

Bath & North East Somerset Council

MEETING: **Development Control Committee**

MEETING DATE: **31st July 2013**

AGENDA
ITEM
NUMBER

--

RESPONSIBLE OFFICER: Lisa Bartlett, Development Manager, Planning & Transport Development (Telephone: 01225 477281)

TITLE: **SITE VISIT AGENDA**

WARDS: ALL

BACKGROUND PAPERS:

AN OPEN PUBLIC ITEM

BACKGROUND PAPERS

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

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

The following notes are for information only:-

- [1] "Background Papers" are defined in the Local Government (Access to Information) Act 1985 do not include those disclosing "Exempt" or "Confidential Information" within the meaning of that Act. There may be, therefore, other papers relevant to an

application which will be relied on in preparing the report to the Committee or a related report, but which legally are not required to be open to public inspection.

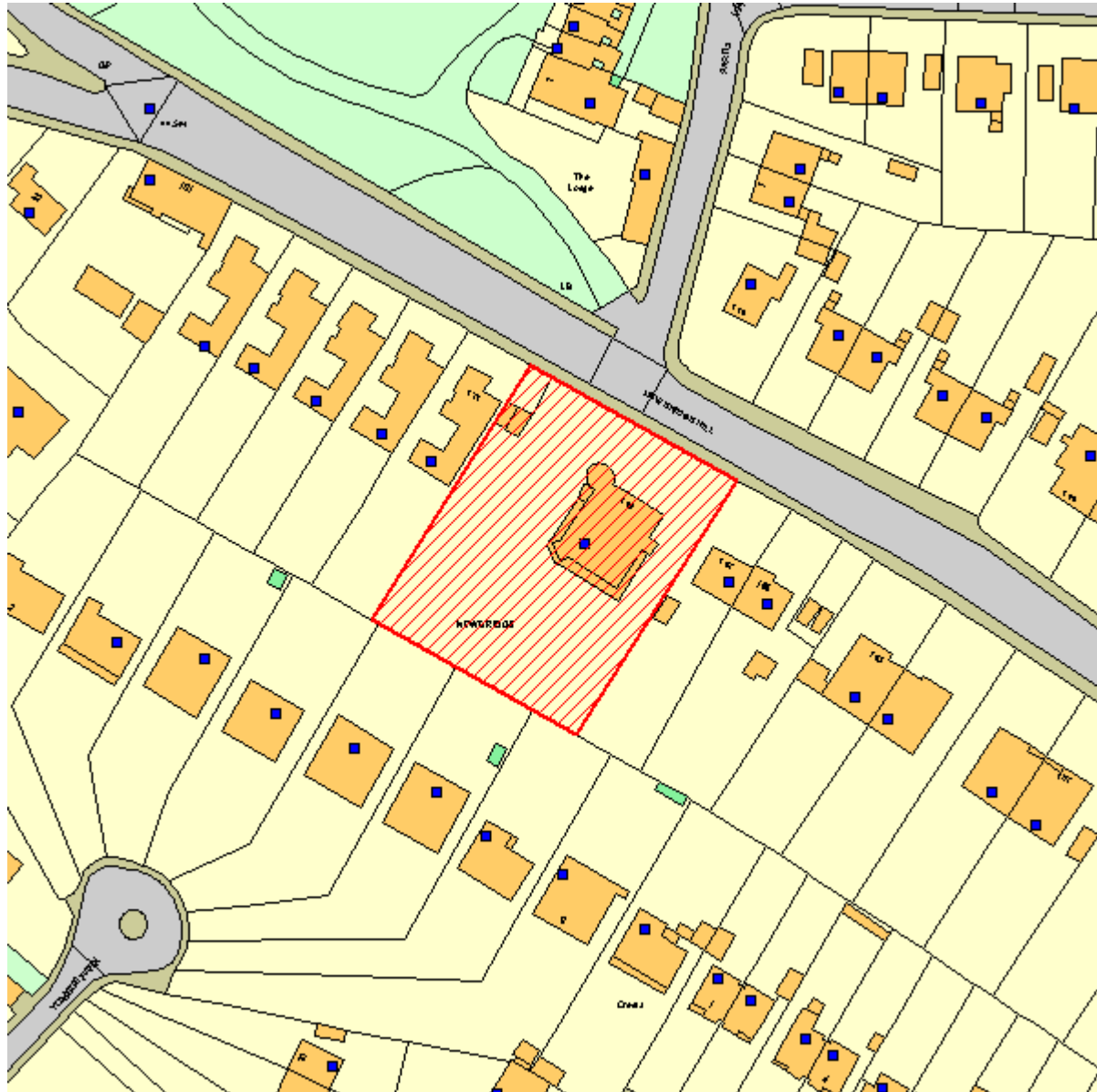
- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting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

