

1 The proposed extension, by virtue of its juxtaposition, visual appearance, massing and roof form will be at odds with and harmful to the character and appearance of the listed building and therefore its significance and also harmful to the character and appearance of this part of the conservation area. This proposal is considered to cause less than substantial harm that is not outweighed by any public benefits and fails to meet the

requirements of policies RA2, HE1, D1, D2, D3 and D5 of the Bath and North East Somerset Placemaking Plan 2017 and Sections 12 and 16 of the NPPF.

## **PLANS LIST:**

1 Drawing	23 Aug 2021	0415/102	DEMO REFERENCE GROUND AND FIRST FLOOR PL...
Revised Drawing	23 Aug 2021	0415/001C	EXISTING GROUND AND FIRST FLOOR PLAN, LO...
Revised Drawing	23 Aug 2021	0415/101J	PROPOSED GROUND AND FIRST FLOOR PLAN, LO

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. The Local Planning Authority acknowledges the approach outlined in paragraphs 39-43 in favour of front loading and operates a pre-application advice service. Notwithstanding active encouragement for pre-application dialogue the applicant did not seek to enter into correspondence with the Local Planning Authority. The proposal was considered unacceptable for the reasons given and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application, and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.

### **3 Community Infrastructure Levy**

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

### **4 Responding to Climate Change (Informative):**

The council is committed to responding to climate change. You are advised to consider sustainable construction when undertaking the approved development and consider using measures aimed at minimising carbon emissions and impacts on climate change.

**Item No:** 06  
**Application No:** 21/02734/LBA  
**Site Location:** Mendip View The Street Ubley Bristol Bath And North East Somerset



**Ward:** Chew Valley

**Parish:** Ubley

**LB Grade:** II

**Ward Members:** Councillor Vic Pritchard Councillor Karen Warrington

**Application Type:** Listed Building Consent (Alts/exts)

**Proposal:** External works for the erection of a rear extension and internal alterations to the ground floor only to remove an existing pantry and bathroom and accommodate a new wet room within the former WC (now used as a store) (re-submission)

**Constraints:** Bristol Airport Safeguarding, Agric Land Class 1,2,3a, Conservation Area, Policy CP9 Affordable Housing Zones, Housing Development Boundary, Listed Building, Policy NE2 AONB, Neighbourhood Plan, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,

**Applicant:** Mr Ben Johnson Scourse

**Expiry Date:** 19th August 2021

**Case Officer:** Caroline Power

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

## REPORT

Reason For Committee Referral;

Under the Planning Scheme of Delegation (as amended April 2020) this application is referred to Committee for a decision as the Parish Council has recommended the applications for approval and the Case Officer recommends refusal.

Ubley parish is situated on the northern slopes of the Mendip Hills AONB overlooking the Chew Valley. The village is located to the north of the A368. Mendip View is listed Grade II, is located within one of the main streets within Ubley. Other key significant listed buildings within close proximity to Mendip View are Ubley Methodist Church (grade II listed) and The Manor House (grade II listed) both located on The Street. This site is situated within the Housing Development Boundary and sits within the Conservation Area.

Mendip View reads as a terraced dwelling, that is in a group of similar traditional buildings within this part of Ubley Village. The property stands out from its neighbours as it has a fine symmetrical, classical façade associated with the late 18th/early 19th century. However, internally there is an earlier structure of probable 17th century origins, hidden behind this façade. Like similar buildings of this period the frontage is rendered and lined out to look like ashlar, with a slate roof with brick gable stacks. It is a traditional 2 storey dwelling currently used as a family home.

This proposal is to provide the addition of a single storey extension to the rear of the property and partially remove part of an existing projecting addition/corridor link. The works also entail internal alterations to the rear section of the host building and within the adjoining outbuilding, all on the ground floor.

#### Planning History;

DC - 04/02783/LBA - CON - 28 October 2004 - Re-render front and rear elevations of building with lime render.

DC - 98/02589/LBA - PER - 28 September 1998 - Retention of metal flue on rear roof slope and other alterations to dwelling house.

DC - 05/01300/LBA - RF - 22 August 2005 - Remove cement render from front and rear of property and replace with full lime repointing

DC - 16/04016/LBA - RF - 14 October 2016 - Internal alterations comprising of the removal of an internal partition between the kitchen and lounge, in order to extend the kitchen, and the erection of a new partition to subdivide the existing lounge.

DC - 21/00638/FUL - WD - 6 April 2021 - Internal and external alterations to include erection of a rear extension.

DC - 21/00639/LBA - WD - 6 April 2021 - Internal and external alterations to include erection of a rear extension.

