

Bath & North East Somerset Council

MEETING: **Planning Committee**

MEETING DATE: **15th December 2021**

AGENDA
ITEM
NUMBER

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RESPONSIBLE OFFICER: Simon de Beer – Head of Planning

TITLE: **Main Agenda**

WARDS: ALL

BACKGROUND PAPERS:

AN OPEN PUBLIC ITEM

BACKGROUND PAPERS

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

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

The following notes are for information only:-

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

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

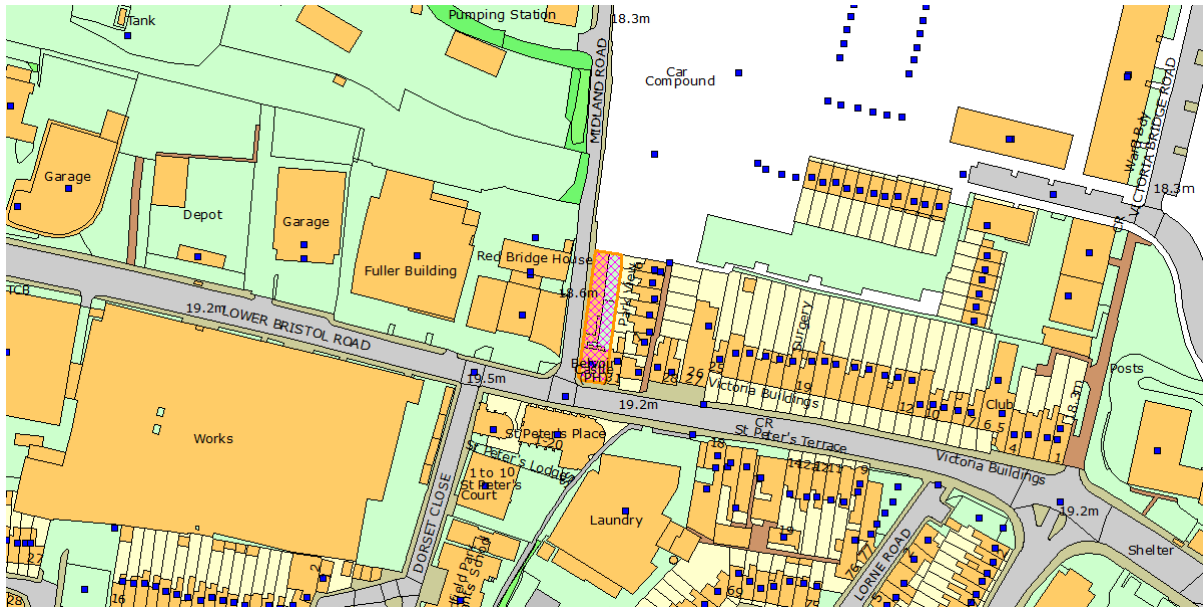
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ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	18/02499/FUL 18 April 2019	Rengen Development Limited 32-33 Victoria Buildings, Westmoreland, Bath, Bath And North East Somerset, Provision of new skittle alley, a new community room, provision of new accessible toilets, refurbishment of the public house and the provision of 9 apartments at the Belvoir Castle Bath.	Westmoreland	Emma Watts	REFUSE
02	18/02500/LBA 18 April 2019	Rengen Development Limited 32-33 Victoria Buildings, Westmoreland, Bath, Bath And North East Somerset, Provision of new skittle alley, a new community room, provision of new accessible toilets, refurbishment of the public house and the provision of 9no apartments at the Belvior Castle Bath.	Westmoreland	Emma Watts	REFUSE
03	21/04276/REG13 3 December 2021	Bath And North East Somerset Council 23 Grosvenor Place, Lambbridge, Bath, Bath And North East Somerset, BA1 6BA Internal and external alterations for the installation of secondary glazing to windows to flats, installation of PV panels on hidden roof slope, installation of security camera on south elevation, additions and alterations to staircase balustrades, alterations to lower ground floor to provide building management offices, laundry room, stores and bin store including installation of secondary glazing.	Walcot	Laura Batham	CONSENT
04	21/00889/FUL 18 November 2021	Freemantle Developments Ltd The Wharf, Greensbrook, Clutton, Bristol, Bath And North East Somerset Development of 18no. dwelling houses with associated access improvements, hard/soft landscaping, drainage works and parking.	Clutton And Farmborough	Samantha Mason	PERMIT

05	21/03981/FUL 17 December 2021	Mr And Mrs Bunn 18 St Catherine's Close, Bathwick, Bath, Bath And North East Somerset, BA2 6BS Erection of two storey side and rear extension and single storey rear extension following demolition of existing structures.	Bathwick	Samantha Mason	PERMIT
06	21/04002/FUL 17 December 2021	Long 97 Mount Road, Southdown, Bath, Bath And North East Somerset, BA2 1LL Change of use from a 3 bedroom dwelling (Use Class C3) to a 9 bedroom House in Multiple Occupation (HMO) (Use Class Sui Generis). Erection of 3m two storey side extension and loft conversion.	Southdown	Samantha Mason	PERMIT
07	21/02654/FUL 30 July 2021	Mr And Mrs Rumball 10 Grange Road, Saltford, Bristol, Bath And North East Somerset, BS31 3AH Erection of a 2 bed detached 1.5 storey dwelling with a home office and store outbuilding at the rear.	Saltford	Dominic Battrick	PERMIT

REPORT OF THE HEAD OF PLANNING ON APPLICATIONS FOR DEVELOPMENT

Item No:	01
Application No:	18/02499/FUL
Site Location:	32-33 Victoria Buildings Westmoreland Bath Bath And North East Somerset



Ward: Westmoreland **Parish:** N/A **LB Grade:** N/A

Ward Members: Councillor Colin Blackburn Councillor June Player

Application Type: Full Application

Proposal: Provision of new skittle alley, a new community room, provision of new accessible toilets, refurbishment of the public house and the provision of 9 apartments at the Belvoir Castle Bath.

Constraints: Article 4 HMO, Agric Land Class 3b,4,5, Air Quality Management Area, Policy B1 Bath Enterprise Zone, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Policy CP9 Affordable Housing Zones, District Heating Priority Area, Flood Zone 2, Flood Zone 3, HMO Stage 1 Test Area (Stage 2 Test Req), Listed Building, MOD Safeguarded Areas, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones.

Applicant: Rengen Development Limited

Expiry Date: 18th April 2019

Case Officer: Emma Watts

To view the case click on the link here.

REPORT

Reason for referring the application to Committee

On 26 September 2018 the Development Management Committee resolved to delegate to permit applications 18/02499/FUL and 18/02500/LBA contrary to officer recommendation.

The permissions were issued on 17 April 2019. Following the determination of these applications, the decisions were challenged by judicial review in *R. (on the application of Walker) v Bath and North East Somerset Council* (2020). Mrs Justice Jefford DBE, sitting in the Planning Court, in a judgment handed down on 9 July 2020 (and contained in full in the annex to this report), quashed the grants of planning permission and listed building consent on the following grounds:

- 1) The Council had failed to provide sufficient reasons for granting permission having departed from the officer's recommendation that the development fails the sequential test in respect to Flood Risk and is further contrary to Core Strategy Policy CP5.
- 2) The Council erred in law having taken into account immaterial considerations in granting permission in respect of the development, namely the retention of the public house as a result of the same which was not supported by evidence.
- 3) The Council acted irrationally in concluding that the public benefits identified in the minutes of the Committee meeting outweigh the Development Plan and material considerations identified by the Planning Officer in her report to the Committee.

The Court stated that:

"87. The nature of scope of that duty [*to give reasons*] must then have been one in which, as a minimum, the Council was required to give reasons which demonstrated that they had taken into account the matters that weighed on each side of the balance and, in this case, that included the Officer's reasons for refusal. Looked at another way that is the same exercise as giving reasons for the main points of difference. One of those reasons for refusal was the failure to follow the sequential test [*with respect to flooding*] and departure from Placemaking Policy CP5.

88. Put in that way, it is clear, in my view, that the Council did not give any or any adequate reasons. The minutes of the meeting say nothing about the flood risk or the sequential test other than the comment of an individual councillor that he did not think the site would flood.

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90. In any case, the Officer's Report concluded that the sequential test had not been followed and that was the view articulated as one of the reasons for refusal. The Officer's Report itself explained the purpose of the sequential test as identifying whether there might be other sites for the development. The short point, so far as the Officer was concerned, is that that sequential test had not been undertaken at all. The sequential test itself is, in principle, a different point from the flood risk to the site itself. The Flood Risk Assessment itself referred to the sequential test but proceeded on the basis that it was met by the strategic test for development in Flood Zones 2 and 3. The Officer clearly held a different view and it was an express reason for refusal and not just a minor point of difference.

91. There is nothing in the minutes to indicate that the Council gave any consideration to these issues, namely whether the sequential test had been followed or the failure to follow the sequential test. There is nothing to indicate that the Committee had come to the

conclusion that the test had been followed or that failure to follow the test was irrelevant because they had come to the conclusion that there was no flood risk. Although I have accepted that the views on the Council on this application are no more than arguments, the reasons given for the concession of Ground 1 entirely reflect the same points.

92. Therefore, as I have indicated, in my view it is clear that the duty to give reasons was not discharged because it is not possible to see whether this reason for refusal was even considered.

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95. I recognise that it may be said that it is clear that the Council must have reached its decision to delegate to permit on the basis that conditions could be attached to the grant of planning permission to secure the long term future of the pub. That does not change the position, however, because the same absence of reasons for rejecting the Officer's reason for refusal based on the flooding risk would arise, as would the same absence of explanation for linking the development to the long term future of the pub. The decision then made to grant full planning permission suffers from the same failing.

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100. It is not at all apparent that the Committee had any regard to that *[Carter Jonas]* report. It was referred to in the Officer's report but not in the minutes. The point made by the Officer, and indeed by members of the public and the majority of Councillors, was that there was no intrinsic or any link between the development and the future of the pub. The simple statement in the Carter Jonas report that the proposal realised sufficient profitability to fund the proposed works to the pub did not provide that link. The Councillors' local knowledge was similarly at best of the role and business of the pub and not of the link to the development.

101. I do not, therefore, accept the submission that there was a rational basis for the Council, in this case, to have regarded the future of the pub as a material consideration. The section 106 agreement was not the basis for the decision to delegate to permit. To the extent that it was the basis of the decision notices, it addressed the future of the pub solely in terms of the disabled WCs.

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111. Rengen submits that there was nothing irrational about the ultimate decision in light of the range of factors capable of being weighed in favour of the development. However, those factors were, for the reasons I have set out above, very largely a matter of assertion, and assertion that was demonstrably wrong or questionable, and cannot rationally have outweighed the multiple departures from the development plan that the Officer identified. The burden on the claimant, particularly where matters of planning judgment are concerned, is a high one but, in my judgment, in this case it is met.

.....

114. [.....] The failure to meet the sequential test *[with respect to flooding]* was not a formality and nor was it the same as a flood risk assessment. The Council appears to

have had no regard to it at all; the minutes disclose virtually no discussion or consideration of the flood risk; and any suggestion as to how the Council approached this is a suggestion and no more. Even if the Council might have concluded that there was no other available site and that the exception test was met, there is nothing in the minutes to lead to the conclusion that it was highly likely that the Council would have reached the same decision if it had given proper consideration to the issue and it is the absence of reasons which casts doubt on whether such proper consideration was given."

[edits in italics and brackets - officer additions]

Members are advised that, if they were to be minded to overturn the officer recommendation and grant permission, then Committee must give clear reasons as to how each of the principal points of difference have been resolved, in particular with respect to the recommended reasons for refusal. The Courts have stated that the public have a reasonable expectation that development plans and national policy will usually be complied with and may indeed have taken decisions having such considerations in mind, for instance when deciding where to buy a house. The giving of reasons is a way of ensuring that the decision-maker has given careful consideration to how the principal planning issues are resolved (Paraphrasing Lord Justice Sales in *R (on the application of Oakley) v South Cambridgeshire District Council* [2017] EWCA Civ 71). Reasons can be succinct, but they must address the issues in a comprehensive and meaningful way, and be based upon evidence and policy. The Planning Court was clear that it is unlawful for reasons to be based upon unsubstantiated assertions.

The current application and linked application 18/02500/LBA are therefore referred back to the Committee for re-determination. As the applications are linked and will be considered together, in the interests of brevity, the legal background is not repeated in the listed building report.

Site Description and Proposal

The application relates to the Belvoir Castle Public House, on the Lower Bristol Road in Bath. The public house is a Grade II listed building located within the City of Bath Conservation Area and the World Heritage Site. The adjacent terrace Park View is also Grade II listed. The site is located within Flood Zone 2 and 3a.

The application seeks planning permission for the provision of a new skittle alley, a new community room, provision of new accessible toilets, refurbishment of the public house and the provision of 9 apartments at the Belvoir Castle. The number of apartments has been reduced during the planning application process from 10 to 9. The amendments comprised changes to the floorplans and no external amendments to the scheme.

A parallel listed building application is being considered alongside this application.

The application was advertised as a Departure from the Development Plan on 4 October 2018. All representations from all consultations have been fully considered in this report.

The application has been screened for EIA and the Council has adopted a Screening Opinion that an Environmental Impact Assessment is not required in this case.

Relevant Planning History

17/04265/FUL - Provision of a new skittle alley, a new community room, provision of new accessible toilets, refurbishment of the public house and the demolition of the existing skittle alley to in order provide 10 no. studio apartments at the Belvoir Castle, Bath. Withdrawn 12 December 2017

17/04266/LBA - Provision of a new skittle alley, a new community room, provision of new accessible toilets, refurbishment of the public house the demolition of the existing skittle alley to in order provide 10 no. studio apartments at the Belvoir Castle, Bath. Withdrawn 12 December 2017

08/00732/FUL - Change of use from public house (use class A4) to 3no. residential units (use class C3). Withdrawn 16 April 2008

08/00735/LBA - Internal and external alterations to include creation of three residential units at the Belvoir Castle Public House. Withdrawn 14 April 2008

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Highway Development: Object to the development due to the lack of parking provision.

Sustainable Construction: Development complies with the relevant policies.

Ecology: Object due to insufficient information (no up to date protected species survey).

Conservation: Object due to the impact upon the listed building, the setting of adjacent listed buildings and the character and appearance of the Conservation Area.

Contaminated Land: No objection subject to conditions.

Drainage and Flooding: No objection subject to conditions.

Waste Services: Revised plans required to demonstrate appropriate refuse storage.

Urban Design: Not acceptable in current form. Massing and height facing residential Victorian terrace to the east is of concern; proposals are too high and should be reduced in scale. Amenity of residents should be improved.

Economic Development: No objection subject to target training and recruitment Obligations.

Historic England: No comments.

Environment Agency: No objection subject to condition.

Cllr Blackburn: Requests that this application is heard at committee. The comments can be summarised as follows: the issues regarding Grade 2 listing and how to enhance and retain this asset become ever more focused when the existing building use is under threat and how that might impact the long term sustainability of the asset in the community. The community issues over social provision and the solutions to knitting 'old with new' means

this community asset is vital to how the area comes together. As the only disabled accessible community space in my ward, this application seeks to preserve that and give provision for the community to meet. The refreshing of the skittle alley is preserving a community use that brings people together. This plan seeks to preserve its status in the community and provide 21st century facilities that are vitally needed and if the plans don't go through I fear for its long term existence

Cllr Player: Objects to the development and requests that the development is referred to Committee if minded to approve. The negatives around the provision of the 10 studio apartments outweigh the positives of the new community room and provision of new accessible toilets and refurbishment of the Belvoir Castle. Overdevelopment, lack of parking, impact upon neighbouring occupiers, impact upon setting of listed buildings, lack of appropriate waste management.

Cllr Crossley: Requests referral to Committee if minded to refuse. This will help ensure the survival in an area of the community facility which is seeing a large amount of house building without the provision of community spaces. The development addresses the listed building constraints in an interesting way. It provides a number of studio flats for young working people and this is something that the city desperately needs. Its lack of car provision should be seen as an opportunity and not a problem because it is not policy compliant. Discussing this issue in public will be helpful to the LDF process.

Bath Preservation Trust: Object. The comments can be summarised as follows: this scheme is harmful to the listed pub and adjacent heritage assets at Park View. The Trust are sceptical of the justification given by the applicant that the addition of 10 studio apartments is needed to essentially keep this well-placed pub as financially viable and to provide a community room. This is overdevelopment on a significant scale, without regard for the setting of heritage assets and also harmful to the special historic and communal interest of the public house. The loss of both the amenity of the garden and the skittle alley, both of which contribute to the pub offering, should be weighed against the benefits of the development itself. The community room could be achieved without this level of development occurring on the site. The proposed scheme, regardless of its nominal separation to the primary listed building, is too high and of a massing that dominates the surrounding heritage assets, it is not subservient in any way but instead is an oppressive and discordant element that sits high and wide on the site, piggy backing a heritage asset, obliterating any sense of the historic group (pub, skittle alley, beer garden) and further reducing the ability of the pub to offer space and outside amenity in an already built up area. A high level of harm is also caused to the setting, views and outlook of Park View.

The use of a dockside design idiom is also out of place. The character of the emerging urban townscape in this area provides much justification for not developing this pub site, as to retain the openness, human scale and sense of place of this historic site ensures that a welcome breathing space remains in a heavily developed urban landscape.

Transition Bath: The application doesn't conform with B&NES policy SCR1 (10% renewables) and doesn't contain a Sustainable Construction Checklist. It is therefore an invalid application. [Officer note: a completed Sustainable Construction Checklist was received on 10 August 2018].

Bath Heritage Watchdog: Object to the development. The works, by virtue of the lack of justification of the damage to listed structures, the scale, massing, design, height and materials are considered to be detrimental to the special architectural and historic character and interest of adjacent listed buildings and the conservation area contrary to S16 and S72 of the Planning (Listed Buildings & Conservation Areas) Act 1990, Section 12 'Conserving & Enhancing the Historic Environment of the NPPF clarified by retained policies BH2 and BH3, and Policies SD1, CP5, CP6, D1, D2, D3, D4, D5, D6, D7, HE1 of the Core Strategy and Placemaking Plan as well as LCR1, and should be refused. It is also a reason for refusal that the Exception Test is not passed despite the Flood Risk Assessment arbitrarily deeming that it is. Note that the FRA only states that EA has been consulted, not that they are happy with the application. Further concerns with lack of parking, refuse collection, residential amenity.

14 objection comments have been received. These can be summarised as follows:

- Unnecessary demolition of listed building;
- Impact upon setting of listed buildings adjacent;
- Overdevelopment of the site;
- Unacceptable scale and mass and development out of character with surrounding development;
- Dwellings at risk of flooding;
- Car free development is not acceptable, resultant highway safety issues;
- Access for service vehicles, refuse/recycling etc. not suitable;
- Impact upon the residential amenity of occupiers at Park View: loss of light, overbearing impact, light spill etc;
- Noise and disturbance from all users;
- Lack of mixed community.

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

- Retains the important local social asset of the public house, meeting facilities and skittle alley provides much needed affordable accommodation in a highly sustainable location;
- The existing building is a total eyesore and something has to be done with it before it falls down. The proposal would bring it into line with its new surroundings and compliment both the listed buildings to the Lower Bristol Road frontage and the new developments springing up in this part of our City;
- No flooding issues;
- Development will enable improvements to the Belvoir and will secure important community facilities.

A petition supporting the development has been submitted with 71 signatures.

POLICIES/LEGISLATION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that for the purposes of making decisions under the Town and Country Planning Acts, the decision must be made in accordance with the Development Plan for the area, unless other material considerations indicate otherwise.

The Development Plan for Bath and North East Somerset comprises:

- Bath and North East Somerset Core Strategy (July 2014);
- Bath and North East Somerset Placemaking Plan (July 2017);
- Saved policies from the Bath and North East Somerset Local Plan (2007);

- West of England Joint Waste Core Strategy (2011).
- Relevant 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:

- DW1: District Wide Spatial Strategy
- B1: Bath Spatial Strategy
- B4: The World Heritage Site and its Setting
- SD1: Presumption in Favour of Sustainable Development
- CP1: Retrofitting Existing Buildings
- CP2: Sustainable Construction
- CP3: Renewable Energy
- CP4: District Heating
- CP5: Flood Risk Management
- CP6: Environmental Quality
- CP13: Infrastructure Provision

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:

- SCR1: On-site Renewable Energy Requirement
- SCR5: Water Efficiency
- SU1: Sustainable Drainage Policy
- D1: General Urban Design Principles
- D2: Local Character and Distinctiveness
- D3: Urban Fabric
- D4: Streets and Spaces
- D5: Building Design
- D6: Amenity
- D7: Infill and Backland Development
- NE3: Sites, Species and Habitats
- NE4: Ecosystem Services
- NE5: Ecological Networks
- HE1: Historic Environment
- PCS1: Pollution and Nuisance
- PCS2: Noise and Vibration
- PCS3: Air Quality
- PCS5: Contamination
- PCS7A: Sewage Infrastructure
- PCS8: Bath Hot Springs
- H1: Housing
- H7: Housing Accessibility
- LCR1: Safeguarding Local Community Facilities
- LCR1A: Public Houses
- LCR2: New or Replacement Community Facilities

ST1: Promoting Sustainable Travel
ST7: Transport, access and development management
BD1: Bath Design Policy

National Policy:

The National Planning Policy Framework (July 2021) and National Planning Practice Guidance.