INDEX

ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
001	13/01529/FUL 12 June 2013	Mr Mehmet Iltas 169 Newbridge Hill, Newbridge, Bath, BA1 3PX, Erection of a 11 bed care home to the rear of the existing care home and associated works	Newbridge	Sarah James	PERMIT
002	13/01163/FUL 10 June 2013	Mr Luke Pargeter 54 High Street, Saltford, Bristol, Bath And North East Somerset, BS31 3EJ Erection of a detached two storey dwelling and a new double garage for use by no 54, modification works to retaining walls to create wider entrance and associated works following demolition of existing single garage and stone retaining walls	Saltford	Chris Griggs-Trevarthen	PERMIT

**REPORT OF THE DEVELOPMENT MANAGER OF PLANNING AND TRANSPORT
DEVELOPMENT ON APPLICATIONS FOR DEVELOPMENT**

Item No: 001
Application No: 13/01529/FUL
Site Location: 169 Newbridge Hill Newbridge Bath BA1 3PX



Ward: Newbridge **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor L Morgan-Brinkhurst Councillor C M L Roberts
Application Type: Full Application
Proposal: Erection of a 11 bed care home to the rear of the existing care home and associated works
Constraints: Agric Land Class 3b,4,5, Article 4, Conservation Area, Forest of Avon, Hotspring Protection, Tree Preservation Order, World Heritage Site,
Applicant: Mr Mehmet Iltas

Expiry Date:	12th June 2013
Case Officer:	Sarah James

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE

The application has been requested to be reported to Committee if approval is recommended on the request of Cllr Roberts due to the potential for impact on several nearby residents.

The application was deferred from consideration to allow Officers to review the planning history of the site and for a Members site visit to take place. That visit took place 22nd July 2013.

THE SITE

The site which measures 0.2ha is located on the south side of Newbridge Hill, within the urban area of the City of Bath. The site is broadly rectangular, 43 metres x 55 metres, with an existing residential care home "Newbridge Towers" located towards the north-east corner of the site, fronting Newbridge Hill. Newbridge Towers is a large 3 storey red brick property built in 1904. It contains 20 bedrooms. The building is set back from the road with a small tarmac area and soft landscaping with some large trees between the retirement home and the road. A gate in the site's north-eastern corner provides pedestrian access to the retirement home.

Vehicular access is located in the north west corner of the site, which leads to a double garage on the site's western boundary. Between the garage and the retirement home are a number of trees covered by a TPO, the largest and most significant of which is a Copper Beech located on the road frontage.

The surrounding area is predominately residential, with large detached and semi-detached houses fronting Newbridge Hill, set back from the road. Partis College which is a grade 1 listed building used as almshouses and the RUH hospital are in the general vicinity of the site being located to the north side of Newbridge Road. The houses in the immediate area are a mix of ages and architectural styles. To the east of the site on the south side of Newbridge Hill are modern dwellings and large Victorian semi-detached properties. To the west of the application site on the south side of Newbridge Hill are more modern detached houses. Directly to the south of the site are single storey bungalow type properties. These back onto the site and front Yeomede Road, which is a residential cul-de-sac.