DC - 21/02733/FUL - PCO - - Erection of a rear extension and internal alterations (re-submission)

DC - 21/02734/LBA - PCO - - External works for the erection of a rear extension and internal alterations to the ground floor only to remove an existing pantry and bathroom and accommodate a new wet room within the former WC (now used as a store) (re-submission)

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

Ubley Parish Council- Support the scheme. (Full comments on planning application)

#### Third Party Views;

1 letter of Support- The re-submitted design is a significant reduction on the original proposed footprint. The proposed design has maintained the existing ridge line as the highest part of the new build keeping the slope of the roof below the first floor windows, and therefore mirrors the shape of the existing rear extension. The addition of a retaining wall between the proposed patio area and the foundations of The Old Mill House is

welcomed. The required minimum height above the surface of the new patio and width from the boundary of the Old Mill House, can be agreed prior to the start of construction.

## **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) 2021 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
- CP2 Sustainable Construction

Placemaking Plan:

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

- HE1 Historic Environment

Historic Environment Good Practice Advice in Planning Note 2 - Managing Significance in Decision-Taking in the Historic Environment - 2015

Historic England Advice Note 2 - Making Changes to Heritage Assets - 2016

**LOW CARBON AND SUSTAINABLE CREDENTIALS**

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. The application has been assessed against the policies as identified and these have been fully taken into account in the recommendation made.

## **OFFICER ASSESSMENT**

### Significance

Ubley is an architecturally diverse village with many traditional sandstone buildings as well as more recent development comprising detached houses set back from the road within generous garden plots. The large gardens generally contribute to the lower part of The Street having a verdant character. The diversity is reflected in the Ubley Village Plan which refers to the village having an eclectic mix of housing whilst noting that the houses are of similar scale with nothing over two storeys.

Within the vicinity of Mendip View are a variety of cottages and later 19th century buildings of various styles and materials, some of which can be termed non-designated heritage assets due to their age and architecture. Both houses to either side of Mendip View are of sandstone construction with Fir Tree Cottage being of a vernacular appearance, set back on the same plane as Mendip View, whilst The Old Mill House (to the south) projects forward of this building line, fronting directly onto The Street.

The property lies within the village Conservation Area. The conservation area roughly follows the boundary of the village settlement from the south where it meets the main A368 at Cleeve Hill, to the north end of the village, in the valley bottom, around the grade I listed Church of St Bartholomew. Mendip View is located on the western side of the Street at the southern end of the village, close to the main road. As already stated, it forms an attractive group of cottages and houses in an informal terrace that front the Street behind front gardens with formal walls and garden plots.

To the rear of Mendip View is agricultural land, creating a rural setting to Mendip View from the back of its rear garden. There are 2 no. public footpaths that run through the field behind Mendip View. This makes it possible to view its back garden from the field, thus allowing public views into the conservation area from these paths and towards the rear of Mendip View, together with other property within the enclave of traditional property.

Mendip View has two principal elevations, resulting from being attached on each side by separate residential units. The front façade, as already described above, is fashioned to emulate a Georgian facade of polite, symmetrical proportions and style. It has a distinctive smooth rendered appearance that is characterised by white painted render with black surrounds to the fenestration.

The back of this building is by contrast more vernacular in character with rendered stone walls and timber casement windows. The back door once led into a passageway or corridor lined by a plank and muntin partition and is still partially intact inside the property. The back door is currently covered by a single storey lean-to porch that runs into a lean-to extension that covers part of the rear elevation, providing an internal corridor linking to the ground floor bathroom housed within a separate building that projects out from the main building.

To one side-(northern side of the rear elevation)- is a slender addition that runs parallel with and forms part of the party wall with the neighbouring property, Fir Tree Cottage. This addition appears to be possibly a 19th century addition although its original use is unknown. However, it currently provides accommodation for a second bathroom and storage facilities for the main house. It is built of the local sandstone with some brick infill and appears to have been modified in the last century by replacing one side with a glazed roof and side walls, whilst retaining its more traditional appearance on the outer roof slope and walls. It is recognised that the timber and glass elements of the additions are in need of repair or replacement could be considered, provided the design is appropriate to the character and appearance of the principal building. Despite the need for some repair, the resultant appearance is one of a modest traditional cottage with subservient additions, sited within an essentially uncompromised rural setting.