Supplementary Planning Documents:

The City of Bath World Heritage Site Setting SPD (2013)
Sustainable Construction Checklist SPD (2018)

Additional Guidance:

Bath City Wide Character Appraisal (2005)
Bath Building Heights Strategy (2010)

Bath and North East Somerset Local Plan Review:

The Local Plan Partial Update submission draft was recently published for consultation alongside the draft Energy Efficiency Retrofit and Sustainable Construction SPD, draft Transport and Development SPD. The consultation closed on 8th October 2021. The draft document can currently be afforded very little weight in decision making.

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

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.

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 key matters for consideration in the assessment of this application are: the principle of development; protection of a community use; flood risk; highway matters; heritage impact, character and appearance; residential amenity; ecology; sustainable construction and district heating; housing accessibility; the public sector equality duty; and planning obligations.

Principle of the Development

The development is located within the built-up area of Bath where new residential development can be considered to be acceptable subject to compliance with other relevant policies of the Development Plan. The site is within the Enterprise Area, where new residential development can also be supported and the provision of additional dwellings within this area complies with the overall strategic objectives of the Development Plan.

Protection of a Community Use

The development includes the renovation of the public house which is considered to play an important community role. This development proposes enhancements to the public house and the benefits of these will be weighed up in the overall Planning Balance section at the end of the report. The development would result in a substantial reduction in the garden area available for the patrons of the public house, but this is not considered to significantly jeopardise the long term retention of the facility.

Flood Risk

The site is predominantly located in Flood Zone 3a, with the remainder lying within Flood Zone 2. The submitted Flood Risk Assessment (FRA) has been reviewed by the Environment Agency who are satisfied that, subject to a number of conditions, the development would not increase flood risk.

Residential dwellings are classified as a 'more vulnerable' use. Given the location of the site within Flood Zones 2 and 3, the development must be subject to the Sequential and Exception Tests. The National Planning Policy Framework (NPPF) advises that the aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.

The submitted FRA references the strategic-level Sequential Test appraisal for Bath. It explains that it is reasonable to conclude that even if all sites with planning permission and allocation in Flood Zone 1 are developed, the identified need for housing within Bath would not be met. The FRA argues that there continues to be a clear need and rationale for future housing sites to be provided within Flood Zones 2 and 3a.

However, the above argument is based upon a strategic district level flood risk assessment. The applicant is still required to carry out a site-specific Sequential Test in accordance with the guidance set out in the National Planning Practice Guidance (NPPG). It is considered important that they do so because, whilst the Strategic Flood Risk Assessment provides the starting point for applying the Sequential Test, it must then be demonstrated by the applicant that there are no reasonably available sites with a lower probability of flooding in order to steer new development towards areas with the lowest flood risk. The NPPG is clear that only where there are no reasonably available sites in Flood Zone 1 should reasonably available sites in Flood Zone 2 be considered for new development, taking into account the flood risk vulnerability of land uses and applying the Exception Test if required. Likewise, only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 (areas with a high

probability of river or sea flooding) be considered, taking into account the flood risk vulnerability of land uses and applying the Exception Test if required.

The site-specific Sequential Test should therefore include an audit of any reasonably available alternative sites. This would involve looking at sites allocated for development through the Development Plan, sites that have been granted planning permission for a development that is the same or similar to the development proposed and any windfall sites. The Sequential Test should conclude whether any of the alternative sites identified have a lower risk of flooding than the proposed site.

The applicant has not carried out the above assessment and the development therefore fails the Sequential Test. As the Sequential Test has not been passed, it is not necessary to consider the Exception Test. Since it has not been demonstrated that the development passes the necessary Sequential Test for flood risk, the proposed development is contrary to Core Strategy Policy CP5.

The Court in *Walker v Bath & NE Somerset Council* concluded that in resolving to grant planning permission previously, the Committee gave no consideration as to whether the Sequential Test had either been followed or met and consequently failed to provide sufficient reasons for granting permission contrary to the officer's recommendation that the development fails the Sequential Test in respect to flood risk and conflicts with Policy CP5. The Planning Committee is therefore advised that, if the Committee were minded to grant permission, members would need to engage specifically with this issue and explain why permission should be granted notwithstanding the applicant's refusal to submit a site specific Sequential Test for flooding.

Highway Matters

No car parking provision is proposed to be provided for the future occupiers of the development. There is significant concern that a car-free development at this location would result in overspill parking occurring in areas that already suffer from high levels of on-street parking.

The Placemaking Plan contains minimum parking standards, which is an evidence-based approach to parking requirements. To accord with the standards set within the Placemaking Plan, the development would need to provide 1 parking space per dwelling and 0.2 visitor spaces per dwelling, totalling 12 spaces. Any reduction in parking provision below the minimum levels must be justified by the submission of an accessibility assessment. This takes into account the sustainability of the site's location when ascertaining appropriate parking levels, considering factors such as proximity to local facilities, employment opportunities and public transport provisions.

The application submission includes an accessibility assessment, although it is noted that the content has been disputed by third parties. Even if a 50% reduction in parking provision were accepted, the development would still require 6 parking spaces. The proposed development would provide no on-site car parking. The development therefore conflicts with Placemaking Plan Policy ST7. It must be considered whether the additional justification provided for a car-free development is sufficient to justify departing from this adopted policy.

The application is supported by a parking provision technical note which presents the case that a car-free development would be appropriate at this location and that there would be no demand from residents for car ownership. Whilst it is acknowledged that not all home owners would need to park a car at this location, it is probable that there would be some parking and that visitors to the residential units would also generate a parking demand. It is agreed that the commercial elements of the proposal would not require car parking, and this is consistent with the operation that has occurred for some time.

There is no evidence that there is sufficient on-street parking conveniently located that could accommodate the parking demand of future residents and visitors. There is unrestricted parking within 200 metres of the application site and any overspill parking resulting from this development could become a road safety problem if parking were then to occur at inappropriate locations. Due to the nature of the route and the need to access other land uses from the road, it would be entirely inappropriate for parking to occur on Midland Road, even for a temporary period of time. Furthermore, the operation of the A36 Lower Bristol Road needs to be protected due to the importance of the route.

The development is therefore considered unacceptable due to the failure of the scheme to provide an appropriate level of on-site parking spaces in accordance with the adopted minimum parking standards. The additional on-street parking that would result from the proposed development would exacerbate highway safety issues. Overall, the proposed development is contrary to Placemaking Plan Policy ST7.

Heritage Impact, Character and Appearance

There is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Similarly, the Council has a statutory duty under Section 72 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 conservation areas.

Together the main pub, former cart shed and stable and skittle alley form a functionally related assemblage of buildings of considerable significance. The long low skittle alley makes a distinctive contribution to the overall character of the site. The curved roof is a quirky and characterful aspect of the building. Victoria Buildings taken together with Park View terrace immediately to the east of the pub, are an example of relatively unaltered artisan housing (Grade II listed), and are important evidence of the 19th century working class development in the city. The group of buildings makes a positive contribution to this part of the Conservation Area as well as providing a counterpoint to the Bath Riverside development. The Heritage Statement acknowledges the collective role of the Belvoir Castle and Park View.

The application comprises alterations and extensions to the existing two storey building to create accessible toilets and a community room and the demolition of the attached skittle alley to make way for residential new build and a new skittle alley. The new build would retain the rubblestone wall facing Midland Road and build above and behind the wall. A

three storey building comprising the flats would be constructed over the footprint of the existing skittle alley and incorporating part of the existing garden area of the pub, moving the built form closer to Park View. This would be constructed in natural stone under a slate roof.

The three storey building would incorporate a pitched roof design which would allow for a successful articulation of the roofs. It is acknowledged that, when taken in isolation, the revised design approach has produced a more considered design when compared to the previous withdrawn scheme. However, the overall scale of the development is considered to be excessive in this context, harming the setting of the Belvoir Castle Pub and Park View, both designated heritage assets.

The Design and Access Statement presents the application as managing the transition between the scale of Riverside and the Belvoir Castle/Park View. Whilst the scale of these buildings is clearly very different, introducing more multi-storey development into the actual curtilage of the Belvoir would exacerbate the impact of the other taller buildings rather than mitigate it. This already small parcel of land provides a limited but critical buffer to the Riverside development for both the Belvoir Castle and Park View. Breaching the curtilage with a three storey development would inflict unacceptable harm on the character and setting of both these heritage assets and the City of Bath Conservation Area.

The submitted Heritage Statement places emphasis on the pub frontage as the only significant part of the listed building and consequently undervalues the significance of the skittle alley. Its loss through demolition would unacceptably compromise the overall significance and integrity of the listed building. Retaining the rubblestone wall divorced from the alley building would not sufficiently mitigate the harm. By adding a two storey extension, the proposed development would subsume the existing small cart shed to a degree, contributing further harm to the character and setting of the listed building.

It is clear from the floor plans that other works to the public house are proposed which would entail significant changes to floor levels. No survey/proposed sections have been submitted to explain this work. Although the documents refer to like-for-like refurbishment, details are not included with the listed building consent application. Any refurbishment is very likely to require further listed building consent and would be likely to have an impact on the character and appearance of the listed building.

The City of Bath was first inscribed as a World Heritage Site in 1987. The main reasons for the inscription of the World Heritage Site as defined in the Statement of Outstanding Universal Value are: the city's Roman archaeology; its hot springs; as an example of Georgian town planning; the Georgian architecture; the green setting of the City in a hollow in the hills; and the reflection of 18th century social ambitions in the Georgian architecture. Policy B4 of the Core Strategy states that consideration must be given to impacts on the World Heritage Site and its setting. The proposal would result in considerable change to the site. However, the effects of the proposal would largely be in views close to the site. Given the scale, height and massing of the proposed development and the context of surrounding buildings, it is not considered that the proposal would cause notable harm to the OUV of the World Heritage Site, its relationship with the surrounding green hillsides or the sweeping views across the city.

There is a duty placed on the Council under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant planning permission for development which affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Here it is considered that, owing to the scale, design and close proximity of the proposed development to the designated heritage assets, together with the substantial demolition of the skittle alley, the proposal would seriously harm the significance and setting of both the Belvoir Castle public house and Park View terrace. This proposal therefore fails to meet this requirement.

There is a duty placed on the Council 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 and appearance of the surrounding Conservation Area. In this case, given the impact on the character and appearance of the street scene resulting from the scale, design and siting of the proposed three storey building together with the substantial demolition of the skittle alley, it is considered that the proposal would fail to preserve the character and appearance of the Bath Conservation Area. As such, the proposal fails to meet this requirement.

The NPPF distinguishes between 'substantial harm' and 'less than substantial harm' when referring to the impact upon the significance of a heritage asset. In this case the harm to the listed building itself and its setting, the setting of the adjacent listed building and the character and appearance of the Conservation Area is considered, in the language of the NPPF, to be less than substantial but towards the upper end of this range. Paragraph 199 of the NPPF states that "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (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." Paragraph 202 of the NPPF directs that where a development proposal would 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. This will be addressed in the Planning Balance section of this report.

Residential Amenity

The development sits in close proximity to the residential terrace at Park View, which runs parallel to the existing skittle alley and the garden of the Belvoir Castle. The proposed development would result in built form being brought closer to the boundary with Park View, and at a much greater scale than the existing development.

The proposed three storey building would sit approximately 2.8 metres from the boundary of the rear gardens at Park View, and around 7.5 metres from their rear elevation. The three storey building would have an eaves height of approximately 9.7 metres, and a ridge height of approximately 11 metres. The eaves height of Park View is approximately 6.2 metres. Due to the proximity to Park View and the overall scale of the development proposed, it is considered that the development would result in a form that would dominate the outlook of the occupiers of Park View, have an overbearing impact and result in a loss of light to the gardens and rear windows. Cumulatively this harm would have a significant detrimental impact upon the residential amenity

The windows on the eastern elevation which overlook Park View would be obscurely glazed, which would prevent any significant loss of privacy for the neighbouring occupiers at Park View. Whilst the development would result in intensification in the use of the site, any increase in the noise and disturbance when compared to the use as a pub garden is not considered to be significant.

Whilst it is noted that the occupiers of Park View have gardens to the front of the dwellings, these are separated from the houses by a shared access and do not appear to be well used. However, the rear gardens which adjoin the application site are limited in size, directly connected to the rear doors of the dwellings, and are the primary outdoor amenity space for these occupiers. The manner in which these gardens are used would be severely compromised by the proposed development. The development is therefore considered to be contrary to Placemaking Plan Policy D6.

In terms of the residential amenity of the future occupiers of the development, it is noted that bedrooms are proposed to be located to the front where the site is noisiest and most hostile. The close relationship between the residential and commercial uses also has the potential to cause conflict and this relationship would benefit from improvement.

Ecology

Since the application was last referred to the Planning Committee the Council has declared an Ecological Emergency, resolving to, amongst other things, resist the destruction of habitats through planning policy and development management, identify appropriate areas for habitat restoration and encourage greater biodiversity, tree-planting and management. The Council also has statutory duties in relation to the conservation of protected species, especially bats, under the Conservation of Habitats and Species Regulations 2017.

The site comprises a historic building within Bath that supports conditions and features that are often used by wildlife such as bats and birds. The site lies less than 300m from the River Avon which is known to be well used by bats, and there is at least one known bat roost in a building to the south within 300m from the site.

A bat survey report (CSW 2018) was submitted at the original time of the planning application but is now out of date. The survey report concluded that there were negligible bat roosting opportunities at the time of survey. The findings of the report were accepted at that time. The report does, however, include photos of the building showing cracks and crevices in some locations and a roof void, and there is reasonable potential for such features to increase, become more suitable for wildlife, or to become used by wildlife such as bats in the intervening period. Therefore due to the passage of time, conditions at the site, the position of the site near to the River Avon and other known bat roosts in buildings, and as its use by wildlife may have changed since the time of the last survey, up to date bat survey is considered necessary prior to a consent.

Up to date protected species survey and assessment is therefore required and should be completed by a suitably experienced professional ecologist (licenced bat worker) in accordance with current best practice guidelines and standards. Any necessary further bat survey requirements identified would also need to be completed and mitigation and compensation measures incorporated into the scheme if applicable.

The proposal should also be expected to demonstrate "no net loss" of biodiversity and where possible should also show how it achieves "net gain" for biodiversity, with additional measures incorporated to provide benefit for wildlife.

In the absence of up to date protected species survey and assessment, the application fails to demonstrate compliance with Placemaking Plan Policies NE3, NE4 and NE5 or the Conservation of Habitats and Species Regulations 2017.

Sustainable Construction & District Heating

Core Strategy Policy CP1 states that the Council will seek to encourage and enable the sensitive retrofitting of energy efficiency measures and the appropriate use of micro-renewables in historic buildings (including listed buildings and buildings of solid wall or traditional construction) and in conservation areas, whilst safeguarding the special characteristics of these heritage assets for the future. Core Strategy Policy CP2 requires all planning applications to include evidence that sustainable construction standards have been addressed, including maximising energy efficiency and integrating the use of renewable and low-carbon energy. Regarding works to historic buildings, the Sustainable Construction Checklist SPD states that proposals will be judged on their own merits, taking into account the significance and character of the building and its setting.

The application was submitted prior to the adoption of the B&NES Sustainable Construction Checklist SPD and is therefore accompanied by a completed draft version of the Checklist. The submissions demonstrate that energy efficiency is integral to the design of the proposal. The Sustainable Construction Checklist SPD sets the benchmark for demonstrating that energy efficiency has been maximised as a 19% reduction in regulated carbon emissions. The completed Checklist demonstrates that the proposal would exceed the required 19% reduction in regulated carbon emissions. The proposal complies with Core Strategy Policy CP2.

The application site is located within a District Heating Priority Area. Policy CP4 requires development in this location to incorporate infrastructure for district heating, and will be expected to connect to existing systems where and when this is available, unless demonstrated that this would render development unviable. The proposals have been future-proofed with the inclusion of a single communal satellite heating system which could later be replaced with a connection to the district heating network.

PMP Policy LCR9 requires all new residential developments to incorporate opportunities for informal food growing, wherever possible (e.g. window boxes, balcony gardens, external courtyards). The proposal includes a small rear courtyard. Although it is noted that this would not be communal, it would provide some of the occupiers with the opportunity for informal food growing.

Housing Accessibility

Placemaking Plan Policy H7 requires that market housing should have enhanced accessibility standards and should meet the optional technical standard 4(2) in the Building Regulations Approved Document M. The Council can demonstrate a need for 19% of all new market housing to meet enhanced accessibility standards arising during

the Plan period. The submission has not confirmed that the development would comply with this requirement. Compliance with Policy H7 has therefore not been demonstrated.

Public Sector Equality Duty

Section 149 of the Equality Act 2010 requires public authorities, in the exercise of their functions, to have due regard to the need to: eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Act; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and to foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The Belvoir Castle does not currently have adequate disabled facilities and the current access is unlikely to be acceptable under the requirements of the Equality Act 2010. The proposed development would provide level access between the pub and the proposed community room to ensure that it is accessible to those with mobility issues. New accessible toilets would be created off the proposed community room, which would also have level access from the main bar area and community room. This element of the proposal would provide a significant equality benefit to the users of the Belvoir Castle which must be weighed in the overall planning balance.

Planning Obligations

The proposed development would provide 9 residential units. There is therefore no requirement to provide obligations in relation to affordable housing. No other planning obligations are sought.

Planning Balance and Conclusion

Clear harm has been identified above. However, the harm resulting from the proposal needs to be weighed against the benefits of the scheme, recognising that the conservation of designated heritage assets should be afforded considerable importance and weight. One key benefit put forward by the applicant in their submission relates to improvements to the public house to purportedly secure the long term future of the public house. Other benefits put forward by the applicant include the provision of housing, Community Infrastructure Levy receipts and the provision of accessible toilets for the public house. The proposed development would also generate some short term economic benefits through the construction period such as construction jobs, although these would be transient only.

The submission argues that the Belvoir Castle Pub requires significant investment to secure its future. At the time the Planning Committee previously considered the application, The Belvoir Castle was being advertised for sale. The advertisement (the accuracy of which is unverified by officers) stated that the public house was currently generating a £40,000 net profit. It stated, however, that there is plenty of growth available by extending the opening hours of the pub, particularly at lunchtimes. It also highlighted that there will be an increase in local walk-in customers living in the new residential developments that form part of the Riverside Development. The advert confirmed that the current owners do not actively canvass the student trade and do not market the business extensively to the local area. They currently rely on regular repeat custom.

An Appraisal Report prepared by Carter Jonas dated 3 September 2018 assesses the viability of the Belvoir Castle. It notes that the £40,000 net profit includes that from the integral fish and chip shop, and this overall is 50% less than would be expected from a small pub. The report considers that in order for the property to be a successful competitor with nearby businesses, it needs to provide accommodation similar or better than its peers. The report advises that the Belvoir Castle was marketed in its current format for over 12 months, has poor profitability with turnover levels at half of minimum sector expectations, has significant local competition limiting alternative income strategies and needs significant investment to improve trading. It concludes that these factors demonstrate that the property is likely to be undesirable to a public house operator unless there is potential for a significant cash investment to be made to facilitate the required re-investment.

The Belvoir Castle would visibly benefit from upgrading, and its deficiencies are outlined within the submission. Whilst it is noted that the development may generate funds which the owners could decide to use to improve the facilities of the pub to increase customers and profitability in the future, no tangible evidence has been submitted to demonstrate that this will happen. The new skittle alley and community room would replace existing facilities as opposed to adding to those facilities already offered. Whilst it would improve their relationship with the main bar area and increase the trading area, it has not been demonstrated how this would attract significant numbers of new customers. The property does not currently have adequate disabled facilities and access. The proposed improvements to create a community room and accessible toilets on the same level as the main bar area weigh in favour of the proposed development as an equality benefit and, more broadly, a public benefit.

Whilst the conclusions of the Carter Jonas report are noted and the proposed improvements to the Belvoir Castle are acknowledged, it is not considered that the development and the long term viability of the pub are intrinsically linked. If the development is permitted, the approved flats would not be in the same ownership as the Belvoir and it is therefore questioned as to how the development would sustain the viability of the Belvoir Castle in the long term. Income generated from the flats, for example through their rental, would not be fed into the pub in perpetuity. The Belvoir Castle and the flat development would become two separate planning units. Members are advised that it would not be possible to impose a planning condition or require a S106 agreement to secure such a link because the relevant tests are not met. In particular, tying together two separate and unrelated planning units and requiring the income stream from one to subsidise the other in perpetuity would be neither reasonable nor enforceable to meet the NPPF tests for conditions, nor would such a S106 obligation be fairly and reasonably related in scale and kind to the development. Furthermore, it is not clear how any such condition or S106 agreement would work on a practical level.