THE PROPOSAL

The proposal seeks permission for the erection of a new build care home within the rear grounds of the existing Newbridge Towers residential care home. The proposed new care home would be a two storey building located in the south west corner of the site. Because of the natural slope of the site, the building would appear single storey from the north (Newbridge Hill) and the main entrance of the building would be from first floor level. The building would contain a total of 11 en suite bedrooms and would include associated communal areas. The proposed building would have a total floor space of 478 m² (GIA).

The building would be equipped and suitable for dementia patients. The building would have an overall total height (taken from the rear two storey element) of 9.5 metres to the top of the gable and 8 metres to the ridge.

Materials would comprise of black slate roof, red facing brick (to match the existing development) and Bath stone detailing.

The proposed building would utilise the existing vehicular access in the north west corner of the site. The existing garage building would be demolished. The internal access would provide occasional vehicular access into the site e.g for ambulances and mini buses. The development would operate on a car free basis as the existing care home does.

HISTORY

DC - 11/00552/FUL - PERMIT - 22 March 2011 - Provision of 2no. dormers, replacement of staircase, re-cladding of bathroom annexe and internal alterations to top floor.

12401/3 - Erection of a nursing home Refused 1986

12401/4 - Erection of a nursing home Refused 1987 - Appeal dismissed 1987 - key issues impact on character impact on amenity and highway danger.

12401/8 - Extension to nursing home Refused 1993 on basis of impact on conservation area and the character of the house, impact on amenity and parking inadequate and would impact on the existing trees/landscaping.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Highway officer comments made 7th May 2013 - No highway objections are raised subject to conditions to encourage sustainable transportation.

Additional comments made 28th May 2013 I note concerns have been raised in respect of the impact of additional commercial vehicle movements to the site i.e. those from service vehicles, deliveries, ambulances etc. In respect of ambulances, access will be available to the main entrance via the access to the west of the site. Regarding all other servicing needs I would not anticipate the demands of the proposed additional 11 beds would be significantly more than that required for the existing 20-bed facility. An increase is quite possible, but certainly not as much as the 55% increase in occupancy, and the impact could not be described as either severe or significant, which is required as grounds for refusal of an otherwise sustainable development.

Arboricultural Officer comments made 16th May 2013 - Potential alterations to the surfacing of the existing drive and the extended drive down to the front (north) of the building would affect protected trees. Further detail is required as to the impacts of the construction to ensure these matters are properly controlled.

Archaeology Officer comments made 30th April 2013 - The proposed new care home lies close to Partis College in an area of Roman burial and occupation evidence recorded on the B&NES Historic Environment Record. Consequently a watching brief condition is suggested.

Landscape officer comments made 21st May 2013 - I have no objection to the principle of development in this location as long as the proposed building is subservient to the main one, which it clearly is. Newbridge Towers is a large and imposing building and there is ample space for an appropriately scaled new development.

The existing trees are of primary importance and must be retained and protected. The large Copper Beech is magnificent and the longer term treatment of the space below it is very important as it forms an important part of the overall street frontage. Likewise the hedge to the southern property boundary is particularly important and a comprehensive scheme of tree and shrub planting designed specifically to respond to this area is sought. A range of plant heights will allow for some selected views out of the site. The new development will not have any significant visual impact as there are few longer distance views and local views are restricted. The building would sit low down in relation to the adjacent taller buildings. Whilst the character of the immediate garden will change, it will make much better use of the space and I do not think this change would be unacceptable. Should permission be granted then a high quality scheme of hard and soft landscape works should be agreed by condition before any clearing or construction works commences.

Urban design officer comments made 21st May 2013 - No objections in principle. The garden is of a large enough scale to accommodate an annex of the size proposed comfortably and that redevelopment might actually improve the setting because the garden is scruffy and scrubby. Reservations about the design of the building being a miniature in the style of the main building on site are raised on the basis that there is scope for the building to be designed specifically for its own context in the corner of the site. It could potentially be possible to lower the height of the building with a different architectural approach. The sustainable construction checklist refers to environmental orientation being considered for building design, fenestration, etc. which is supported by policy.