#### Impact of Proposal;

The proposed single storey extension projects from the existing addition and is formed with a heavy monopitch roof, with a range of upstanding rooflights. It bisects the dual pitch roof of the existing single storey addition which runs parallel with the neighbouring property and the remainder of the existing additions are removed to enable it to sit against the principal building. The elevations are essentially fully glazed panels. It will create a garden room connected to the kitchen via the existing back door, whilst the footprint of the existing outbuilding with which it bisects the roof, will provide accommodation for a study and wet room. There are some further internal alterations proposed within the main body of the principal building at ground floor level that are also proposed but are not controversial as they will not affect the historic plan form or historic fabric.

The juxtaposition of the proposed extension roof, where it joins the roof of the existing addition, is awkward and incongruous, cutting into the pitch below the ridge, similarly the juxtaposition of the proposed roof with the principal building is also awkward. The overall form of the building in this location is at odds with the character and appearance of the listed building. The upstanding rooflights add to the awkward appearance, standing proud of the roofline. Also the proposed fully glazed elevations sit at odds with the simple vernacular character of the rear of the building and its traditional window and door openings. It is therefore considered that the proposed extension by virtue of its juxtaposition, visual appearance, massing and roof form will be at odds with and harmful to the character and appearance of the listed building. In the terminology of the NPPF, the proposal will lead to less than substantial harm to the significance of this listed building

Alternative solutions have been discussed with the applicants and agents to overcome these concerns. This has included, for example, a traditional 'double pile' roof that meets the existing addition at the eaves. This has been rejected due to the low eaves height of the existing addition. It is considered that improvements and alterations could be made to the existing additions but not in the harmful format proposed.

In respect of the impact of the proposal on the conservation area, although there is some appreciable distance between the closest footpath and the rear of Mendip View, the proposed extension would be visible and in particular views of the awkward relationship between the existing and proposed roofs and the form of the roof of the extension, at odds with the composition and alien in appearance to the vernacular composition.

When considering the impact of works on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

There is a duty under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant listed building consent for any works, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The proposed extension, by virtue of its juxtaposition, visual appearance, massing and roof form will be at odds with and harmful to the character and appearance of the listed building. There is also a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. Similarly, by virtue of its form and appearance the proposal will have a detrimental impact on the character and appearance of this part of the conservation area.

It is concluded that the harm caused to the designated heritage assets, is, in the context of the significance of the assets as a whole and in the language of the NPPF, less than substantial. In such circumstances Paragraph 202 of the NPPF (2021) requires that any harm be weighed against the public benefits of the proposal including, where appropriate, securing the optimum viable use of the building. It is not considered that there are any public benefits secured by this proposal that would outweigh the harm.

The proposals are not therefore consistent with the aims and requirements of the primary legislation and planning policy and guidance and constitute unacceptable alterations to the listed building and the conservation area that would not preserve the significance as a designated heritage asset, also failing to meet the requirements of policy HE1 of the Bath and North East Somerset Placemaking Plan 2017 and paragraph 202 of the NPPF.

Low Carbon and Sustainable Credentials:

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. This application involves a listed building and has been assessed against the relevant policies and guidance as identified, and these have been fully taken into account in the recommendation made.

Recommendation:

REFUSE

**RECOMMENDATION**

REFUSE

**REASON(S) FOR REFUSAL**

1 The proposed extension, by virtue of its juxtaposition, visual appearance, massing and roof form will be at odds with and harmful to the character and appearance of the listed

building and therefore its significance and also harmful to the character and appearance of this part of the conservation area. This proposal is considered to cause less than substantial harm that is not outweighed by any public benefits and fails to meet the requirements of policy HE1 of the Bath and North East Somerset Placemaking Plan 2017 and paragraph 202 of the NPPF.

#### **PLANS LIST:**

1 Drawing	23 Aug 2021	0415/102	DEMO REFERENCE GROUND AND FIRST FLOOR PL...
Revised Drawing	23 Aug 2021	0415/001C	EXISTING GROUND AND FIRST FLOOR PLAN, LO...
Revised Drawing	23 Aug 2021	0415/101J	PROPOSED GROUND AND FIRST FLOOR PLAN, LO

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. The Local Planning Authority acknowledges the approach outlined in paragraphs 39-43 in favour of front loading and operates a pre-application advice service. Notwithstanding active encouragement for pre-application dialogue the applicant did not seek to enter into correspondence with the Local Planning Authority. The proposal was considered unacceptable for the reasons given and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application, and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.

#### **3 Community Infrastructure Levy**

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

#### **4 Responding to Climate Change (Informative):**

The council is committed to responding to climate change. You are advised to consider sustainable construction when undertaking the approved development and consider using measures aimed at minimising carbon emissions and impacts on climate change.