Whilst the Belvoir Castle is not currently maximising its potential, it is considered likely that other business models could be explored to generate additional profits such as those that were outlined within the sales brochure. It is not considered that it has been justified that the redevelopment of the site and the subdivision of the plot to build 9 residential units is intrinsically linked to the long term success and the retention of the Belvoir Castle. The Belvoir has been marketed for 12 months without any success. The improvement works, whilst potentially increasing the interest in the Belvoir, does not guarantee that the pub will

continue to be run in the future. As there is no link between the development and the future of the pub, limited weight can be given to the benefits outlined within the submission in relation to the retention of the pub.

In relation to the harm to the Conservation Area, the setting of Park View and the Belvoir public house itself, it has been identified that the harm is towards the upper end of 'less than substantial' and this is given great weight. Paragraph 202 of the NPPF directs that this harm must be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. In this case the public benefits of the proposal, which include the economic benefits, provision of new housing, and the improvement to the facilities within the pub, are not considered to outweigh the harm identified.

Regarding flood risk and the Sequential Test, as set out above the applicant has not carried out a Sequential Test as required by the NPPG. The application therefore fails to demonstrate that there are no reasonably available alternative sites with a lower flood risk which could be developed in preference to the application site, which falls within Flood Zones 3a and 2. Since it has not been demonstrated that the development passes the necessary Sequential Test for flood risk, the proposed development is contrary to Core Strategy Policy CP5. The benefits of the development described above are not considered to outweigh the harm identified by the conflict of the proposed development with Policy CP5 and the NPPF, and therefore do not justify granting planning permission as a departure from the Development Plan.

In conclusion, there are multiple and significant conflicts with the Development Plan resulting from this development, and any benefits generated from the development proposal are not considered to outweigh the harm identified. The development is therefore recommended for refusal.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed development by reason of its scale, design and close proximity to designated heritage assets will seriously harm the significance and setting of the Belvoir Castle public house and Park View Terrace and would fail to preserve the character and appearance of the Bath Conservation Area. The development is considered to be contrary to Bath and North East Somerset Core Strategy Policy CP6 and Placemaking Plan Policy HE1. The harm identified is considered to be less than substantial but the public benefits of the proposal are not considered to outweigh this harm.

2 The proposed development would result in substantial demolition of the skittle alley which forms part of the historic building assemblage at the Belvoir Castle public house which would seriously harm the significance and setting of this Grade II listed building contrary to Bath and North East Somerset Core Strategy Policy CP6 and Placemaking Plan Policy HE1. The harm identified is considered to be less than substantial but the public benefits of the proposal are not considered to outweigh this harm.

3 Due to the scale of the development and the proximity of the built form to the neighbouring boundary at Park View, the development is considered to result in a form that would dominate the outlook of the neighbouring occupiers, have an overbearing impact and result in a loss of light to the gardens and rear windows. It is considered that the development would have a significant detrimental impact upon the residential amenity of the occupiers of Park View and is contrary to Bath and North East Somerset Placemaking Plan Policy D6.

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

5 The application site is located within Flood Zone 2 and 3a, and the development has not been subject to a satisfactory sequential test. It has not been demonstrated that there are no reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The development is therefore considered to be contrary to Policy CP5 of the Bath and North East Somerset Core Strategy.

6 In the absence of up to date protected species survey and assessment the application fails to demonstrate that the development is ecologically acceptable. The development is therefore considered to be contrary to Policies NE3, NE4 and NE5 of the Bath and North East Somerset Placemaking Plan and the Conservation of Habitats and Species Regulations 2017.

7 The submission fails to demonstrate that two of the units would have enhanced accessibility standards and meet the optional technical standard 4(2) in the Building Regulations. The development therefore fails to comply with Policy H7 of the Bath and North East Somerset Placemaking Plan.

PLANS LIST:

1 7 Jun 2018 1701 AL(0)02 Rev A Existing Site Plan
7 Jun 2018 1701 AL(0)03 Existing Lower and Ground Floor Plans
7 Jun 2018 1701 AL(0)04 Existing First Floor Plan
7 Jun 2018 1701 AL(0)05 Existing Roof Plan
7 Jun 2018 1701 AL(0)06 Existing Elevations
7 Jun 2018 1701 AL(0)11 Rev E Proposed Site Plan
7 Jun 2018 1701 AL(0)14 Rev D Proposed Roof Plan
7 Jun 2018 1701 AL(0)15 Demolition Floor Plans Basement & Ground Floor
7 Jun 2018 1701 AL(0)16 Proposed Alterations Floor Plans Basement & Ground Floor
7 Jun 2018 1701 AL(0)22 Rev D Proposed North/South Elevations
7 Jun 2018 1701 AL(0)24 Rev B Proposed Elevations Community Room
7 Jun 2018 1701 AL(0)25 Proposed Context Elevations
7 Jun 2018 1701 AL(0)30 Rev B Proposed Sections
7 Jun 2018 1701 AL(0)31 Rev A Proposed Sections
7 Jun 2018 1701 AL(0)01 Rev A Existing Location Plan
10 Aug 2018 1701 AL(0)12 Rev H Proposed Floor Plans Basement & Ground Floor
10 Aug 2018 1701 AL(0)21 Rev G Proposed Elevations East & West
5 Sep 2018 1701 AL(0)13 Rev A Proposed Floor Plans First & Second

2 Community Infrastructure Levy

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

3 In determining this application, the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Framework. The Council has worked positively and proactively with the applicant to seek to resolve the issues identified. However, for the reasons given, and expanded upon in a related case officer's report, no agreeable solution could be found, and the application has been recommended for refusal.

As detailed in the related planning report, the permissions were subsequently quashed by the Planning Court.

The current application and linked application 18/02499/FUL are therefore referred back to the Committee for re-determination. Members are referred to the planning report which sets out in detail the history of these applications and the judgment of the Court.

Site Description and Proposal

The application relates to the Belvoir Castle Public House, on the Lower Bristol Road in Bath. The public house is a Grade II listed building located within the City of Bath Conservation Area and the World Heritage Site. The adjacent terrace Park View is also Grade II listed. The site is located within Flood Zone 2 and 3a.

The application seeks listed building consent for the provision of a new skittle alley, a new community room, provision of new accessible toilets, refurbishment of the public house and the provision of 9 apartments at the Belvoir Castle. The number of apartments has been reduced during the planning application process from 10 to 9. The amendments comprised changes to the floorplans and no external amendments to the scheme.

A parallel planning application is being considered alongside this application.

The application was advertised as a Departure from the Development Plan on 4 October 2018. All representations from all consultations have been fully considered in this report.

Relevant Planning History

17/04265/FUL - Provision of a new skittle alley, a new community room, provision of new accessible toilets, refurbishment of the public house and the demolition of the existing skittle alley to in order provide 10 no. studio apartments at the Belvoir Castle, Bath. Withdrawn 12 December 2017

17/04266/LBA - Provision of a new skittle alley, a new community room, provision of new accessible toilets, refurbishment of the public house the demolition of the existing skittle alley to in order provide 10 no. studio apartments at the Belvoir Castle, Bath. Withdrawn 12 December 2017

08/00732/FUL - Change of use from public house (use class A4) to 3no. residential units (use class C3). Withdrawn 16 April 2008

08/00735/LBA - Internal and external alterations to include creation of three residential units at the Belvoir Castle Public House. Withdrawn 14 April 2008

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Conservation: Object due to the impact upon the listed building, the setting of adjacent listed buildings and the character and appearance of the Conservation Area.

Historic England: No comments.

Cllr Blackburn: Requests that this application is heard at committee. The comments can be summarised as follows: the issues regarding Grade 2 listing and how to enhance and retain this asset become ever more focused when the existing building use is under threat and how that might impact the long term sustainability of the asset in the community. The community issues over social provision and the solutions to knitting 'old with new' means this community asset is vital to how the area comes together. As the only disabled accessible community space in my ward, this application seeks to preserve that and give provision for the community to meet. The refreshing of the skittle alley is preserving a community use that brings people together. This plan seeks to preserve its status in the community and provide 21st century facilities that are vitally needed and if the plans don't go through I fear for its long term existence

Cllr Player: Objects to the development and requests that the development is referred to Committee if minded to approve. The negatives around the provision of the 10 studio apartments outweigh the positives of the new community room and provision of new accessible toilets and refurbishment of the Belvoir Castle. Overdevelopment, lack of parking, impact upon neighbouring occupiers, impact upon setting of listed buildings, lack of appropriate waste management.

Cllr Crossley: Requests referral to Committee if minded to refuse. This will help ensure the survival in an area of the community facility which is seeing a large amount of house building without the provision of community spaces. The development addresses the listed building constraints in an interesting way. It provides a number of studio flats for young working people and this is something that the city desperately needs. Its lack of car provision should be seen as an opportunity and not a problem because it is not policy compliant. Discussing this issue in public will be helpful to the LDF process.

Bath Preservation Trust: Object. The comments can be summarised as follows: this scheme is harmful to the listed pub and adjacent heritage assets at Park View. The Trust are sceptical of the justification given by the applicant that the addition of 10 studio apartments is needed to essentially keep this well-placed pub as financially viable and to provide a community room. This is overdevelopment on a significant scale, without regard for the setting of heritage assets and also harmful to the special historic and communal interest of the public house. The loss of both the amenity of the garden and the skittle alley, both of which contribute to the pub offering, should be weighed against the benefits of the development itself. The community room could be achieved without this level of development occurring on the site. The proposed scheme, regardless of its nominal separation to the primary listed building, is too high and of a massing that dominates the surrounding heritage assets, it is not subservient in any way but instead is an oppressive and discordant element that sits high and wide on the site, piggy backing a heritage asset, obliterating any sense of the historic group (pub, skittle alley, beer garden) and further reducing the ability of the pub to offer space and outside amenity in an already built up area. A high level of harm is also caused to the setting, views and outlook of Park View. The use of a dockside design idiom is also out of place. The character of the emerging urban townscape in this area provides much justification for not developing this pub site, as to retain the openness, human scale and sense of place of this historic site ensures that a welcome breathing space remains in a heavily developed urban landscape.

Bath Heritage Watchdog: Object to the development. The works, by virtue of the lack of justification of the damage to listed structures, the scale, massing, design, height and

materials are considered to be detrimental to the special architectural and historic character and interest of adjacent listed buildings and the conservation area contrary to S16 and S72 of the Planning (Listed Buildings & Conservation Areas) Act 1990, Section 12 'Conserving & Enhancing the Historic Environment of the NPPF clarified by retained policies BH2 and BH3, and Policies SD1, CP5, CP6, D1, D2, D3, D4, D5, D6, D7, HE1 of the Core Strategy and Placemaking Plan as well as LCR1, and should be refused. It is also a reason for refusal that the Exception Test is not passed despite the Flood Risk Assessment arbitrarily deeming that it is. Note that the FRA only states that EA has been consulted, not that they are happy with the application. Further concerns with lack of parking, refuse collection, residential amenity.

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

- Impact upon the character and appearance of the listed building and surrounding designated heritage assets;
- Impact upon the residential amenity of the neighbouring occupiers.

A petition supporting the development has been submitted with 71 signatures.

POLICIES/LEGISLATION

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

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

The National Planning Policy Framework 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 Development Plan for Bath and North East Somerset comprises:

- Bath and North East Somerset Core Strategy (July 2014);
- Bath and North East Somerset Placemaking Plan (July 2017);
- Saved policies from the Bath and North East Somerset Local Plan (2007);
- West of England Joint Waste Core Strategy (2011).
- Relevant 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:

B4: The World Heritage Site and its Setting
CP1: Retrofitting Existing Buildings

CP2: Sustainable Construction
CP3: Renewable Energy
CP6: Environmental Quality

Placemaking Plan:

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

HE1: Historic Environment
NE3: Sites, Species and Habitats
NE4: Ecosystem Services
NE5: Ecological Networks
SCR1: On-site Renewable Energy Requirement

Supplementary Planning Documents:

The City of Bath World Heritage Site Setting SPD (2013)

Additional Guidance:

Bath City Wide Character Appraisal (2005)
Bath Building Heights Strategy (2010)

Bath and North East Somerset Local Plan Review:

The Local Plan Partial Update submission draft was recently published for consultation alongside the draft Energy Efficiency Retrofit and Sustainable Construction SPD, draft Transport and Development SPD. The consultation closed on 8th October 2021. The draft document can currently be afforded very little weight in decision making.

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

Placemaking Plan Policy HE1 states that alterations, extensions or changes of use, or development in the vicinity of a listed building will be expected to have no adverse impact on those elements which contribute to their special architectural or historic interest, including their settings.

The application comprises alterations and extensions to the existing two storey building to create accessible toilets and a community room and the demolition of the attached skittle alley to make way for residential new build and a new skittle alley. The new build would retain the rubblestone wall facing Midland Road and build above and behind the wall. A three storey building comprising the flats would be constructed over the footprint of the existing skittle alley and incorporating part of the existing garden area of the pub, moving

the built form closer to Park View. This would be constructed in natural stone under a slate roof.

The Heritage Statement submitted with the application includes an 1886 OS extract showing the building which now houses the skittle alley, noting that by 1920 the width had been increased to its present footprint. This is borne out by the English Bond brick wall facing the garden. Various possibilities for the original use of the building are put forward including a purpose designed skittle alley. The Heritage Statement speculates that the curved roof is military salvage from WWI, which is plausible given its form. The interior is clad with tongue and groove panelling to match the main pub. According to the report the ceiling is also tongue and groove hidden above the inserted modern ceiling.

Together the main pub, former cart shed and stable and skittle alley form a functionally related assemblage of buildings of considerable significance. The long low skittle alley makes a distinctive contribution to the overall character of the site. The curved roof, whatever its origins, is a quirky and characterful aspect of the building. Victoria Buildings taken together with Park View terrace immediately to the east of the pub, an example of relatively unaltered artisan housing (Grade II listed), are important evidence of the 19th century working class development in the city. The group of buildings makes a positive contribution to this part of the Conservation Area as well as providing a counterpoint to the Bath Riverside development. The Heritage Statement acknowledges the collective role of the Belvoir Castle and Park View.

The submitted Heritage Statement places emphasis on the pub frontage as the only significant part of the listed building and consequently undervalues the significance of the skittle alley. Its loss through demolition would unacceptably compromise the overall significance and integrity of the listed building. Retaining the rubblestone wall divorced from the alley building would not sufficiently mitigate the harm. By adding a two storey extension, the proposed development would subsume the existing small cart shed to a degree, contributing further harm to the character and setting of the listed building.

The Design and Access Statement presents the application as managing the transition between the scale of Riverside and the Belvoir Castle/Park View. Whilst the scale of these buildings is clearly very different, introducing more multi-storey development into the actual curtilage of the

Belvoir would exacerbate the impact of the other taller buildings rather than mitigate it. This already small parcel of land provides a limited but critical buffer to the Riverside development for

both the Belvoir Castle and Park View. Breaching the curtilage with a three storey development would inflict unacceptable harm on the character and setting of both these heritage assets and the City of Bath Conservation Area.

The Planning Statement suggests that leaving the site as it stands with no development would be unsustainable for the future of the listed building and the wider site. Enabling development is defined as development which would secure the future of a heritage asset but contravene other planning policies. Extant Historic England advice (Enabling Development and the Conservation of Significant Places) includes a criteria-based policy against which to assess proposed enabling schemes. Criterion number 1 makes it clear that development which would materially harm the heritage values of the place or its setting (which would be the case here) will not be acceptable. Clear harm to the

designated heritage assets has been identified, namely the scale, design and close proximity of the proposed development to the designated heritage assets, together with the substantial demolition of the skittle alley. The proposal would seriously harm the significance and setting of both the Belvoir Castle public house and Park View terrace. Therefore, it is considered that the application cannot be permitted on the basis of being enabling development.

It is clear from the floor plans that other works to the public house are proposed which would entail significant changes to floor levels. No survey/proposed sections have been submitted to explain this work. Although the documents refer to like-for-like refurbishment, details are not included with the listed building consent application. Any refurbishment is very likely to require further listed building consent and would be likely to have an impact on the character and appearance of the listed building.

Ecology

Since the application was last referred to the Planning Committee the Council has declared an Ecological Emergency, resolving to, amongst other things, resist the destruction of habitats through planning policy and development management, identify appropriate areas for habitat restoration and encourage greater biodiversity, tree-planting and management. The Council also has statutory duties in relation to the conservation of protected species, especially bats, under the Conservation of Habitats and Species Regulations 2017.

The site comprises a historic building within Bath that supports conditions and features that are often used by wildlife such as bats and birds. The site lies less than 300m from the River Avon which is known to be well used by bats, and there is at least one known bat roost in a building to the south within 300m from the site.

A bat survey report (CSW 2018) was submitted at the original time of the planning application but is now out of date. The survey report concluded that there were negligible bat roosting opportunities at the time of survey. The findings of the report were accepted at that time. The report does, however, include photos of the building showing cracks and crevices in some locations and a roof void, and there is reasonable potential for such features to increase, become more suitable for wildlife, or to become used by wildlife such as bats in the intervening period. Therefore due to the passage of time, conditions at the site, the position of the site near to the River Avon and other known bat roosts in nearby buildings, and as its use by wildlife may have changed since the time of the last survey, up to date bat survey is considered necessary prior to a consent.

Up to date protected species survey and assessment is therefore required and should be completed by a suitably experienced professional ecologist (licenced bat worker) in accordance with current best practice guidelines and standards. Any necessary conservation measures identified through the assessment should be incorporated into the scheme.

The proposal should also be expected to demonstrate "no net loss" of biodiversity and where possible should also show how it achieves "net gain" for biodiversity, with additional measures incorporated to provide benefit for wildlife.

In the absence of up to date protected species survey and assessment, the application fails to demonstrate compliance with Placemaking Plan Policies NE3, NE4 and NE5, or the Conservation of Habitats and Species Regulations 2017.

Public Sector Equality Duty

Section 149 of the Equality Act 2010 requires public authorities, in the exercise of its functions, to have due regard to the need to: eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Act; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and to foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The Belvoir Castle does not currently have adequate disabled facilities and the current access is unlikely to be acceptable under the requirements of the Equality Act 2010. The proposed development would provide level access between the pub and the proposed community room to ensure that it is accessible to those with mobility issues. New accessible toilets would be created off the proposed community room, which would also have level access from the main bar area and community room. This element of the proposal would provide a significant equality benefit to the users of the Belvoir Castle which must be weighed in the overall planning balance.

Analysis and Conclusion

Overall, the proposed development would cause harm to the significance and setting of both the Belvoir Castle and also Park View, contrary to Core Strategy Policy CP6 and Placemaking Plan Policy HE1. The NPPF distinguishes between 'substantial harm' and 'less than substantial harm' when referring to the impact upon the significance of a designated heritage asset. Any harm to the listed building itself and its setting, the setting of the adjacent listed buildings and the character and appearance of the Conservation Area is considered, in the language of the NPPF, to be less than substantial but towards the upper end of this range.

Paragraph 199 of the NPPF states that "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (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."

Paragraph 202 of the NPPF directs that where a development proposal would 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.

Clear harm has been identified above. However, the harm resulting from the proposal needs to be weighed against the benefits of the scheme, recognising that the conservation of designated heritage assets should be afforded considerable importance and weight. One key benefit put forward by the applicant in their submission relates to improvements to the public house to purportedly secure the long term future of the public house. Other benefits put forward by the applicant include the provision of housing, Community Infrastructure Levy receipts and the provision of accessible toilets for the public house. The proposed development would also generate some short term economic benefits

through the construction period such as construction jobs, although these would be transient only.

The submission explains that the Belvoir Castle Pub requires significant investment to secure its future. At the time the Committee previously considered the application, The Belvoir Castle was being advertised for sale. The advertisement (the accuracy of which is unverified by officers) stated that the public house was currently generating a £40,000 net profit. It recognised, however, that there is plenty of growth available by extending the opening hours of the pub particularly at lunchtimes. It also highlighted that there will be an increase in local walk-in customers living in the new residential developments that form part of the Riverside Development. The advert confirmed that the current owners do not actively canvass the student trade and do not market the business extensively to the local area. They currently rely on regular repeat custom.

An Appraisal Report prepared by Carter Jonas dated 3 September 2018 assesses the viability of the Belvoir Castle. It notes that the £40,000 net profit includes that from the integral fish and chip shop, and this overall is 50% less than would be expected from a small pub. The report considers that in order for the property to be a successful competitor with nearby businesses, it needs to provide accommodation similar or better than its peers. The report advises that the Belvoir Castle was marketed in its current format for over 12 months, has poor profitability with turnover levels at half of minimum sector expectations, has significant local competition limiting alternative income strategies and needs significant investment to improve trading. It concludes that these factors demonstrate that the property is likely to be undesirable to a public house operator unless there is potential for a significant cash investment to be made to facilitate the required re-investment.