An adequate rear boundary is essential. The trees on site are really important for the character of Newbridge Hill. All hard surfacing must be permeable and the development should include retrofitting energy efficiency measures.

Historic Buildings officer comments made 16th May 2013. - The site is in the conservation area and the proposed development indicates a traditional design approach which would respect this context. The existing care home is an imposing early C20 red brick building with a distinct architectural character. It acts as a visual landmark in this part of the conservation area and in long views from the Twerton area. It adjoins 1960s two storey housing to the west.

It is considered that the architectural approach proposed for the detached extension is acceptable. It is separated from the existing building and reflects local built characteristics such as form, spans, use of traditional materials, proportions of openings and so on. It is set back from the Newbridge Hill frontage and its stepped form would respect the local topography and avoid any detrimental visual impact on the local street scene.

At the rear it will be seen in long distance views from further down the hill, but its design avoids any sky-line intrusion and it is not considered to have any harmful effect on the character, appearance or setting of this part of the conservation area.

There are therefore no objections from the historic environment aspect. It will be important to ensure use of high quality detailing and materials which reflect the local vernacular.

Wessex Water comments made 21st May 2013 advise of the need to agree points of connection onto existing drainage systems and/or new drainage systems with Wessex Water.

Third parties

26 Objections have been received from residents on the basis of the following:-

The density of the development is inappropriate for the site

The impact of additional parking on the local area, which is already adversely affected by overspill parking from the hospital

The adverse impact on the eastern views

The height of the development

The inappropriate style and scale of development within a conservation area

Inappropriate backland development that may set a precedent

Overdevelopment

Inadequate waste storage/disposal

Overlooking/loss of privacy

Light pollution

Inappropriate landscaping

Inadequate drainage

Loss of light

Noise

Design

Smells

Impact on property values

POLICIES/LEGISLATION

ADOPTED LOCAL PLAN

"Bath & North East Somerset Local Plan (including Minerals and Waste policies) 2007" was adopted October 2007. Policies relevant to this site in the Bath and North East Somerset Local Plan, including Minerals and Waste Plan are:

SC.1 Settlement classification

D2 General Design and public realm considerations

D4 Townscape considerations

T24 General development control and access policy

T25 Transport assessment and travel plans

T26 On-site parking and servicing provision

ES.2 Energy conservation

ES3 Gas and Electric Services

ES.4 Water supply

ES.5 Foul and surface water drainage

ES.9 Pollution and nuisance

ES12 Noise and vibration

NE14 Flood Risk

BH1 World Heritage Site

BH6 Development within a conservation area

BH.12 Archaeology
BH22 External lighting
CF2 Provision of new or replacement community facilities
CF6 care Home facilities

The B&NES Local Development Framework Core Strategy is at an advanced stage of preparation, with consultation on the Draft Core Strategy having been completed in February 2011 and examination of the Draft Core Strategy took place early 2012.

Policy CP2 is relevant

NATIONAL PLANNING POLICY FRAMEWORK

National Planning Policy Framework (March 2012) can be awarded significant weight. In this case there are no conflicts between the NPPF and the local plan policies..

Adopted supplementary Planning Guidance The Bath City -wide Character Appraisal (adopted 2005) - The site is included within Area 4: Newbridge

Sustainable Construction and Retrofitting SPD adopted 2013

OFFICER ASSESSMENT

PLANNING HISTORY

Planning history material to this site has been taken into account. In particular two forms of development were previously proposed.

A new nursing home was proposed by applications in the 1980s. The scale of that proposal was significantly different than that currently under consideration in that it was for a 20 bed nursing home which was 2 storeys high on the north elevation and 3 part 4 storeys high on the south elevation. Whilst it was dismissed on visual impact and highway matters with regard to the impact on neighbour amenities the Inspector noted that there would be harm although commented that the harm was not so great as to warrant refusal in itself, but adds to the main issue of detrimental impact on character".