The Belvoir Castle would visibly benefit from upgrading, and its deficiencies are outlined within the submission. Whilst it is noted that the development may generate funds to improve the facilities of the pub to increase customers and profitability in the future, no tangible evidence has been submitted to demonstrate this. The new skittle alley and community room would replace existing facilities as opposed to adding to those facilities already offered. Whilst it would improve their relationship with the main bar area and increase the trading area, it has not been demonstrated how this would attract significant new customers. The property does not currently have adequate disabled facilities and access. The proposed improvements to create a community room and accessible toilets on the same level as the main bar area weigh in favour of the proposed development as an equality benefit and, more broadly, a public benefit.

Whilst the conclusions of the report are noted and the proposed improvements to the Belvoir Castle are acknowledged, it is not considered that the development and the long term viability of the pub are intrinsically linked. If the development is permitted, the approved flats would not be in the same ownership as the Belvoir and it is therefore questioned as to how the development would sustain the viability of the Belvoir Castle in the long term. Income generated from the flats, for example through their rental, would not be fed into the pub in perpetuity. The Belvoir Castle and the flat development would become two separate planning units.

Whilst the Belvoir Castle is not currently maximising its potential, it is considered likely that other business models could be explored to generate additional profits such as those that

were outlined within the sales brochure. It is not considered that it has been justified that the redevelopment of the site and the subdivision of the plot to build 9 residential units is intrinsically linked to the long term success and the retention of the Belvoir Castle. The Belvoir has been marketed for 12 months without any success. The improvement work, whilst potentially increasing the interest in the Belvoir, does not guarantee that the pub will continue to be run in the future. It is considered that it would not be possible to include conditions on any listed building consent to secure that the residential units contribute towards the running of the public house. If the Belvoir cannot be secured to be retained in perpetuity, limited weight can be given to the benefits as outlined within the submission in relation to the retention of the pub.

There is a duty placed on the Council under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant listed building consent for any works, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Here it is considered that, owing to the scale, design and close proximity of the proposed development to the designated heritage assets together with the substantial demolition of the skittle alley, the proposal would seriously harm the significance and setting of both the Belvoir Castle public house and also Park View terrace. This proposal therefore fails to meet this requirement.

There is a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character or appearance of the surrounding Conservation Area. In this case, given the impact on the character and appearance of the street scene resulting from the scale, design and siting of the proposed three storey building together with the substantial demolition of the skittle alley, it is considered that the proposal would fail to preserve the character and appearance of the Bath Conservation Area. As such, the proposal fails to meet this requirement.

Policy B4 of the Core Strategy states that consideration must be given to impacts on the World Heritage Site and its setting. The proposal would result in considerable change to the site. However, the effects of the proposal would largely be in views close to the site. Given the scale, height and massing of the proposed development and the context of surrounding buildings, it is not considered that the proposal would cause notable harm to the OUV of the World Heritage Site, its relationship with the surrounding green hillsides or the sweeping views across the city.

Great weight has been given to the conservation of the designated heritage assets. The harm is less than substantial but is not considered to be outweighed by the public benefits of the development.

In conclusion, the proposed development is considered to result in an unacceptable impact on designated heritage assets and any public benefits generated from the proposal are not considered to outweigh the harm identified. This application is therefore recommended for refusal.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed development by reason of its scale, design and close proximity to the designated heritage assets would seriously harm the significance and setting of the Belvoir Castle Public House and Park View Terrace. The development is considered contrary to Core Strategy Policy CP6 and Placemaking Plan Policy HE1. The harm identified is considered to be less than substantial but there are not considered to be any public benefits which outweigh this harm.

2 The proposed development would result in significant demolition of the skittle alley which forms part of the historic building assemblage at the Belvoir Castle Public House, which would seriously harm the significance and setting of this Grade II listed building contrary to Core Strategy Policy CP6 and Placemaking Plan policy HE1. The harm identified is considered to be less than substantial but there are not considered to be any public benefits which outweigh this harm.

3 In the absence of up to date protected species survey and assessment the application fails to demonstrate that the development is ecologically acceptable. The development is therefore considered to be contrary to Placemaking Plan Policies NE3, NE4 and NE5 and the Conservation of Habitats and Species Regulations 2017.

PLANS LIST:

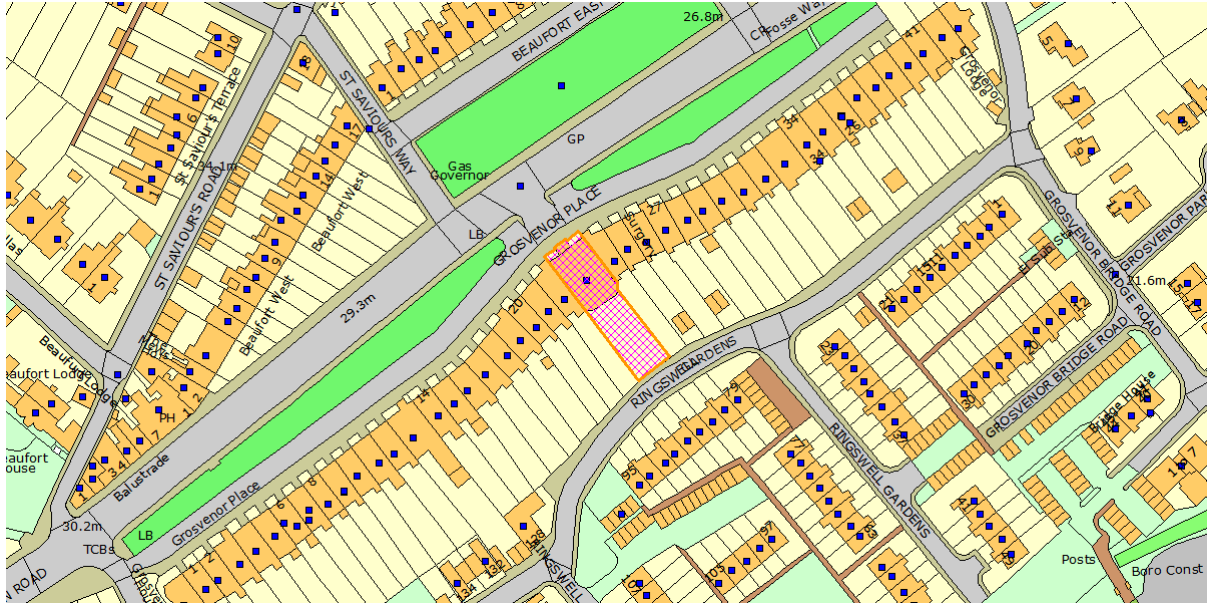
1 7 Jun 2018 1701 AL(0)02 Rev A Existing Site Plan
7 Jun 2018 1701 AL(0)03 Existing Lower and Ground Floor Plans
7 Jun 2018 1701 AL(0)04 Existing First Floor Plan
7 Jun 2018 1701 AL(0)05 Existing Roof Plan
7 Jun 2018 1701 AL(0)06 Existing Elevations
7 Jun 2018 1701 AL(0)11 Rev E Proposed Site Plan
7 Jun 2018 1701 AL(0)14 Rev D Proposed Roof Plan
7 Jun 2018 1701 AL(0)15 Demolition Floor Plans Basement & Ground Floor
7 Jun 2018 1701 AL(0)16 Proposed Alterations Floor Plans Basement & Ground Floor
7 Jun 2018 1701 AL(0)22 Rev D Proposed North/South Elevations
7 Jun 2018 1701 AL(0)24 Rev B Proposed Elevations Community Room
7 Jun 2018 1701 AL(0)25 Proposed Context Elevations
7 Jun 2018 1701 AL(0)30 Rev B Proposed Sections
7 Jun 2018 1701 AL(0)31 Rev A Proposed Sections
7 Jun 2018 1701 AL(0)01 Rev A Existing Location Plan
10 Aug 2018 1701 AL(0)12 Rev H Proposed Floor Plans Basement & Ground Floor
10 Aug 2018 1701 AL(0)21 Rev G Proposed Elevations East & West
5 Sep 2018 1701 AL(0)13 Rev A Proposed Floor Plans First & Second

2 Community Infrastructure Levy

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

3 In determining this application, the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Framework. The Council has worked positively and proactively with the applicant to seek to resolve the issues identified. However, for the reasons given, and expanded upon in a related case officer's report, no agreeable solution could be found, and the application has been recommended for refusal.

Item No: 03
Application No: 21/04276/REG13
Site Location: 23 Grosvenor Place Lambridge Bath Bath And North East Somerset
BA1 6BA



Ward: Walcot **Parish:** N/A **LB Grade:** I

Ward Members: Councillor Richard Samuel Councillor Tom Davies

Application Type: Regulation 13 Application

Proposal: Internal and external alterations for the installation of secondary glazing to windows to flats, installation of PV panels on hidden roof slope, installation of security camera on south elevation, additions and alterations to staircase balustrades, alterations to lower ground floor to provide building management offices, laundry room, stores and bin store including installation of secondary glazing.

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

Applicant: Bath And North East Somerset Council

Expiry Date: 3rd December 2021

Case Officer: Laura Batham

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

REPORT

Reason for reporting to Committee

This application is called to Committee as the Applicant is the Council.

Site Description:

Grosvenor Place is Grade I listed and the terrace was initially planned to be part of a much larger development in this area of the city. No. 23 was intended to be a hotel. Constructed between 1791 and 1819, the building slump in the early 19th century stopped works and evidence of the downturn is evident on the exterior of this property as elements of elaborate stone carving has not been completed. The building was subdivided into multiple flats in the 1970s and there are few historic features remaining internally.

Proposal:

Internal and external alterations for the installation of secondary glazing to windows to flats, installation of PV panels on hidden roof slope, installation of security camera on south elevation, additions and alterations to staircase balustrades, alterations to lower ground floor to provide building management offices, laundry room, stores and bin store including installation of secondary glazing.

History:

DC - 09/02179/LBA - CON - 2 October 2009 - Comprising draught proofing windows, dry lining dormers and part walls and installation of ventilators on roof and alterations to rainwater outlet

DC - 12/00702/LBA - CON - 26 April 2012 - Internal alterations to repair and re-level existing floor structure and removal of a studwork wall.

DC - 17/00030/LBA - CON - 6 March 2017 - External alterations to demolish & rebuild boundary retaining wall

DC - 18/04276/LBA - CON - 7 January 2019 - External alterations for the rebuilding of a boundary wall.

DC - 19/01494/VAR - CON - 3 June 2019 - Variation of condition 3 attached to 18/04276/LBA (External alterations for the rebuilding of a boundary wall).

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Historic England: On the basis of the information available, we do not wish to offer and comments. We suggest that you seek the views of your specialist conservation adviser.

Ecology: The submitted ecological information is acceptable. Net biodiversity gain will need to be achieved. Conditions should be attached to secure a wildlife protection, mitigation and enhancement scheme along with an ecological statement.

Bath Preservation Trust:

- In principle, BPT is supportive of sensitive sustainability retrofits, where deemed appropriate, within the historic environment.
- we maintain that the suitability of retrofit measures in effectively improving the energy efficiency of a building whilst sustaining the special architectural and historic interest of a listed building, and the risk of unintended consequences (eg. increased condensation, reduced breathability of historic fabric), must be assessed on a case-by-case basis.
- 23 Grosvenor Place offers an exceptional opportunity to create a major case study and set the standards for the energy retrofit of a high significance Grade I building. This

could establish a template for similar refurbishment works across the council's estate, encompassing a large number of listed buildings within the city centre, and set a positive precedent to encourage similar works by private homeowners and landlords.

- We have no objections to the proposed PV solar array, which would be concealed from public view within the inner roof slope. This measure would therefore have a negligible impact on the appearance of the listed building. However, considering the scale of the building and its high residential capacity (20 flats), we query whether the addition of 6 PV panels would be effective. We note the existing restrictions on available roof space due to the number of roof vents and rooflights, but strongly recommend further consideration of how PV provision could be maximised, and whether any vents could be acceptably removed or displaced to ensure that this measure would be sustainable.

- In principle, BPT is supportive of the installation of secondary glazing to improve the thermal performance of the building without compromising its historic features. Secondary glazing allows the retention of historic or historic-style sash windows, and would constitute a less invasive, reversible measure with limited harm to historic fabric. We therefore feel that this measure would be a positive, easily reversible addition to improve the energy efficiency and residential comfort of a historic building and ensure its long-term, sustainable use with a low visual impact.

- we do not feel that the proposed retrofits go far enough in addressing the council's own policies and Climate Emergency Action Plan. We maintain that the retrofit of historic buildings should ideally be approached holistically, including consideration and assessment of a wide range of possible interventions, how they would work together and any resulting impacts on the behaviour of the building or its fabric. It would be positive to include further information regarding existing measures that have already been installed at the property (eg. loft/floor/wall insulation, draughtproofing), alongside a more expansive assessment of the feasibility of other retrofit measures to work alongside the secondary glazing. In this way, a more comprehensive 'action plan' could be created for the building to ensure optimum performance as well as definitively 'crossing out' any measures which may be considered harmful to the specific architectural or historic value of the building.

- In relation to the proposed amendments to the historic balustrade running from the ground to first floors, we question the practicality of welding a new handrail to the existing handrail and whether this would be suitably robust for safe usage by residents. A more structurally sound solution may be to machine screw the new handrail from underneath the existing handrail, although this would be considered a more invasive measure with resulting loss of historic fabric. Alternatively a new balustrade that sits independently behind the retained historic balustrade may be more suitable to address health and safety concerns.

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
- B4 - The World Heritage Site
- CP1 Retrofitting Existing Buildings
- 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

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

Grosvenor Place is Grade I listed and the terrace was initially planned to be part of a much larger development in this area of the city. No. 23 was intended to be a hotel. Constructed between 1791 and 1819, the building slump in the early 19th century stopped works and the downturn is evident on the exterior of this property as elements of elaborate stone carving have not been completed.

The application seeks consent for internal and external works. A number of works are currently being completed to replace modern bathroom and kitchen suites and general refurbish flats to include painting and new carpets. The building was previously converted

into multiple flats in the 1970s which has carved up the interior of the building and there are very few historic features remaining in the building. The works already in progress do not affect the special historic and architectural interest of the building and do not therefore require listed building consent.

The existing windows are plain sashes, some Victorian, to the rear and multi pane sash windows (of various ages) on the front elevation. As there are no surviving shutters or precluding features, secondary glazing can be accommodated without harm to historic fabric. The proposed secondary glazing uses minimal fixings and simply sits in front of the existing windows.

It is proposed to introduce PV panels to the internal roof valley. In this location the panels are not visible in short and medium views and will not therefore impact on the character and appearance of the building. No alteration of the roof structure is needed so they will not impact on any historic fabric. It has been explained by the applicant that this is the maximum number of panels that can be accommodated in the inner valleys due to roof lights and vents. The applicants have provided an ecology survey to demonstrate the addition of solar panels will not impact on any protected species.

The installation of a security camera on the rear elevation is proposed to face the large car park. This is of a small size and will be painted a Bath stone colour to minimise its visibility.

The building has been significantly altered but the main staircase from ground to first floor has been retained with original stairs and balustrade. At upper levels, the stairs appear to have been replaced and the balustrade adapted. In some locations, the height of the balustrade is below modern building control regulations which aim to prevent falls from height. In places, the gaps between spindles are also wider than modern regulations. At each landing location it is proposed to increase the height of the balustrade by adding a separate handrail above. The proposed method of increase is not objected to in principle; however, this has been adjusted slightly so that, rather than welding to the top of the balustrade, a separate handrail is welded to the spindles and reaches over the top of the existing handrail. The impact of this is thereby lessened. Another separate, modern staircase will have more spindles introduced where the gaps are considered to be a risk.

Within the lower ground floor the layout has been significantly altered with many new storage spaces created and modern floor finishes introduced. This area is proposed to be used as building management offices, a laundry room, stores and bin store. Given the extensive alterations to the planform of this level, the additional partitions and changes to the layout proposed will not cause harm to historic fabric and are therefore supported.

Further general updates to elements are also required including:

- Electrical system upgrade
- Improved fire detection system
- Improved emergency lighting and direction signage
- Wireless internet provision
- Replacement of modern doors

As outlined above, the building has been significantly altered through its previous adaption to flats. The electrical upgrades in like for like locations and hidden behind already

installed risers between the various floors will not impact adversely on the significance of the building.

In this interior which has been substantially modernised previously, the upgraded fire detection and emergency lighting/signage and wireless internet provision are not considered harmful.

The previous modern doors to the flats are not of historic interest and their replacement on a like for like basis is not considered to cause harm.

Conclusion:

The works are considered to be sensitive to the historic fabric of the building given the changes that have already taken place. The works are not therefore considered to cause harm to the significance of the listed building.

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

There is also a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. Here it is considered that the proposals are consistent with the aims and requirements of the primary legislation and planning policy and guidance including the Council's specialist guidance, policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and part 16 of the NPPF. The proposals would be an acceptable alteration to the listed building that preserve its architectural interest and character and will preserve and enhance the setting and appearance of the conservation area.

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. In this case, the addition of secondary glazing and solar panels is considered to allow for improved thermal efficiency and provision of greener energy.

RECOMMENDATION

CONSENT

CONDITIONS

1 Time Limit - Listed Building Consent (Compliance)

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

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

2 Plans List (Compliance)

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

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

PLANS LIST:

1 Outline Schedule of Works - Communal Areas and Outline Schedule of Works - Flats 1-20 received on 25th November 2021.

1483 010, 1483 011, 1483 012, 1483 013, 1483 015, 1483 016, 1483 017, 1483 019, 1483 020, 1483 021, 1483 022, 1483 023, 1483 024, 1483 025, 1483 026, 1483 027, 1483 028, 1483 029, 1483 030, 1483 031, 1483 032, 1483 033, 1483 034, 1483 035, 1483 036, 1483 037, 1483 038, 1483 039, 1483 040, 1483 048, 1483 052, 1483 061 and 1483 001 received on 17th September 2021

1483 046 A, 1483 047 A, 1483 049 A received on 24th November 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 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. If you have any queries about CIL please email 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:	21/00889/FUL
Site Location:	The Wharf Greensbrook Clutton Bristol Bath And North East Somerset

Ward: Clutton And Farmborough **Parish:** Clutton **LB Grade:** N/A

REPORT

The Parish Council support the application and the officer is minded to permit, nevertheless as per the Council's Scheme of Delegation the application is required to be heard at committee given that it is accompanied by a Viability Assessment in regards to Affordable Housing.

Site Description and Proposal:

The application refers to a previously developed site, originally a railway yard, located in the village of Clutton. The Site is within the Housing Development Boundary and adjoins the Green Belt. The site is designated as a Site of Nature Conservation Interest.

Planning permission is sought for the development of 18no. dwelling houses with associated access improvements, hard/soft landscaping, drainage works and parking.

Relevant Planning History:

DC - 03/00792/FUL - RF - 7 June 2004 - Erection of 35 no. dwellings after demolition of existing buildings

AP - 04/00127/RF - APLWD - 27 June 2005 - Erection of 35 no. dwellings after demolition of existing Buildings

DC - 03/03050/CLEU - PERMIT - 12 May 2004 - Mixed use including haulage storage & distribution (use class B8), office (use class B1), vehicle repair (use class B2), coal yard and scrap yard (Certificate of Lawfulness)

DC - 05/00026/FUL - WD - 4 May 2005 - Demolition of existing buildings to allow for the erection of 35 no. dwellings with garaging, including live/work provision along with access, open space and landscaping (Resubmission)

DC - 07/03530/FUL - RF - 17 January 2008 - Erection of 3 no dwellings after removal of existing bungalow

AP - 08/00065/RF - ALLOW - 7 October 2008 - Erection of 3 no dwellings after removal of existing bungalow

DC - 08/02497/TPO - CON - 8 July 2008 - Fell dead Oak

DC - 10/02249/FUL - INVWD - 27 July 2010 - Erection of 3 new dwellings

DC - 10/03646/FUL - PERMIT - 20 October 2010 - Erection of 3 new dwellings

DC - 12/00293/FUL - PERMIT - 2 April 2015 - Erection of 15no dwellings following demolition of existing workshop and stone shed

DC - 12/00968/COND - SPLIT - 4 May 2012 - Discharge of conditions 2, 3 and 4 of application
10/03646/FUL (Erection of 3 new dwellings)

DC - 14/03597/COND - DISCHG - 29 September 2014 - Discharge of condition 5 of application
10/03646/FUL (Erection of 3 new dwellings)

DC - 15/00249/VAR - PERMIT - 26 March 2015 - Variation of condition 10 of application
10/03646/FUL (Erection of 3 new dwellings).

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses :

ARBORICULTURE:

12 April: no objection, however scope for revision. The drainage strategy has been formulated in isolation of arboricultural matters so requires review to ensure that it does not impact on retained trees. No arboricultural objection to the proposed tree removals subject to replacement planting on site.

17th August 2021: No objection subject to conditions

AVON AND SOMERSET POLICE:

23rd March: No objection subject to conditions

AVON FIRE AND RESCUE:

21st April 2021: Fire Hydrants require installation. Secure by s106.

CLUTTON PARISH COUNCIL:

23 March: The Parish Council resolved to support this application. The wharf is a brownfield site and the Parish Council has been keen to see this site developed for housing and the site was included within the housing development boundary in anticipation of it being developed. (Policy CNP3 Clutton Neighbourhood Plan)

COAL AUTHORITY:

27th July 2021: No objection subject to conditions

CONTAMINATED LAND:

12 March: No objection subject to conditions

DRAINAGE:

23 March: Further information required.

6th July: Further information required.

27th July: Further information required.

3rd Sept: Further information required.

6th Sept: No objection subject to conditions

ECOLOGY:

23 March: No objection in principle. Further clarifications are required to demonstrate compliance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended) and the Protection of badgers Act 1992. Consistent approach in landscape proposals and ecological requirements to demonstrate no net loss and net gain of biodiversity, protection and enhancement of Habitats of Principal Importance and the boundary to the adjacent SNCI in accordance with Bath and north East Somerset Placemaking Plan Policy NE3.

13th Oct: The submitted information addresses many of the previous ecological comments. Clarifications/ amendments remain outstanding in relation to the following:

- 1) Landscape plans to clearly and consistently demonstrate implementation of ecological requirements including retention of native hedgerows (unless justified and compensation provided), management to encourage mixed scrub and grassland mosaic and avoiding overseeding in sensitive areas e.g. reptile receptor area.
 - 2) Landscape plans to be consistent with biodiversity net gain calculations (or BNG calculations to be amended)
 - 3) Lighting Strategy to reference and consider impact of internal light spill from Plots 5 and 6. Further amendments to external light fittings causing light spill, albeit low level, onto dark corridor to the west are requested.
- Otherwise, the information provided is welcomed and sufficient to inform legal and policy compliance.

EDUCATION SERVICES:

11 March: No Objection. The primary age pupils calculated to be generated are projected to be able to be accommodated in the available primary school places in the area. CIL will be required to create capacity for the secondary age pupils calculated to be generated.

HIGHWAYS:

8th March: Scope for revision, further information required.

16th April: Further information required in respect of Transport Statement.

13th May: Further information required.

29th June: No Objection subject to conditions.

HOUSING SERVICES:

7th April: Objection. This application triggers Policy CP9 thus requiring an affordable housing contribution at 30%. However, the applicant has suggested a viability case suggesting a zero (0%) affordable housing contribution.

Representations Received :

Two comments have been received from third parties, the following is a summary of the points raised;

- Concern for pedestrian and highways safety
- Concern regarding attenuation pond and drainage, and compliance with drainage regulations

POLICIES/LEGISLATION

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

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

Core Strategy:

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

CP2: Sustainable Construction

CP3: Renewable Energy

CP6: Environmental Quality

CP8: Green Belt

CP9: Affordable Housing

CP10: Housing Mix

DW1: District Wide Spatial Strategy

SD1: Presumption in favour of sustainable development

Placemaking Plan:

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

D1: General urban design principles

D2: Local character and distinctiveness

D.3: Urban fabric
D.5: Building design
D.6: Amenity
D7: Infill and backland development
GB1: Visual amenities of the Green Belt
NE2: Conserving and Enhancing the landscape and landscape character
NE2A: Landscape setting of settlements
NE3: Sites, species and habitats
NE5: Ecological networks
NE6: Trees and woodland conservation
RA1: Development in the villages meeting the listed criteria
RA2: Development in villages outside of the Green Belt not meeting Policy RA1 criteria
ST7: Transport requirements for managing development
H7: Housing accessibility
SCR1: On-site renewable energy requirement
SCR5: Water efficiency
SU1: Sustainable drainage policy
LCR9: Increasing the provision of local food growing
PC55: Contamination

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).

Neighbourhood Plans:

The following Clutton Neighbourhood Plan policies are relevant to this application:

Policy CNP1 - Settlement Separation
Policy CNP2 - Build Character
Policy CNP3 - Numbers, Siting and Types of New Dwellings
Policy CNP4 - Sustainability by design
Policy CNP6 - Safe roads
Policy CNP7 - Sewage Disposal
Policy CNP18 - Pedestrian Links
Policy CNP20 - Parking provision
Policy CNP21 - Street Lighting

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;

- Principle of development
- Affordable housing
- Character and appearance
- Residential amenity
- Trees and landscape
- Ecology
- Coal mining heritage
- Highways
- Drainage and flooding
- Contaminated land
- Sustainable construction and renewable energy
- Planning obligations

PRINCIPLE OF DEVELOPMENT:

The site is a brownfield site with a lawful mixed use for industrial and commercial purposes.

Policy Ed2b has regard to non-strategic industrial premises. It states that 'Non-strategic sites are not afforded the same level of protection for industrial, and warehousing (B1c, B2 & B8) uses as those listed in ED2A. Applications for residential development or others uses will normally be approved unless there is a strong economic reason why this would be inappropriate'.

The site previously had planning permission for its redevelopment to provide 15 houses, with 5 affordable units (planning application reference 12/00293/FUL). The loss of the site as industrial use was therefore established under the previous permission, and whilst this has lapsed, it remains a material planning consideration of some weight.

Additionally, since that permission was granted, a Neighbourhood Plan (NP) for Clutton has been adopted (in 2015) and this references the approval for 15 dwellings on the site, stating on page 12 that the permission (together with the other 48 dwellings approved within/around Clutton but not, at that time, built out) would be "sufficient to meet the requirement for 50 dwellings" in Clutton. It is noted that the Parish Council support this application.

Policy DW1 of the Core Strategy states that the focus of new housing will be Bath, Keynsham and the Somer Valley, however it goes on to say that development in rural areas will be acceptable if located at settlements with a good range of local facilities and with good access to public transport.

Clutton is defined as an RA1 village by the Placemaking Plan. RA1 villages are those villages with a greater level of facilities and services. Policy RA1 states that proposals for residential development of a scale, character and appearance appropriate to the village and its setting will be acceptable within the housing development boundary.

The site is within the Housing Development boundary for Clutton. The proposal is considered to accord with the spatial strategy of the development Plan.

Additionally, the Education Team have been consulted on the scheme in regards to school space requirements generated by the scheme.

This proposed development contains:

3 no. 1 bed houses, 6 no. 2 bed houses, 9 no. 3 bed houses.

This is calculated to generate the following children and young people:

Early Years children age 0-4 - 2.106

Primary - 3.24

Secondary - 1.44

16+ - 0.33

Young people aged 13-19 - 2.25

The primary age pupils calculated to be generated are projected to be able to be accommodated in the available primary school places in the area. CIL payments will be used to create capacity for the secondary age pupils calculated to be generated.

Overall, the principle of residential development is acceptable subject to other material planning considerations discussed below.

AFFORDABLE HOUSING AND VIABILITY:

Policy CP9 has regard to affordable housing. It states that affordable housing will be required as on-site provision in developments of 10 dwellings or 0.5 hectare and above (the lower threshold applies). This site triggers policy CP9 given that it is for 18 dwellings. The following percentage targets will be sought in Clutton: 30%.

The applicant submitted a viability assessment suggesting a zero (0%) affordable housing contribution. Policy CP9 states that 'For both large and small sites the viability of the proposed development should be taken into account'.

The viability assessment has been independently assessed by The Valuation Office Agency who have concluded that the resulting residual Land Value (RLV) is £338,087, and in comparing this to the BLV of £345,000, a scheme providing 100% Open market units and CIL at £115,800 would be marginally viable. As such it is confirmed that a scheme including affordable housing is not viable.

In exceptional circumstances, where the applicant has demonstrated a scheme is not viable and this has been independently validated, the Council may consider the use of alternative mechanisms to achieve affordable housing requirements. The Housing Team have requested a viability review mechanism is built into the legal agreement. Planning Practice Guidance clearly states that any requirement for a review mechanism needs to be clearly set out in the local plan, and this has consistently been upheld by appeal decisions. NPPG Para 009 states 'Plans should set out circumstances where review mechanisms may be appropriate, as well as clear process and terms of engagement regarding how and when viability will be reassessed over the lifetime of the development'. The placemaking plan does not set out any requirement for a viability review mechanism. Further detail in the NPPG implies viability mechanisms should be used in the case of development which has a long-term build out programme or is phased such as a large

urban extension, this is not the case with this site for 18 dwellings, it is a relatively small scheme which will no doubt be built-out quite quickly. Overall it is not considered that in this instance a viability clawback mechanism can be insisted on. Accordingly the application complies with affordable housing policy.

CHARACTER AND APPEARANCE:

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

The proposal seeks to redevelop the site to provide 18 dwellings following demolition of existing buildings. Additionally, works proposed comprise associated vehicular access improvements; hard-soft landscape works; and drainage.

To reiterate, the site previously benefited from planning permission (since expired) for redevelopment to provide 15 houses (planning application reference 12/00293/FUL). The loss of the existing buildings on site was therefore established under the previous permission.

It is noted that the developable area has shrunk from the 0.42ha for the approved scheme to 0.38 ha due to a need to retain an ecological corridor adjacent to the designated SNCI.

Initially the submitted scheme for 18 dwellings was considered to result in a scheme dominated by parking and hard surfacing with large areas of on-street parking which were 'designed out' during the previous application. Additionally, the lack of pedestrian walkway was a concern.

During the course of the application revised plans have been received addressing the aforementioned concerns of the officer, the layout, and therefore density, is now considered more appropriate and pedestrian friendly.

In terms of scale the proposed dwellings are all to be two storey, akin to typical housing in Clutton, in comparison to some three storey heights in the previous scheme. It is therefore considered that there will be less visual impact also arising from this scheme in the wider landscape. It is noted that the Green Belt boundary is adjacent to the site, the proposal is not considered to result in harm to its visual amenity in line with policy GB1.

In terms of detail, initially officers considered the extensive palette of materials proposed resulted in a lack of coherence across the site. The main build materials will now be variations of render, red brick, and natural stone with buff brick and recon stone detailing. The appearance will be of a standard housing estate using a mix of materials found across the village of Clutton.

It is noted that the dwellings include features such as small dual-pitch dormer windows at eaves level; canopy porches; arches above ground floor windows and doors; and chimneys that reflect local vernacular to some degree.

Initially concern was raised in regard to the use of gabions as retaining walls at the entrance to the site given their often 'hard-engineering' appearance. The entrance to the current site is heavily vegetated. Following further information from the agent, the officers are satisfied that planting cover can be achieved across the gabions to ensure a vegetated finish and a condition will be attached to ensure this is maintained. The gabions will also be filled with local stone.

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

RESIDENTIAL AMENITY:

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

The scheme has been designed to ensure a satisfactory standard of amenity is provided for each new dwelling. The nearest residential neighbours are those to the south east of the site, to the north is fields and to the west are non-residential buildings. The proposed dwellings have been located mainly away from these dwellings, Plot 7 will be the only dwelling to share the boundary of number 5 the sidings and this will be the side elevation. No side facing windows in flank elevations are proposed unless these are to non-habitable rooms such as bathrooms and landings. It is noted that no objections have been received from third parties in regard to residential amenity concerns.

Given the design, scale, massing and siting of the proposed development the proposal would not cause significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, noise, smell, traffic or other disturbance.

The proposal accords with policy D6 of the Placemaking Plan for Bath and North East Somerset (2017) and paragraph 17 and part 7 of the NPPF.

TREES:

Policy NE6 has regard to trees and woodland conservation, it states development will only be permitted where it seeks to avoid adverse impact on trees and woodlands.

A Tree Preservation Order protects a tree group and woodland in the vicinity. The group identified as G3 within the Tree Preservation Order (TPO) lists; 10 x thorn; 5 x sycamore; 4 x ash; 2 x hazel; 1 x poplar and 1 x holly which correspond to those trees identified as T11 - T22 inclusive within the arboricultural report.

The proposed layout of the site in the northern strip of land is informed by the location of the protected trees. The separation distance provided between the dwellings and external

space represents a betterment to the layout presented under the consented scheme 12/00293/FUL.

The Arboricultural Officer is in general agreement with the contents of the Arboricultural Impact Assessment given the historical alterations to the ground levels and the presence of Ash Dieback in respect of the northern strip. The remaining plot positions to the west near to the entrance to the site remain similar to those previously consented.

No arboricultural objection is raised to the propose tree removals subject to replacement planting which can be accommodated on site as illustrated within the soft landscape proposals submitted.

Additionally, concern was raised over that the drainage proposal has not been informed by arboricultural input. During the course of the application the drainage strategy drawing has been revised, however, activities remain within the area which would have been excluded by tree protection fencing. As such an addendum to the arboricultural method statement and revised tree protection plan were submitted to address drainage works activities.

Compliance with the Arb method statement and Tree protection plan will be conditioned.

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:

Policy NE3 has regards to Sites, Species and Habitats, it states that development that would adversely affect protected species and habitats will not be permitted unless in certain exceptional circumstances. In all cases the policy seeks that any harm to nature conservation is minimised and mitigation and compensation is provided otherwise.

Designated sites:

There is no ecological objection in principle to the proposals. There are no statutory designated sites in close proximity. The nearest component unit of a Special Area of Conservation designated for bats is over 8km from the site. The proposals do not meet Natural England's SSSI Impact Risk Zone criteria.

Clutton Dismantled Railway and Fry's Bottom Site of Nature Conservation Interest (SNCI) is immediately adjacent to the western boundary of the site. The SNCI is designated for semi-natural broadleaved woodland, mixed woodland scrub, tall ruderal and stream with associated marginal habitats. Usually a buffer area of at least 10m to SNCIs would be requested. In this instance, given the previously developed nature of the application site and extent of hardstanding, the proposed habitat buffer along the western boundary is acceptable.

Habitats:

The Ecological Assessment (Ethos Environmental Planning, February 2021 updated) and Biodiversity Net Gain Results (Ethos Environmental Planning, February 2021) and

accompanying Defra metric calculator are welcomed. The reports confirm that the site comprises buildings, hardstanding, ephemeral/ruderal vegetation, scrub, native species-rich hedgerows and trees.

Habitats of Principal Importance (HPI) under Section 41 of the NERC Act must be retained in the first instance, or if their removal is unavoidable, at least like-for-like compensation provided to meet the NPPF and Bath and North East Somerset Placemaking Plan Policy NE3. Native species-rich hedgerows are a HPI. The ecology reports state that hedgerows will be retained and enhanced.

Otherwise, the habitats are not of notable interest, although retention and enhancement of scrub through management is welcomed. *Cotoneaster horizontalis* a non-native invasive species subject to legal controls under the Wildlife and Countryside Act 1981 (as amended) is present. Any arisings from this species will need to be disposed of on site or in a suitable waste stream further to recommendations in Section 8.3.6 of the Ecological Assessment.

Protected and Notable Species:

Targeted surveys have been completed for bats, badger and reptiles. Some of the surveys have not been updated since 2018. It is standard practice in accordance with CIEEM guidance for surveys to remain valid to within 18 months to 2 years of submission. However, it is appreciated in this instance, given that much of the key reptile habitat can be retained, and as habitat for foraging and commuting bats can be retained that reptile presence/absence surveys and bat activity transects would not be of benefit. The site has been identified as a Key Reptile Site due to the presence of low numbers of three species of reptiles. The site supports a range of dispersing and foraging bat species. The western boundary is an occasionally-used corridor for lesser horseshoe, greater horseshoe and barbastelle bats. Retention of this features as a dark corridor is welcomed. The Lighting Strategy (DfL, February 2021) is welcomed. It has been demonstrated that a sensitive lighting scheme for domestic properties is achievable.

Avoidance and mitigation measures for other species including nesting birds and hedgehog have also been identified. Scoping out impacts on other species is acceptable, providing boundary habitats will be retained and protected.

A bat loft suitable for brown long-eared bats will be incorporated into Plot 4 as shown in Drawing 2857/103 Revision C and detailed in Section 8.3.3 of the Ecological Assessment report V4. This is sufficient to demonstrate no loss of Favourable Conservation Status. Full and final details of bat mitigation measures and the proposed integrated bat and bird boxes can be secured by condition as confirmed by the Council's ecologist.

No Net Loss and Net Gain of Biodiversity:

The net calculation is welcomed and supported, demonstrating that 36% net gain is achievable.

Overall the proposal is considered to comply with policy NE3 and the other relevant policies of the Placemaking Plan and NPPF.

HIGHWAYS SAFETY AND PARKING:

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

The Highways Development Control Team (HDC) have been consulted on this application. A Transport Statement (TS) prepared by 'Highgate Transportation' (HT) dated January 2021 has been submitted in support of the application.

Access:

It is noted that during the course of the application the agent has provided confirmation that the applicant has a right of access over Greensbrook, as demonstrated by an easement document submitted in support of the application, which is acceptable.

Traffic Impact:

The trip rates and resultant 'person' trips summarised by Table 3.1 and Table 3.2 of the TS are in the range that HDC officers would expect for a development of 18 residential dwellings. It is acknowledged that the proposed development will remove the heavy goods vehicle (HGV) trips generated by the previous use of the application site which is beneficial to the safety of vulnerable road users. Officers also agree with the conclusion summarised by paragraph 3.33 that the traffic forecast to be generated by the proposed 18 residential dwellings is unlikely to have a material impact on the continued safe operation of the local highway network.

Car Parking and Cycle Parking:

During the course of the application the design and layout of the scheme has been amended, together with bedroom numbers for the proposed dwellings.

The following mix is now proposed:

Type A 2no: 3 bed

Type B 6no: 2 bed

Type C 8no: 3 bed

Type D 2no: 1 bed

The following car parking standards are required:

3 bed: 2 spaces

2 bed : 2 spaces

1 bed: 1 spaces

Visitor: 0.2 spaces per dwelling

The proposal would therefore require 33 off-street, car parking spaces for the residential dwellings, together with an additional four 'visitor' spaces. In this instance 38 parking spaces are proposed, 34 allocated to dwellings and 4 visitor spaces. It has been demonstrated that the proposed off-street, car parking spaces are fully accessible. The proposal is therefore considered to be policy compliant on these grounds.

Each dwelling will be provided with a 'shed' within the rear garden which will provide secure, covered cycle parking for a minimum of two bicycles; such provision will be secured by a condition attached to any planning permission granted.

Accessibility and Highways Safety:

The TS concludes that "the village of Clutton is considered a walkable neighbourhood", however officers note that there are no existing, or proposed, continuous footways linking the application site to either the bus stops on Station Road; the social club and village hall; the 'Railway Inn' public house; the playground; the Scout Hut; or Clutton Primary School. As such pedestrians will largely be required to share the carriageway with motor vehicles.

However, officers acknowledge that an intermittent flush 'footway' forms part of the Station Road carriageway, defined by a solid white carriageway marking and 'pedestrian' symbols. There is an existing Public Right of Way CL6/25 (PRoW CL6/25) in close proximity to the site that is suitable for pedestrians. The existing PRoW CL6/25 can be accessed from the application site via the 'false' footway on Station Road and the lightly trafficked Clutton Hill, through the current kissing gate located within the section of Clutton Hill which is subject to a 30mph speed limit. Officers are therefore satisfied that there is accessibility for pedestrians.

Additionally, during the course of the application tactile crossings and paved footpaths have been introduced within the site improving pedestrian safety and in line with the design principles of policy D1-D4. HDC officers visited the application site with colleagues from the 'Traffic Management' team on Thursday 13th May 2021. The majority of pedestrians who walk along Station Road use the 'footway' on the south-west side of the carriageway. HDC have confirmed acceptance of the proposed extension of the two-metre-wide footway on the north-east of the carriageway, including a crossing point, as appropriate improvements to the existing pedestrian environment. Officers accept the continuation of the footway as an alternative to securing a financial contribution.

HDC officers acknowledge that submitted plans demonstrate that the 'private' section of the site is accessible to a fire engine (paragraph 3.19). HDC officers note that the applicant proposes to erect 'keep clear for emergency service vehicle' highway signage within the turning head at the north of the application site, which will remain private. Submitted plan reference 19115 04 confirms that the applicant proposes to 'protect' the 'adoptable' turning head with a 'No Waiting at any Time' (double yellow lines restriction), which is acceptable. A Traffic Regulation Order (TRO) will be required, the cost of which the applicant will be required to meet, together with any implementation costs.

Officers note that submitted plan reference 'TR08' demonstrates that a delivery vehicle can access both the 'private' and 'adoptable' sections of the site, which is acceptable.

Officers acknowledge that plan reference 19115/03 which forms Appendix 5 of the HT response demonstrates that the required visibility of 2.4-metres by 25-metres in both directions from Greenbrook onto Station Road can be achieved. The applicant's written commitment to cut back all vegetation within the visibility splay is welcomed and will be secured by a condition.

Personal Injury Collision (PIC) data for the previous 60-month period (January 2015 to January 2020) has been analysed. Four collisions were recorded and, following a review of the data, officers are satisfied that there are no collision cluster spots or common collision causation factors. It is considered that there are no current highway safety concerns which would be exacerbated by the proposed development.

It is acknowledged that the applicant proposes to reduce the width of the 'private' road to 3.7-metres. The proposed width is less than the minimum of 4.1-metres recommended by Manual for Streets (MfS) to allow cars travelling in opposing directions to safely pass one another. However, this part of the site is limited in length and will form a cul-de-sac, additionally the short lengths of 'narrow' sections will act as a traffic calming feature. It is also noted that forward visibility to, and through, the 'narrow' sections is good. On balance, officers accept a narrowed carriageway.

Waste:

The applicant proposes to provide a refuse and recycling collection point in the vicinity of 'Plot 13', from where a private refuse collection company would collect both refuse and recycling from those dwellings located on the private drive, which is acceptable.

Construction Management:

Given the nature of the site, locality, and size of development a condition will be attached requiring the submission of a Construction Management Plan, pre-commencement of any works.

Overall, the HDC Team have raised no objection to the application subject to conditions and advisories. 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), the Clutton Neighbourhood Plan, and part 4 of the NPPF.

DRAINAGE AND FLOODING:

The site is located in flood zone one. The site is not in a location designated as known for surface water flooding. To the east of the site is a brook.

A Drainage Strategy Report was submitted with the application and during the course of the application additional information has been sought on drainage matters which has been provided by the agent.

The site's geology and ground conditions make it unsuitable for soakaways. The proposed drainage strategy proposes a pumped main for foul sewage, which would be offered for adoption and would connect to the existing sewer on Station Road, and the use of permeable finishes where possible, with attenuated systems for the roofs and adopted road drainage.

The Flooding and Drainage Team were consulted on the application and following the submission of additional information have raised no objection subject to condition.

COAL MINING HERITAGE:

Part of the application site falls within the defined Development High Risk Area; therefore, within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

The Coal Authority records indicate that the site is in the likely zone of influence from workings in 4 seams of coal at shallow to 122m depth, last worked in 1921.

The planning application is accompanied by an Intrusive Coal Mining Investigation Report, 17 July 2019. The Report has been informed by an extensive range of sources of information, including the results of intrusive ground investigations in the form of 5no. rotary boreholes drilled to a maximum depth of 36m.

The Intrusive Coal Mining Investigation Report informs that based on the results of the rotary drilling works, coal seams or suspected workings were encountered within all 5no. boreholes. Recommendations have been made that further investigation and/or precautionary ground stabilisation works is considered necessary to mitigate the risk from mining subsidence (Section 5.2).

The Coal Authority has been consulted on the application and concurs with the conclusion / recommendations of the Intrusive Coal Mining Investigation Report, dated 17 June 2019, that in order that the site is made safe and stable for the proposed development from former coal mining activity at this site, further investigation and / or precautionary ground stabilisation works is required. Therefore, conditions will be attached to that affect. Additionally, Permission is required from the Coal Authority Permit and Licensing Team before undertaking any activity, such as ground investigation and ground works, which may disturb coal property. Over the Coal Authority has raised no objection subject to conditions.

Subject to the conditions aforementioned the proposal is considered to comply with PCS6 of the Placemaking Plan which has regard to unstable land.

CONTAMINATED LAND:

The following report was included with the application: 'Proposed Residential Development. The Wharf, Greenbrook, Clutton. Geo-Environmental Site Assessment & Remediation Strategy. Report No. P1070.1.1 Revision 0. 30th April 2018. Ground Investigation Limited.'

The Council's Contaminated Land Officer has been consulted on the scheme and is supportive of the findings and recommendations of the geo-environmental assessment, which puts forward the outline remedial measures required for the site's development.

Contaminated land conditions will be placed on the application to allow for the detailed specification of the recommended remediation. Subject to these conditions the proposal is considered to comply with policy PCS5 which has regard to contamination.

HOUSING ACCESSIBILITY:

Placemaking Plan Policy H7 requires 19% of all new market housing to be provided to enhanced accessibility standards meeting the optional technical standard 4(2) in the Building Regulations Approved Document M. The 19% is based on a 'rounded up' figure. Therefore 3 of the 18 proposed dwellings must meet enhanced accessibility standards. Plots 8, 12 and 13 would be built to M4(2) standard. This is acceptable.

SUSTAINABLE CONSTRUCTION AND RENEWABLE ENERGY:

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

A reduction in CO2 emissions is required by sustainable construction and renewable energy. In this case the submitted SCC shows that a 34.9% CO2 emissions reduction has been achieved from energy efficiency and/or renewables (29.1% reduction through solar PV). Therefore, the proposed development is compliant with policy CP2 and SCR1 in this instance.

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

Policy SCR5 also requires all residential development to include a scheme for rainwater harvesting or other method of capturing rainwater for use by residents (e.g. water butts). These matters can be secured by a relevant planning condition.

Policy LCR9 states that all residential development will be expected to incorporate opportunities for local food growing (e.g., border planting, window boxes, vertical planting, raised beds etc.).

PLANNING OBLIGATIONS:

In addition to the CIL contributions that will be generated by the application proposal, the residual matters that will require planning obligations relate to following obligations which are agreed by the applicant:

- o Fire hydrant x2 at £1500 each.
- o Targeted Training and Recruitment for 3 x Work Placements for a Band 1 development = total contribution of £495.

CONCLUSION:

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

RECOMMENDATION

PERMIT

CONDITIONS

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

1. Financial contribution for fire hydrants x2 at £1500 each.
2. Financial contribution for Targeted Training and Recruitment for 3 x Work Placements for a Band 1 development = total contribution of £495.

B.) 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 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.

3 Wildlife Protection and Enhancement (Pre-commencement)

No development shall take place until full details of a Wildlife Protection and Enhancement Scheme have been submitted to and approved in writing by the local planning authority. These details shall include a programme of implementation for all measures within the scheme.

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

Reason: To prevent ecological harm and to provide biodiversity gain in accordance with policy CP6 of the Bath and North East Somerset Core Strategy and policy NE.3 of the Bath and North East Somerset Placemaking Plan. 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 Implementation of Wildlife Scheme (Pre-occupation)

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

Reason: To ensure that the implementation and success of the Wildlife Protection and Enhancement Scheme to prevent ecological harm and to provide biodiversity gain in accordance with policy CP6 of the Bath and North East Somerset Core Strategy and policy NE.3 of the Bath and North East Somerset Placemaking Plan.

5 Construction Environmental Management Plan (Pre-Occupation)

No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority for the whole site or for each phase of development, as applicable. The CEMP (Biodiversity) shall include, but is not limited to, the follow:

- (i) a plan showing exclusion zones for retained and protected habitats and vegetation, within which there shall be no ground works or excavation, storage of materials, waste disposal, vehicle access or use of machinery, or disturbance to or removal of vegetation or habitats; and specification for fencing of exclusion zones;
- (ii) proposed badger mitigation strategy;
- (iii) details and specifications of all necessary measures to avoid harm to other wildlife including hedgehog, or reduce ecological impacts during site clearance and construction;
- (iv) findings of update surveys or pre-commencement checks of the whole site or relevant part of the site and notification of findings by email from the applicant's ecologist to the local authority ecologist (along with details of any further mitigation or compensation requirements arising) prior to commencement of works;
- (v) details of the ecological clerk of works and works requiring ecological supervision.

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 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 Lighting Strategy Compliance (Bespoke Trigger)

Within one month of full scheme completion evidence demonstrating compliance with the hereby approved Lighting Strategy shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the implementation and success of the Lighting Strategy to prevent ecological harm 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.

7 External Lighting (Bespoke Trigger)

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

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

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

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

8 Arboricultural Compliance Statement (Bespoke trigger)

No development or other operations shall take place except in complete accordance with the approved Arboricultural Method Statement. A signed compliance statement shall be provided by the appointed arboriculturalist to the local planning authority within 28 days of completion and prior to the first occupation of the dwelling.

Reason: To ensure that the approved method statement is complied with for the duration of the development to protect the trees to be retained in accordance with policy NE.6 of the Placemaking Plan.

9 Site Access (Pre-occupation)

No occupation of the development shall commence until the access arrangement indicated on submitted plan reference HTp/19115/03 (or a variation agreed by the Local Planning Authority) has been provided, including the provision of visibility of 2.4-metres by 25-metres. There shall be no on-site obstruction exceeding 600mm above ground level within the visibility splay. The visibility splay shall be retained permanently thereafter.

Reason: To ensure safe access to and from the site in the interests of highways safety in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

10 Highway Works (Pre-occupation)

No occupation of the development shall commence until the 'off-site' highway improvements indicated on submitted plan reference HTp/19115/06 (or a variation agreed by the Local Planning Authority) have been provided.

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

11 Dwelling Access (Compliance)

No dwelling shall be occupied until it is served by a properly bound and compacted footpath and carriageway to at least base course level between the dwelling and the existing adopted highway.

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

12 Parking (Pre-occupation)

No dwelling shall be occupied until the off street, car parking spaces associated with that dwelling as indicated on submitted plan reference 2857/101 Revision L (or a variation agreed by the Local Planning Authority), have been provided on-site and should be retained permanently thereafter.

Reason: To ensure that adequate and safe parking is provided in the interests of amenity and highway safety in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

13 Turning Space (Pre-occupation)

No occupation of the development shall commence until the turning space shown on drawing number HTp/19115/04/A (or a variation agreed by the Local Planning Authority) has been completed in accordance with the approved details, including the provision of a "No Waiting at any Time" restriction(s). The turning space shall be kept clear of obstruction and available for use as a turning space at all times.

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

14 Cycle Parking (Pre-occupation)

No dwelling shall be occupied until secure, covered cycle parking for a minimum of two bicycles has been provided in accordance with details to be submitted to and approved in writing to the Local Planning Authority. The bicycle storage shall be retained permanently thereafter.

Reason: In the interest of encouraging sustainable travel methods in accordance with Policy ST1 of the Bath and North East Somerset Placemaking Plan.

15 Residents Welcome Pack (Pre-occupation)

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

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

16 Construction Management Plan (Pre-commencement)

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

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

17 Road Condition Survey (Pre-commencement)

No work shall commence on the development site until a detailed "Road Condition Survey" along Station Road and Greenbrook has been carried out and submitted to the Local Planning Authority in accordance with a specification that has first been approved in writing by the Local Planning Authority. Within three months of the development being brought into use, any damage to the local highway network that has been identified as a result of the construction phase in relation to the agreed "Road Condition Survey" shall be remedied to the satisfaction of the Local Highway Authority.

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

18 Surface Water System Adoption (Pre-Commencement)

No development shall commence, except ground investigations, until written confirmation from the sewerage company (Wessex Water) accepting to adopt the surface water system into their network including point of connection and rate has been submitted to the Local Planning Authority, or an alternate drainage strategy is approved by the Local Planning Authority.

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

19 Coal Mining Remediation and Mitigation (Pre-Occupation)

Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the completion of the remedial works and/or mitigation carried out to address the risks posed by past coal mining activity.

Reason: Given the sites coal mining heritage, to ensure that sites are suitable for the new use taking account of ground conditions and land instability and the need for remediation as appropriate in accordance with policy PCS6 of the Placemaking Plan and the NPPF.

20 Remediation Scheme (Pre-Commencement)

No development shall commence 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 section 11 and 15 of the National Planning Policy Framework. This is a condition precedent because the works comprising the development have the potential to uncover harmful contamination. Therefore these details need to be agreed before work commences.

21 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 section 11 and 15 of the National Planning Policy Framework.

22 Unexpected Contamination (Compliance)

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

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

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with section 11 and 15 of the National Planning Policy Framework.

23 Housing Accessibility (Compliance)

The following dwellings hereby approved shall meet the optional technical standards 4(2) in the Building Regulations Approved Document M: Plots 8, 12 and 13.

Reason: To ensure that the optional technical standards for accessibility are met in accordance with policy H7 of the Bath and North East Somerset Council Placemaking Plan.

24 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 2.4 (Calculations);
4. Building Regulations Part L post-completion documents
5. Microgeneration Certification Scheme (MCS) Certificate/s (if renewables have been used)

Reason: To ensure that the approved development complies with Policy CP2 of the Core Strategy (sustainable construction).

25 Water Efficiency - Rainwater Harvesting (Pre-occupation)

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

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

26 Water Efficiency (Compliance)

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

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

27 Gabion Wall Planting Details and Maintenance (Bespoke Trigger)

Prior to the construction of the 'green' gabion retaining wall of the approved development a detailed specification of its proposed planting shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:

1. A planting schedule;
2. A timetable for implementation;
3. A maintenance schedule.

The gabion wall planting shall be implemented in accordance with the approved details prior to the occupation of the development or in accordance with the approved timetable for implementation.

Reason: To ensure the successful implementation of the green roof in the interests of preserving the character and appearance of the 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.

28 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:

This decision relates to the following plans:

25 Feb 2021	2857 111	Site Location Plan
25 Feb 2021	2857 100	Existing Site Plan
25 Feb 2021	2857 113	Existing Building Plan And Elevations
07 May 2021	04	TRO
07 May 2021	05	Refuse Strategy
16 Jun 2021	2857/101 L	Proposed Site Plan
16 Jun 2021	2857/102 A	Proposed Plans And Elevations (Plots 1 And 2)
16 Jun 2021	2857/103 C	Proposed Plans And Elevations (Plots 3 And 4)
16 Jun 2021	2857/105 A	Proposed Plans And Elevations (Plots 7 And 8)
16 Jun 2021	2857/106 C	Proposed Plans And Elevations (Plots 9 To 12)
16 Jun 2021	2857/107 A	Proposed Plans And Elevations (Plots 13 And 14)
16 Jun 2021	2857/108 B	Proposed Plans And Elevations (Plot 15 And 16)
16 Jun 2021	2857/109 A	Proposed Plans And Elevations (Plots 17 And 18)
20 Jul 2021	1422-02 L	Hard Landscape Proposal
12 Aug 2021	P06	Drainage Strategy
12 Aug 2021	P06	Drainage Maintenance
12 Aug 2021	P06	Flood Exceedance

25 Oct 2021	1:500 P04	Lighting Layout
25 Oct 2021	1422-01 N	Soft Landscape Proposals
25 Oct 2021	2857 104 C	Proposed Plans And Elevations (Plots 5 and 6)
25 Oct 2021	2857 112 B	Strip Elevations

2 INFORMATIVE:

Local Highway Authority Require Legal Agreements (Section 38 and Section 278)

The LHA requires the developer to enter into legally binding Section 38 and Section 278 Agreements covering the adoption of the newly constructed carriageway and footways as highway maintainable at the public expenses, together with the off-site highway improvements.

The legal agreement will also secure the funding of the Traffic Regulation Order (TRO) required to permit the applicant to implement "No Waiting at any Time" restriction(s)

Further information in this respect may be obtained by contacting the LHA.

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 or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

4 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.

5 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

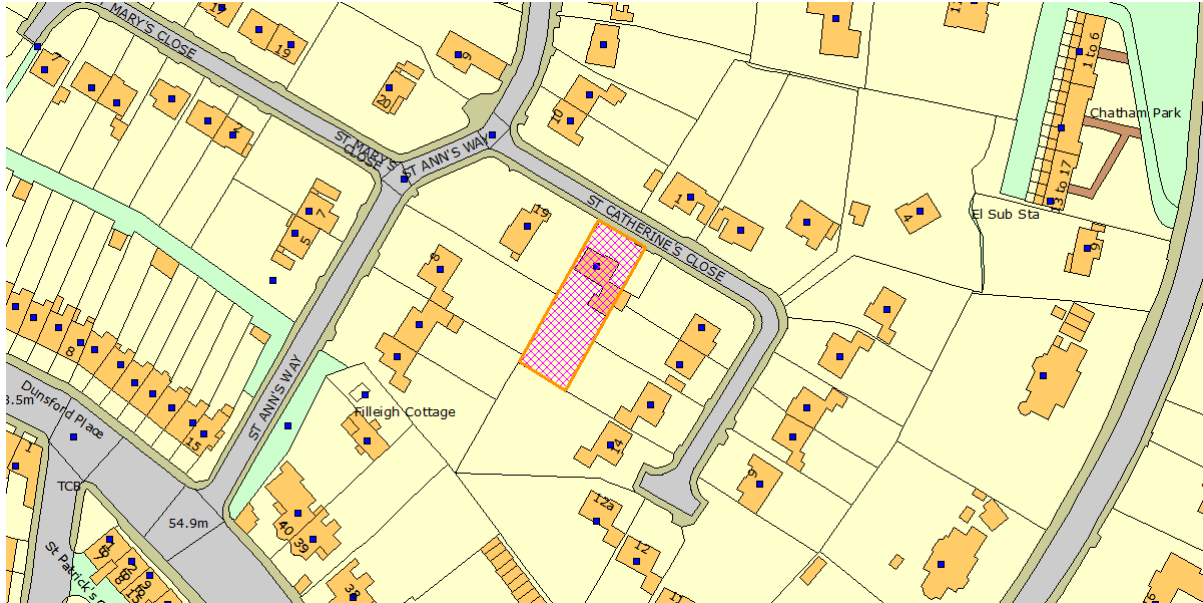
The CIL regulations are non-discretionary in respect of exemption claims. If you are intending to claim a relief or exemption from CIL (such as a "self-build relief") it is important that you understand and follow the correct procedure **before** commencing **any** development on site. You must apply 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. If you have any queries about CIL please email cil@BATHNES.GOV.UK

6 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: 05
Application No: 21/03981/FUL
Site Location: 18 St Catherine's Close Bathwick Bath Bath And North East Somerset BA2 6BS



Ward: Bathwick **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Dr Kumar Councillor Manda Rigby
Application Type: Full Application
Proposal: Erection of two storey side and rear extension and single storey rear extension following demolition of existing structures.
Constraints: Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP9 Affordable Housing Zones, MOD Safeguarded Areas, Policy NE2A Landscapes and the green set, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,
Applicant: Mr And Mrs Bunn
Expiry Date: 17th December 2021
Case Officer: Samantha Mason
To view the case click on the link [here](#).

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

Cllrs Manda Rigby and Yuktेशwar Kumar have called the application in to committee if the Council are minded to permit and the chair has decided to take the application for the following reason:

I have reviewed this application and note the comments and objections raised against it. Many of the issues have been resolved during the course of the officer's assessment but concerns remain on the size and character of the proposal. For this reason I recommend that it is debated at committee.

DESCRIPTION OF SITE AND APPLICATION:

This application relates to a detached dwelling located in the Bath World Heritage Site and conservation area.

The application seeks planning permission for the erection of a two-storey side and rear extension following the demolition of existing structures.

Relevant Planning History:

There is no relevant planning history on this site.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses :

None received

Representations Received :

Cllr Manda Rigby: Committee call in request.

I am writing as ward councillor and were you to be minded to approve this application, I request it comes to committee.

This is overdevelopment of a site, creating a loss of both residential amenity and privacy due to overlooking.

This area is particularly consistent in form, and a 2-storey extension, creating in excess of 75% more space is disproportionate.

Development in a conservation area has to 'preserve or enhance" this does neither, rather it is detrimental.

Whilst appreciating each application needs to be determined on its own merits, i would draw attention to a very nearby recent application which was in fact smaller than what is being proposed which the committee refused.

Cllr Yukteshwar Kumar:

Should the officers be inclined to grant approval for this application, as a ward councillor, I would humbly request that this (18-St. Catherine's Close- 21/03981/FUL) may please be discussed in the development and planning committee meeting:

1. Intrusive overdevelopment, Inappropriate Character and Appearance in the Conservation Area

2. Loss of privacy and residential amenity to the neighbours.
3. No precedence of these sort of development in the area.

Third party comments: 11 objection comments received. The main points being;

- o Overdevelopment
- o Impact openness and amenity for neighbours
- o Loss of outlook
- o Omission of the side elevation
- o Overbearing
- o Foliage won't obscure the view
- o Loss of light
- o Terrace will create over-looking and over-shadowing for no.19.
- o Design is out-of-keeping with the property.
- o Inconsistency between the figures in the design and access statement and the submitted plans.
- o The levels of the land are not accurately reflected in the plans.
- o Side extension will see the removal of the driveway and will take away the majority of the front garden, replacing it with a parking area and this will result in loss of outlook for neighbouring dwellings.
- o Revised plans don't overcome the concerns- the window on the side has increased to 2.4metres and the bedroom has got larger- privacy concerns.
- o The ground floor kitchen has increased by 200mm.
- o The rear roof extension could not be built as per the plans.

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:

DW1 District Wide Spatial Strategy

CP7 Green Infrastructure
CP6 Environmental Quality
CP2 Sustainable construction
B4 World Heritage Site

Placemaking Plan:

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

D1: General urban design principles
D2: Local character and distinctiveness
D.3: Urban fabric
D.5: Building design
HE1: Historic environment
ST1: Promoting Sustainable travel
ST7: Transport requirements for managing development

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).

Conservation Areas:

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

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:

- Principle;
- Character and appearance;
- Residential amenity;
- Highways;
- Other matters

PRINCIPLE OF DEVELOPMENT:

The application site is located within the built-up residential area of Bath and therefore the principle of the proposal is considered acceptable subject to compliance with all other policies.

CHARACTER AND APPEARANCE:

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

The scheme proposes a two-storey side and rear extension over the existing single storey side element and a single storey rear extension. The extension will copy the hipped roof of the existing dwelling to the side and a rear two storey gable end extension is also proposed, along with a flat roof single storey rear extension. The proposal will utilise roof tiles to match and wooden cladding to the front and rear two storey and single storey element with stone coloured render to the side elevation. Whilst the stone-coloured render to the side elevation and the wooden cladding to the rear is acceptable, it was considered that the front elevation should be stone to match the existing dwelling and revised plans were received to show this.

Whilst comments have been received to explain that the design is out-of-keeping with the property and streetscene, the scheme utilises a hipped roof to the side and the rear projection, whilst large, is considered acceptable considering the size of the host dwelling.

Objection comments have been received to explain that the scheme represents overdevelopment of the site. However, whilst the extensions are large, they are considered to be proportionate to the size and design of the main dwelling and a sufficient amount of outdoor amenity space will remain.

Objection comments have also gone on to explain that there is an omission of a proposed side elevation. However, the proposed plans show all elevations, and the plans are considered satisfactory.

Objection comments have been submitted to explain that the proposed extension creates 75% more space. However, the applicant has confirmed that the volume increase is 38.5% over the existing volume and a 33% increase in Gross Internal Area (GIA). However, it must be noted that the building is not in the green belt and as such there is nothing written in the council's policies prescribing how large an extension should be mathematically.

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

CONSERVATION AREA:

Policy HE1 requires development that has an impact upon a heritage asset, whether designated or non-designated, will be expected to enhance or better reveal its significance and setting. The setting of the conservation area in this location is defined by residential development of various design. Now that the front elevation materials has been amended it is considered that the proposal will embed within the conservation area, resulting in a neutral impact.

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 12 of the NPPF.

RESIDENTIAL AMENITY:

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

Objection comments received have explained that the scheme will impact openness and create a loss of outlook and light and will be overbearing for neighbours. However, whilst the extension is considered to be large and will extend closer to the residential curtilage, the distances between the dwellings (approx. 21 metres separating the site from the closest elevation of no.17 and approx. 16 metres from no.19) is such that there is not considered to be any significant negative loss of openness, light, outlook or an overbearing impact. This is a built-up residential area, and an extension of this scale is considered acceptable in such areas. Comments have also been submitted to explain that the foliage will not obscure the wall and whilst it is agreed that this is true, it is not considered that this is a requirement to make the extension acceptable. The extension is acceptable without foliage to cover the wall.

There are concerns regarding the terrace/balcony area to the rear and side and the impact that this will have on neighbouring dwellings and it was considered that this element should be removed, and revised plans were received to reflect this. It is considered necessary that a condition shall be attached to the permission to ensure that the flat roof is not used as a terrace in the future to comply with policy D6. Whilst comments have been submitted regarding the new glass doors in the two-storey side extension and the loss of privacy for no.19, there is a window on the existing side elevation of the main dwelling and as such this element is considered acceptable and any over-looking as a result would be considered normal for built-up residential areas such as this. However, a terrace/balcony area here was considered to exacerbate the over-looking and loss of privacy impact and would create a significant impact for neighbouring dwellings.

Objection comments have been submitted to explain that the drawings of the proposed side-facing kitchen extension don't accurately reflect the levels of the land and hedge between the kitchen extension windows and no.19. The boundary hedge is lower than shown, by around 1.4m and the proposed side-facing windows would be over 2m closer to no.19. Whilst the gradient of the land does get higher from no.19 to no.18 and the proposed single storey element with side windows comes closer to the boundary with no.19, as there are windows in the existing single storey element there are not considered to be any significant negative over-looking impacts for no.19 over and above the existing situation. Whilst the balcony area was considered to create significant over-looking impacts, as there are windows in the side elevation of the existing dwelling and many other windows on numbers 16 and 17 also currently overlook no.18 and 19, the glass doors in the two-storey side element aren't considered to create any more of an impact than the existing situation. The loss of privacy as a result of the scheme is considered acceptable and indeed normal for built-up residential areas such as this.

Objection comments received explain that the side extension will see the removal of the driveway and will take away the majority of the front garden, replacing it with a parking area and this will result in loss of outlook for neighbouring dwellings. However, whilst some of the garden area will be turned into a parking area, there is still some front garden and the front hedge is proposed to remain. As such the scheme is not considered to have any significant negative loss of outlook impacts for neighbouring occupiers and will be in-keeping with the streetscene.

Objection comments received have explained that the revised plans don't overcome the concerns and the increase in the window on the side to 2.4metres and the larger bedroom has privacy impacts. However, further revisions were submitted showing a reduction in the amount of glazing in the first-floor side element and as the balcony has been removed and this is a built-up residential area where there is already some over-looking, this level of glazing in the proposed first floor side element is not considered to have any more a significant impact than the existing situation.

Comments have been submitted to explain that the revised ground floor kitchen has increased by 200mm. However, this is considered acceptable and there aren't considered to any significant negative residential amenity impacts as a result considering the distances between the dwellings and that this is a built-up residential area.

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

HIGHWAYS SAFETY AND PARKING:

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

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

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.

OTHER ISSUES:

Comments submitted have explained that there is an inconsistency between the information in the design and access statement (DAS) and the submitted plans. Whilst this may be so, the Council is not the author of the DAS and in anycase has assessed the submitted scaled plans only when reaching the decision.

Comment have been submitted to explain that the plans are misleading as they suggest the ridge height of the rear extension would be lower than it would be if it were to be built in conjunction with the main house. However, it is considered that the plans are accurate. The applicant is minded that they will need to get building regulations approval for the proposal and if there are any issues regarding the plans and these need to be revised, a further planning application will be necessary.

Revised plan reference 0140-3-340E shows an amendment to the rear elevation and this shows that ridge heights have not changed. The rear elevation has been amended circa 100mm in an easterly direction to reflect the front and side elevations.

CONCLUSION:

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

RECOMMENDATION

PERMIT

CONDITIONS

1 Standard Time Limit (Compliance)

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

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

2 Plans List (Compliance)

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

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

PLANS LIST:

1 This decision relates to the following plans:

0136-3-301A, 0136-3-305A, 0136-3-310A, 0136-3-311A, 0136-3-312, 0136-3-320A, 0136-3-322, 0136-3-330A received 24th August 2021.

0140-3-350A received 4th October 2021.

0136-3-319D, 0136-3-318D and 0136-3-308D received 6th October 2021.

0140-3-340E received 11th November 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 or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

3 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.

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

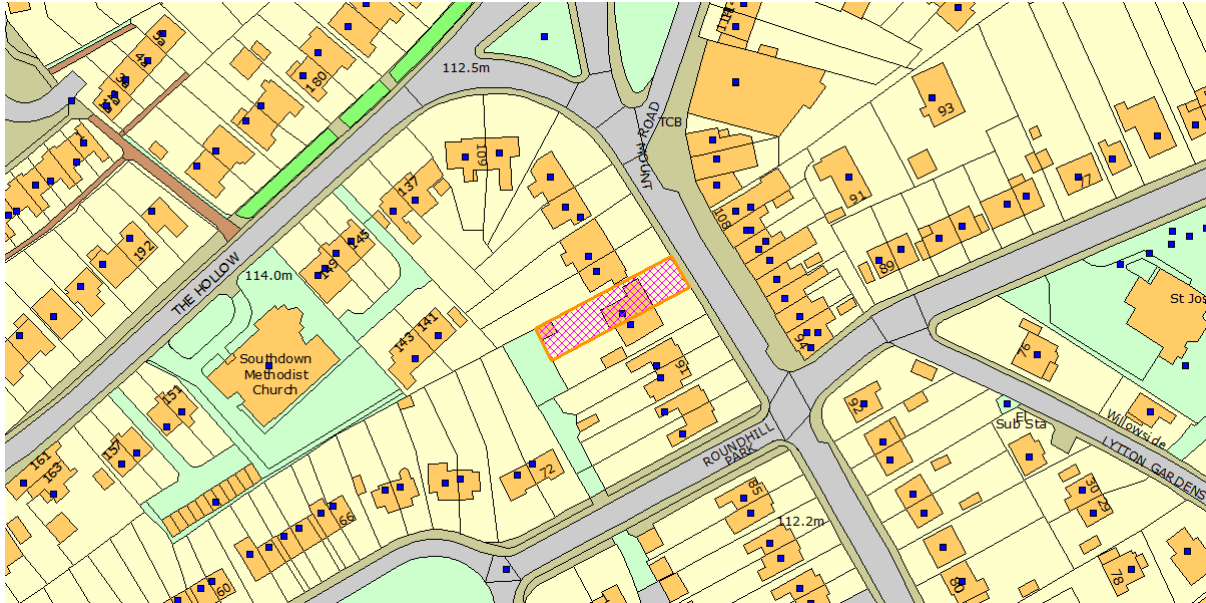
The CIL regulations are non-discretionary in respect of exemption claims. If you are intending to claim a relief or exemption from CIL (such as a "self-build relief") it is important that you understand and follow the correct procedure **before** commencing **any** development on site. You must apply 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. If you have any queries about CIL please email 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: 06
Application No: 21/04002/FUL
Site Location: 97 Mount Road Southdown Bath Bath And North East Somerset BA2 1LL



Ward: Southdown **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Paul Crossley Councillor Dine Romero
Application Type: Full Application
Proposal: Change of use from a 3 bedroom dwelling (Use Class C3) to a 9 bedroom House in Multiple Occupation (HMO) (Use Class Sui Generis). Erection of 3m two storey side extension and loft conversion.
Constraints: Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Policy CP9 Affordable Housing Zones, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,
Applicant: Long
Expiry Date: 17th December 2021
Case Officer: Samantha Mason
To view the case click on the link [here](#).

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

Cllrs Dine Romero and Paul Crossley have called the application in to committee if the Council are minded to permit and the chair has decided to take the application for the following reason:

I have reviewed this application and note the comments and objections raised against it. Some of the issues raised have been addressed in the officer's report and others are not planning matters, however, I am concerned about the residential amenity of the 9 occupants that will be sharing this space and therefore recommend that the application be debated at committee.

DESCRIPTION OF SITE AND APPLICATION:

This application relates to a semi-detached dwelling situated within the built-up residential area of Bath within the World Heritage Site.

The application seeks planning permission for the change of use from a 3 bedroom dwelling (Use Class C3) to a 9 bedroom House in Multiple Occupation (HMO) (Use Class Sui Generis). Erection of 3m two storey side extension and loft conversion.

Relevant Planning History:

There is no relevant planning history on this site.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses :

None received

Representations Received :

Cllr Dine Romero: I am writing to object to this proposal. We have a growing deficit of family housing in Southdown, one of the few areas of relatively affordable housing in Bath.

Creating a 9-bedroom house out of a family 3-bedroom house clearly is over development. From looking at the plans there does not appear to be enough communal space for 9 people. There will obviously be an adverse impact on the quality of life for the occupants of the adjoining properties of so many people living next door.

If you are minded to approve, I would like to bring this application to the planning committee to be determined.

Cllr Paul Crossly: This is a dramatic change to create a very large HMO in this residential area. It will have significant impact on residential amenity for neighbours and also parking. For these reasons, if the officer is minded to approve this scheme, I would like it considered by committee.

Highways: not acceptable in current form.

Third party comments: 35 objection comments received. The main points being:

On the submitted drawing, 18 bedspaces are shown in 9 bedrooms but the submitted design and access statement implies that they will be single occupancy, retaining two parking spaces and providing nine cycle spaces on the block plan. This is clearly

overdevelopment, with not enough space within the communal area of the house, and the loss of a family home in an area of predominantly similarly sized and relatively modestly priced family accommodation is a relevant consideration in looking at this application.

Southdown is primarily a family area, with already 8 HMOs within the immediate vicinity (as shown below), which are already causing disruption to local residents with recurring late night noise issues.

Oldfield Park is a well-known student area which has an overpopulation of HMOs, we are concerned this is encroaching into Southdown, which will push more families away with the issues that follow students. Families are actively trying to move out of Oldfield Park due to the student issue as HMOs, to Southdown, and from looking at the above map, you can see that HMOs are just spreading out towards Southdown, which will push the families and residents out, further away from Bath.

Bath is a prominent student city with two universities, and having student accommodation is obviously needed, however, with the recent numerous developments throughout the city catering to students, there is a limit to how much the community can take, particularly in a family area and with such a high number of occupants as proposed in 97. This isn't only Bath students, but there is pressure now for up to 300 students from Bristol to be housed in Bath due to the significant rise in applicants to Bristol University, which is particularly concerning as this will not only increase the student numbers in Bath, but also transportation and air pollution which is already a major issue in the city (BBC News <https://www.bbc.co.uk/news/uk-england-bristol-58264222.amp>).

Mount Road already has major parking issues with the local shops opposite (with associated large HGV deliveries daily), with limited parking and two bus stops. Cars are parking on double yellow lines outside residential properties, blocking residents in. When a bus is stopped with someone illegally parking on the double yellow lines, it can lead to chaos for the local traffic. Adding a further 9 more residents, with potentially 9 more cars into the mix, as well as visitors' cars will cause major disruption to the already problematic traffic and illegal parking.

Mount Road is a family-oriented area, and the developer / owner is a non-local investment company based in Romsey, Hampshire with no interest in the local community, except in the exploitative buy-to-let market. If this planning application is successful, it will likely push people out of the area as it is doing in Oldfield Park.

The distance provided between the new extension and the adjacent property (99 Mount road) is given as 600mm. This is not wide enough to be able to traverse bikes through which are over 600mm wide, not even taking into consideration someone trying to stand next to the bike and walk it through the space.

It appears that only 99 and 97 Mount road received a letter regarding this development. No-one else on the street received any notification and no notifications were physically posted in the local area.

Sewage issues have arisen in the past with blockages causing disruption which brings up the question as to whether the current sewage system is good enough to handle that many more people. Wessex water have had to be called on numerous occasions due to

the sewage and adding 9 if not more people that stay over will add extra pressure to the system.

We noted that the application submitted by the developer made no mention of the ecological issues immediately adjacent to the site. Section 12 of the application stated no protected species adjacent to the site, however an active badger sett has been present for at least 10 years directly behind the garden that was not mentioned or taken into consideration. Multiple badgers have been seen by local residents.

The revised plans don't overcome the concerns

POLICIES/LEGISLATION

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

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

Core Strategy:

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

CP6: Environmental Quality
CP2: Sustainable construction
B4: 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:

DW1 District Wide Spatial Strategy
D2 Local character and distinctiveness
D4 Streets and Spaces
D5 Building Design
D6 Amenity

ST1 Promoting sustainable travel
ST7 Transport Access and Development Management
HE1 Historic Environment
H2 Houses in Multiple Occupancy

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:

HMO SPD

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:

- Principle
- Change of use
- Character and appearance
- Highways
- Residential amenity
- Any other matters

PRINCIPLE OF DEVELOPMENT:

The property is within the built-up residential area of Bath where the principle of development is accepted subject to compliance with all other policies.

CHANGE OF USE TO 9-BED HMO:

Policy H2 explains that if the site is within Bath and within a high concentration of existing HMOs (as defined in the HMO SPD) further changes of use to HMOs will not be supported as they will be contrary to supporting a balanced community. Other criteria for not permitting a change of use to an HMO are as follows:

- o The HMO is incompatible with the character and amenity of adjacent uses.
- o The HMO use significantly harms the amenity of adjoining residents through loss of privacy, visual and noise intrusion.

- o The change of use creates a severe transport impact.
- o The HMO use results in the unacceptable loss of accommodation in a locality- size, mixture and type.
- o The change of use prejudices the commercial use of ground/lower floors.

The Houses in Multiple Occupation SPD (November 2017) states that applications for the change of use from C3 dwellings to C4 or sui generis (HMOs) will not be permitted where:

Criterion 1: It would result in any residential property (C3 use) being 'sandwiched' between 2 HMOs or

Criterion 2: Stage 1 test: The application property is within or less than 50m from a Census Output Area in which HMO properties represent more than 10% of households.

And;

Stage 2 test: HMO properties represent more than 10% of households within a 100m radius of the application property.

It has been confirmed through a GIS search that the scheme would not result in any residential property (C3 use) being 'sandwiched' between 2 HMOs. The scheme passes Criterion 1.

The site is also located within the built-up residential area of Bath and is more than 50m from a Census Output Area in which HMO properties represent more than 10% of households. Therefore, whilst comments have been submitted to explain that there are a number of HMOs in the area and that the creation of this larger HMO would result in the loss of a family house, the proposal passes the stage 1 test and passes criterion 2 and the scheme is acceptable and in line with policy H2 of the Placemaking Plan (2017) and the HMO SPD (2017) in this respect.

CHARACTER AND APPEARANCE:

The proposal is to change the use from a 4-bed dwelling house (C3 use class) to a 9-bed house in multiple occupation (C4 use class). The scheme proposes to create 3 bedrooms on the ground floor, 4 bedrooms on the first floor and two bedrooms in the roof. In order to create the space, the applicant is proposing to remove the existing side dormer and create a hipped roof two storey side extension. Whilst the hipped roof will follow the height existing roof ridge, it will be stepped back from the front elevation and as such will remain subservient to the host property. The proposed materials are Bath stone, UPVC windows and concrete roof tiles to match the host property. Therefore, the scheme is considered in-keeping with the size, design and materials of the host property in compliance with policies D2, D4, H2 and HE1.

Comments have been received to say that the scheme undermines the character of this residential road and that there is a shortage of family houses in the city. However, the scheme does not result in a 'sandwiching' effect and the scheme also meets the stage 1 tests and is acceptable in terms of housing mix and there is still a need for HMOs in the city.

HIGHWAYS:

The change of use, and associated increase in the number of bedrooms from 3 to 9, is likely to increase the occupancy of the house by independent individuals (i.e., not a family) and this may raise concerns over increased car parking demand in the vicinity of the application site, particularly in an area where on-street parking is unrestricted. Highways note that while there are waiting restrictions in the immediate vicinity of the site on Mount Road, there are areas of highway with no waiting restrictions within a short walk of the site.

The site's sustainable location is acknowledged with good access to a range of services, facilities and public transport links; therefore, car usage should be less intense. The Design and Access Statement says that the existing house has a capacity of four car parking spaces (two sets of tandem parking). It is not clear how these four spaces are accommodated, or whether they included the location of the single-storey side extension used as a garage 2009 - 2020.

The Existing and Proposed Elevations and Block Plan Ref. 02 A shows two car parking spaces laid out on the driveway. It would appear that a third space could be accommodated in the 'tandem' arrangement, however a fourth space could not currently be accommodated in the proposed layout without increasing the width of the driveway or removing a section of boundary wall which would prevent access.

Comments have been submitted to explain that the increase to 9 bedrooms will create parking and highway safety issues as there is insufficient parking provision. However, there is evidence from surveys carried out by the Department for Communities and Local Government which found that rented accommodation can have up to 0.5 fewer cars than owner occupied households of a similar size and type. Furthermore, without adopted parking standards for HMOs, it is difficult to demonstrate that the change of use will result in an unacceptable increased demand for parking, or a demonstrable harmful impact on local highway conditions. Paragraph 109 of the revised National Planning Policy Framework (NPPF) states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Therefore, refusal of the application on these grounds would be considered contrary to this policy.

Bicycle parking is proposed to the rear of the property to accommodate 9 cycles. Revised plans have been submitted to show that the side extension has been reduced in size to enable the access path to the side to be increased to 1.2m wide. A condition shall be attached to ensure there is sufficient, covered and secure bicycle storage for at least 2 bicycles in accordance with policy ST7. Overall, the scheme is considered compliant with policies ST1 and ST7.

RESIDENTIAL AMENITY:

Objection comments have been submitted regarding disruption and noise issues associated with students and HMOs. However, it is worth noting that not all HMOs are occupied by students and many young professionals tend to be in HMOs as well as students.

It is appreciated that C3 dwellinghouses are occupied by single households which typically have co-ordinated routines, lifestyles, visitors and patterns of movement. Conversely,

HMOs are occupied by unrelated individuals, each possibly acting as a separate household, with their own friends, lifestyles, and patterns and times of movements. The comings and goings of the occupiers of an HMO are likely to be less regimented and occur at earlier and later times in the day than a C3 family home and may well consist of groups engaging in evening or nighttime recreational activity. Such a change of use can therefore be expected to increase comings and goings, noise and other disturbance compared to a C3 use.

The proposal however will not result in properties being sandwiched between two HMOs and there are not considered to be any significant residential amenity impacts as a result of the change of use than when compared to the existing situation.

Comments have been submitted regarding noise impacts of the scheme, there aren't considered to be any significant negative noise impacts as a result of the six extra bedrooms.

Comments have been submitted to explain that there doesn't appear to be enough communal living space for nine people. The kitchen has a combined lounge area, and this lounge area measures approx. 17sqm which is below the recommended 26sqm as a standard for 9 people sharing. However, the kitchen and utility have a combined space of 21.4sqm which is almost double the recommended space standard of 10.5sqm for nine people sharing.

There are three complete bathrooms in the property which is a standard for 9 people sharing. Furthermore, the bedrooms 1-5 are all 10.4- 15.4 sqm with bedrooms 6, 7, 8 and 9 being the smallest at approx. 7.5-9.5 sqm, but these are all over 6.51sqm which is suggested for single bedrooms. Concern has been expressed regarding the potential use of 18 people. However, if this were the case the applicant would need to change the application; this is an application for 9 people and will be assessed as such. A condition is recommended to ensure that the dwelling is not occupied by (rented to) more than 9 unrelated occupants without the prior written consent of the Local Planning Authority. This condition is considered necessary to safeguard the amenities of nearby occupiers in accordance with Policy D6 and H2 of the Placemaking Plan (2017).

Overall, the scheme is broadly compliant with policy D6 of the Placemaking Plan (2017).

OTHER ISSUES:

Comments have been submitted to explain that there is more pressure to provide student housing in Bath due to increased student numbers. This is not only Bath students, but there is pressure now for up to 300 students from Bristol to be housed in Bath due to the significant rise in applicants to Bristol Uni, and that this will not only increase the student numbers in Bath, but also transportation and air pollution which is already a major issue in the city. However, regardless of whether 300 students from Bristol will be housed in Bath, the scheme complies with policy H2 and is considered acceptable.

Comments have explained that only 99 and 97 Mount road received a letter regarding this development. No-one else on the street received any notification and no notifications were physically posted in the local area. However, the Council has a statutory obligation to consult all neighbours which share a boundary with the site and from the records, the

registrations team consulted 95 and 99 Mount Road and 72 Roundhill Park which is acceptable. There is no requirement to display a site notice.

Comments have been submitted to explain that there have been sewage issues in the past which brings up the question as to whether the current sewage system is good enough to handle the extra people. There is no evidence, nor reason to believe, that the proposed development will overwhelm the foul drainage system locally.

Objection comments have explained that there is no mention of the ecological issues immediately adjacent to the site. Section 12 of the application stated no protected species adjacent to the site, but comments have said that there is an active badger sett that has been present for at least 10 years directly behind the garden. However, the scheme to build to the side of the dwelling is not considered to impact the rear of the garden and as such it is unlikely that badger setts, if present will be damaged as a result of the scheme.

CONCLUSION:

For the reasons set out above, it is recommended that this application is granted 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 Bicycle Storage (Prior to occupation)

No occupation of the development shall commence until secure and covered bicycle storage for 9 bicycles (as suggested by the applicant) has been provided in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. The bicycle storage shall be retained permanently thereafter.

Reason: To secure adequate off-street parking provision for bicycles and to promote sustainable transport use in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan 2017.

3 Number of Occupants (Compliance)

The development hereby permitted shall not be occupied by (rented to) more than 9 unrelated occupants without the prior written consent of the Local Planning Authority.

Reason: To safeguard the amenities of nearby occupiers in accordance with Policy D6 and H2 of the Bath and North East Somerset Placemaking Plan (2017).

4 Plans List (Compliance)

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

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

PLANS LIST:

1 This decision relates to the following plans:

27 Aug 2021 03 A Site Location Plan

15 Oct 2021 Kad01aex/Pp C Existing And Proposed Floor Plans T

15 Oct 2021 Kad02aex/Pp B Existing And Proposed Elevations

2 Condition Categories

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

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

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

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

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

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

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

3 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.

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

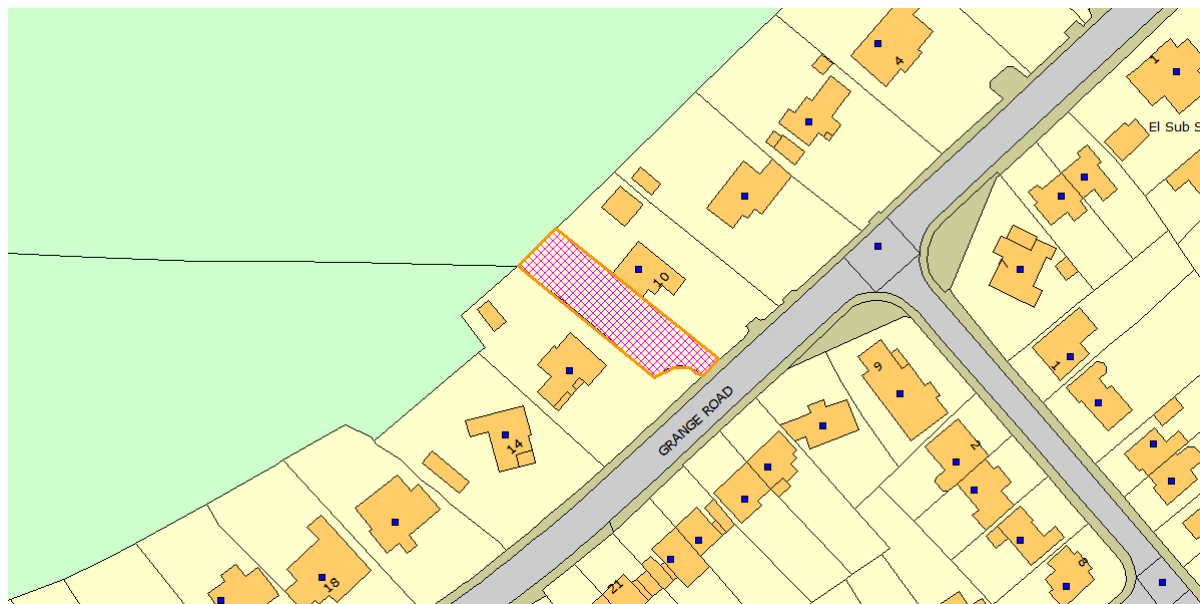
The CIL regulations are non-discretionary in respect of exemption claims. If you are intending to claim a relief or exemption from CIL (such as a "self-build relief") it is important that you understand and follow the correct procedure **before** commencing **any** development on site. You must apply 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. If you have any queries about CIL please email 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: 07
Application No: 21/02654/FUL
Site Location: 10 Grange Road Saltford Bristol Bath And North East Somerset BS31 3AH



Ward: Saltford **Parish:** Saltford **LB Grade:** N/A
Ward Members: Councillor Duncan Hounsell Councillor Alastair Singleton
Application Type: Full Application
Proposal: Erection of a 2 bed detached 1.5 storey dwelling with a home office and store outbuilding at the rear.
Constraints: Saltford Airfield 3km buffer, Agricultural Land Classification, Policy CP9 Affordable Housing Zones, Housing Development Boundary, MOD Safeguarded Areas, SSSI - Impact Risk Zones,
Applicant: Mr And Mrs Rumball
Expiry Date: 30th July 2021
Case Officer: Dominic Battrick
To view the case click on the link [here](#).

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

The application was referred to the Committee Chair in accordance with the Council's Scheme of Delegation. Planning policy reasons were given by the Saltford Parish Council in objection to the application, contrary to officer recommendation. The Parish Council have requested that the application is referred to the Planning Committee for determination if officers are minded to permit the application.

The Vice Chair, Cllr Sally Davis, has made the following comments:

"I have read this application & note comments from both third party & statutory consultees including SPC objections.

The proposal has been slightly modified as highways comments have been addressed & comments raised have been addressed as the application has been assessed against relevant policies.

While permit is recommended I note the Officer comment that the plot is borderline acceptable in respect of its size and width which reflects the concerns raised by SPC & for this reason I recommend the application be determined by the planning committee so the points raised can be debated in the public arena."

The Chair, Cllr Sue Craig, has considered the application and the recommendation of the Vice Chair and decided that the application will be determined at Planning Committee, commenting as follows:

"I have reviewed this application and note the objections from Saltford Parish Council and other third parties. As the officer has stated that the plot size is borderline, I believe it would be appropriate to debate this proposal at committee"

DESCRIPTION OF SITE AND APPLICATION:

The application relates to land within the southwest side of the plot at 10 Grange Road, a two-storey detached house, located within a residential area in the village of Saltford. The rear boundary of the curtilage of 10 Grange Road aligns with the housing development boundary of Saltford, which is excluded from the Green Belt lying beyond the boundary.

The site is not within a conservation area.

The proposed development is for the erection of a detached 1.5 storey, 2-bedroom dwelling to the side of the existing house, with a home office and store outbuilding at the rear.

RELEVANT PLANNING HISTORY:

18/00206/FUL - WD - 6 February 2018 - Erection of 1no detached dwelling

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

CONSULTATIONS AND REPRESENTATIONS:

SALTFORD PARISH COUNCIL:

"OBJECT: Saltford Parish Council is supportive in principle of infill housing where this does not adversely affect the amenities of existing dwellings or the character and street scene for the immediate area. Saltford Parish Council is concerned however that the proposals represent an over-development of No.10's overall plot and would result in an incongruous appearance in the street scene due to the narrow width of the proposed plot that makes the proposals a relatively tight fit in this setting, and the substantial size of existing dwellings on that side of Grange Road, all significantly larger than the proposed dwelling. The proposals therefore are contrary to the B&NES Placemaking Plan (2017) policy D2 (a) (re. context, layout and spacing).

If the case officer is minded to permit this planning application Saltford Parish Council requests that it be referred to the Development Management Committee for determination.

HIGHWAYS:

- The proposed development will provide adequate parking with a minimum of 2 off-street car parking spaces for the proposed 3 bedroom dwelling.
- The driveway will allow vehicles to manoeuvre within the curtilage of the property, allowing cars to exit onto the public highway in a forward gear. This is welcomed.
- The new vehicular access point onto the public highway will require a Section 184 licence under the Highways Act 1980.
- Revised plans are requested to demonstrate visibility from the access onto Grange Road in accordance with the requirements set out in Manual for Streets.
- The proposed provision for waste and recycling is acceptable.
- Plans showing the proposed installation of a positive drainage system to prevent surface water discharging onto the public highway are required.
- New dwellings require safe and secure storage for a minimum of 2no. bicycles to accord with policy ST1. The proposed home office and store outbuilding will provide this and is policy compliant.

(Follow-up comments received 02/11/2021):

- The applicant has submitted a revised plan showing a visibility splay of 43m in either direction but the splay extends over third party land which falls outside of the applicant's control. A revised plan is required that provides a 43m visibility splay that does not extend over third party land.

(Follow-up comments received 24/11/2021):

- A revised plan was received showing a 43m visibility splay can be provided in either direction, however Highways were advised that the wall of the neighbouring property has the potential to obscure visibility. A site visit was undertaken and the Highways officer noted the 20mph speed limit of the highway in this location. Therefore, a reduced visibility splay of 2 metres by 25 metres that does not extend across third party land would be acceptable and should be provided via a revised plan.

OTHER REPRESENTATIONS / THIRD PARTIES:

1 representation was received, objecting to the application. The comments raised are summarised as follows:

- The plot is too narrow for the proposed house (at approximately 10m), leaving a small gap either side, and would appear too dense and out of character with surrounding properties.
- The design of the house is out-of-keeping.
- The mature beech hedgerow at the boundary between 10 and 12 Grange Road would be lost or damaged.
- The proposed dwelling will be built against the boundary of 12 Grange Road and has windows facing the adjacent property.
- The required visibility splay above a height of 0.6m cannot be achieved as it would encroach on the adjacent property of 12 Grange Road, which has a boundary wall approximately 1.5 metres high and is planted with trees.

POLICIES/LEGISLATION

POLICY CONTEXT:

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:

DW1: District Wide Spatial Strategy
RA1: Development in the Villages meeting the listed criteria
CP2: Sustainable Construction
CP6: Environmental Quality

Placemaking Plan:

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

D1: General Urban Design Principles
D2: Local Character and Distinctiveness
D3: Urban Fabric
D5: Building Design
D6: Amenity
D7: Infill and Backland Development
NE6: Trees and Woodland Conservation
ST7: Transport requirements for managing development
STR5: Water Efficiency

National policy and guidance:

The adopted National Planning Policy Framework (NPPF) was revised in July 2021 and is a material consideration due significant weight.

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

SPDs

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

Sustainable Construction Checklist Supplementary Planning Document (November 2018)

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.

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 **PLANNING ISSUES:**

The main issues to consider are:

- Principle of Development
- Impact on the Green Belt
- Character and appearance
- Residential amenity
- Parking and highway safety
- Other matters

OFFICER'S ASSESSMENT:

Principle of development:

The site is located within the housing development boundary of Saltford, where infill residential development is acceptable in principle, in accordance with policies DW1 and RA1 of the B&NES Core Strategy, subject to design considerations addressed below.

The proposed home office outbuilding would be ancillary in scale and function to the dwelling and is appropriate in principle as part of the development.

Character and Appearance:

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

Policy D7 explicitly advises the design of infill development, requiring proposals to have regard to the character and quality of the surrounding townscape, reflecting the form, pattern and grain of the existing development or otherwise enhancing its character.

The application proposes an infill dwelling within the garden to the southwest side of the existing house at 10 Grange Road. The properties on the northwest side of the road which include the site are located at the edge of the village of Saltford and are generally larger detached houses with more spacious plots than the slightly narrower detached and semi-detached houses located on the opposite side of the road to the southeast.

Objections have raised concern over the width and overall size of the plot, suggesting that the approximately 10 metre width of the proposed infill plot is too narrow and will result in a cramped development. While it is acknowledged that the infill plot would be narrower than other properties along this side of Grange Road, there are existing infill developments at 2A, 22A and 32A which establish a precedent for infill within the street scene. These properties are not substantially greater in width than the proposed development. It is concluded that the proposed development will not be contrary to the grain or pattern of development within Grange Road.

The dwelling is designed with elongated front-to-rear emphasis with gable ends and a single storey lean-to along the northeast side elevation (fronting the host dwelling) to provide further ground floor accommodation. The form and massing of the dwelling works with the constraints of the site and minimises bulk to the sides of the dwelling, helping to maintain a sense of openness between the dwelling and the existing dwellings of 10 and 12 Grange Road.

The dwelling is designed with a contemporary appearance with its fenestration and use of materials, utilising a mixture of rendered walls with brick plinths and oak frame detailing around the gable ends and the timber clad single storey element. The street comprises a mixed palette of materials, building and roof forms, massing and architectural styles in fenestration and detailing. It is therefore considered that the proposed dwelling will not detract from the character of the street scene.

The home office outbuilding is proposed to be situated towards the northern corner at the rear of the site. The outbuilding will be timber clad and is designed with a low-profile mono-pitched roof. Outbuildings of this scale at the rear of plots on the northwest side of Grange Road are a common feature and this will not detract from the character of the site or the wider street and will not harm the setting of Saltford.

Regarding the boundary hedge at the boundary between 10 and 12 Grange Road, as the plans demonstrate, the intention is to prune the hedge on the applicant's side of the hedge to provide a close boarded fence at the boundary. This will enable the hedge to be retained at the neighbour's side of the boundary, screening the fence from beyond the site, while increasing the privacy at the boundary. This will not detract from the character and appearance of the site.

Overall, the proposed development respects the character and appearance of the site and its surroundings and is in accordance with policies D1, D2, D5 and D7 of the Placemaking Plan and policy CP6 of the Core Strategy.

Residential Amenity:

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

The proposed layout, form, massing and height of the dwelling has been designed to work with the dimensions of the plot, ensuring that the bulk of the roof is positioned away from the adjacent side boundaries of 10 and 12 Grange Road with its front and rear gabled roof and 1.5 storey eaves height. It is considered that the 1 metre gap between the side elevations and their opposing boundaries is acceptable given the sensitive height and massing of the dwelling, and the development will not be overbearing or result in significant loss of light to habitable rooms within the adjacent properties.

With regards to overlooking, side elevation windows are limited to ground floor windows and Velux rooflights at high level relative to the first-floor level. Neither side elevation will provide intrusive overlooking to adjacent property windows or gardens. The balcony on the rear elevation is contained within the overhang of the roof and privacy screens on the sides prevent intrusive views from this feature.

The proposed home office outbuilding at the rear of the plot does not raise amenity concerns due to its low-profile single storey design.

Adequate natural light and outlook will be provided for future occupiers of the development and the waste storage provision is acceptable.

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

Highways Safety and Parking:

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

The proposals include two parking spaces, meeting the minimum parking standards for a three-bedroom dwelling as required under policy ST7 of the Placemaking Plan. The proposed driveway also provides manoeuvrability on site to enable cars to enter and exit

onto the public highway in a forward gear, together with independent vehicular access for the dwelling. This is supported by the Highways Officer. The proposed refuse storage arrangements and bicycle storage provision is policy compliant.

An objection raised the issue of the 1.5-metre-high boundary wall and landscaping within the corner of the adjacent property of 12 Grange Road that will conflict with the required visibility splay for the proposed access. Following a site visit by the Highways Officer, it was concluded that, having identified the 20mph speed limit of the highway in this location, a reduced visibility splay of 2 metres by 25 metres would comply with Manual for Streets provided the applicant can demonstrate that the splay will not encroach over third-party land. A revised site plan has been provided that satisfactorily meets this requirement and the splay can be achieved. The plan also indicates that the driveway will be surfaced with a permeable material, the specification of which will be required via condition.

Subject to conditions securing the implementation and retention of the car and bicycle parking provision and the visibility splay, the proposed development will provide adequate on-site parking and will not prejudice highway safety, in accordance with policy ST7 of the Placemaking Plan.

Sustainable Construction:

Policy CP2 concerning sustainable construction requires a 19% reduction in regulated CO2 emissions from energy efficiency or renewable energy for development of this scale, as outlined within the adopted Sustainable Construction Checklist SPD. A checklist has been submitted in support of the application, together with SAP calculations, indicating a 41.17% reduction. This will be achieved through a combination of renewable energy sources in the form of solar photovoltaic panels on the southwest elevation roof slope and the installation of an air source heat pump, together with energy efficiency construction measures designed within the scheme. This meets the energy requirements of policy CP2.

Conditions would have been recommended in the event of approval to confirm post-works that the built development meets the projected reduction, and to secure the requirements of policy SCR5 concerning water efficiency for new dwellings.

CONCLUSION:

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

RECOMMENDATION

PERMIT

CONDITIONS

1 Standard Time Limit (Compliance)

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

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

2 Materials - 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.

3 Parking (Compliance)

No occupation of the development shall commence until 2no. parking spaces have been provided on-site and should be retained permanently thereafter.

Reason: To ensure that adequate and safe parking is provided in the interests of amenity and highway safety in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

4 Bound/Compacted Vehicle Access (Compliance)

The vehicular access shall be constructed as shown on Proposed Site Plan drawing number 2010708.RUM-10 rev. E with a bound and compacted surfacing material (not loose stone or gravel).

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

5 Visibility Splays (Compliance)

The visibility splays shown on drawing number 2010708.RUM-10 rev. E shall be kept clear of any obstruction to visibility 600mm above ground level.

Reason: To ensure visibility is maintained in the interests of highways safety in accordance with policy ST7 of the Bath and North East Somerset Placemaking Plan.

6 Balcony Privacy Screens (Compliance)

The proposed rear balcony side panels shall be obscurely glazed with privacy screens as shown on the northeast and southwest side elevations on the proposed elevation

drawings 2010708.RUM-05 rev. C and 2010708.RUM-06 rev. C before the balcony is first brought into use. Thereafter the privacy screens shall be permanently retained as such.

Reason: To safeguard the amenities of adjoining occupiers from overlooking and loss of privacy in accordance with policy D6 of the Bath and North East Somerset Placemaking Plan.

7 Sustainable Construction (Pre-occupation)

The development hereby approved shall be completed in accordance with all measures within the Sustainable Construction Checklist approved with the application, or with measures agreed in writing by the Local Planning Authority. At all times the development shall achieve at least a 19% reduction in regulated emissions compared to that required by the Building Regulations.

No occupation of the development shall commence until a Sustainable Construction Checklist (as set out in the Council's Sustainable Construction Supplementary Planning Document, Adopted November 2018) for the completed development has been submitted and approved in writing by the Local Planning Authority. This shall include:

1. The completion of all relevant tables (see indicated tracks/thresholds in the checklist);
2. All relevant supporting documents/evidence (see indicated tracks/thresholds in the checklist).

Reason: To ensure that the approved development complies with Policy CP2 of the Bath and North East Somerset Core Strategy (sustainable construction).

8 Water Efficiency (Compliance)

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

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

9 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:

Location and Block Plan - 2010708.RUM-01
Site Plan - 2010708.RUM-02 rev. B
Proposed Floor Plans - 2010708.RUM-03 rev. C
Proposed Roof Plan - 2010708.RUM-04 rev. C
Proposed Front and Side Elevations - 2010708.RUM-05 rev. C
Proposed Rear and Side Elevations - 2010708.RUM-06 rev. C
Home Office Elevations - 2010708.RUM-07 rev. B

Home Office Floor Plans - 2010708.RUM-08 rev. B
Proposed Street Scene - 2010708.RUM-09 rev. B
All received 4 June 2021.

Proposed Site Plan (revised) - 2010708.RUM-10 rev. E
Received 25 November 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 or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

3 Works in the highway

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

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 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. If you have any queries about CIL please email cil@BATHNES.GOV.UK

6 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.