An extension to the existing nursing home was proposed in the early 1990s which was also dismissed at appeal. However that proposal was also of significantly greater scale than the current proposal comprising an extension of 4 stories plus partial basement. The issues in that case were residential and visual impact and highways.

The impact on the character of the area and the existing building and immediate surrounds as well as in longer range views was therefore significantly greater with regard to those proposals. Parking had been proposed on site. This would have been proposed to meet with the terms of policy guidance in place at the time and also as the development was larger it would have generated more parking. This does not apply here. No additional parking is being provided on site and in accordance with current parking policies taking into account the scale of the development this is considered acceptable. Previous proposals also impacted on trees as they were sited much closer to the trees higher up the site and again that issue does not apply in this case as confirmed by consultee comments due to the location of the building which is lower on site.

However in both cases the developments were of significantly different scale, siting, appearance, impact on host building and the conservation area. They were also considered 18 and 25 years ago respectively in the context of a different policy framework. Aside from the intentions of the development i.e to add additional nursing home accommodation to the site there is in the Officer's view few comparisons that can be drawn between the current and historic schemes. Consequently it is considered appropriate to consider the current scheme on its merits in the context of the adopted Local Plan and the National Planning Policy Framework.

HIGHWAYS

The proposed Care Home would utilise the existing access into the site from Newbridge Road. This would permit access into the site for servicing and emergency vehicles as currently provided, with no car parking for visitors or staff proposed. The existing care home operates on a car free basis and the proposed care home would operate in a similar way. The new accommodation would employ an additional 12 staff, as well as some part-time staff. Due to the health of the residents, it is extremely unlikely that any would own a car. Therefore the highway impact has been considered on the basis of movements generated by the new staff, and additional visitors. In accordance with the Local Plan parking standards, a development of this scale would require a maximum of 8 parking spaces. Any compromise to this maximum is based on the accessibility of the site and the potential to travel by alternative means, as well as the potential impact on-street. The applicant's Transport Statement has therefore considered the impact of the additional parking demand (8 cars maximum), and a basic 'snapshot' survey has been undertaken of existing parking demand in the local area. At the times when demand from the development is at its maximum (at 9.15 when staff arrive, and at 21.45 when demand from residents is likely to be greatest). There remains on-street capacity and the Council's highway officer is raising no objection to the development subject to travel plan conditions.

ECOLOGY

The site has no special interest for ecology that would be affected by these proposals.

NOISE

The use as proposed is acceptable in a residential area. In the event that unacceptable noise nuisance was created there are mechanisms through other legislation to address this. The occupants of the site would have the same requirements for quiet as residents surrounding the site and therefore noise is not expected to be an issue on a daily basis. Emergencies may arise but these are anticipated to be occasional and not create levels of disturbance that would warrant refusal.

DESIGN

Notwithstanding that there are alternative designs that might be equally appropriate there is no objection raised on design grounds. Both the conservation officer and urban design officer accept that the development is not harmful in terms of design and it is agreed that is the case. It has been suggested to the applicant that further consideration is given to

the roof of the proposal as it is felt this could be reduced in height, assisting in meeting some of the concerns of residents. However this would require a redesign and withdrawal of the current scheme and the applicant has chosen not to take this further at this stage. Consequently the building has been considered on its merits. The building is in that regard considered to be acceptable in its appearance, including its height. It would appear as single storey in views into the site from Newbridge Hill and wider views would be maintained. From the south, looking back toward the site, the development would be seen against the backdrop of the existing site and the development is not considered harmful to the conservation area or World Heritage Site.

Although this development would be of a reasonable size in terms of its footprint, it would be subservient to the existing home, Newbridge Towers, which is a very substantial three storey building with 20 bedrooms. In the context of this site, which is also substantial relative to surrounding plots, being effectively double the width, it is considered that the site can accommodate the level of development as proposed acceptably. It is also considered that the characteristics of the site and in particular the plot size is unusual and in that regard it is not considered this ancillary building would set a precedent for similar schemes in the vicinity.

Residential amenity in relation to design is discussed below.

ADJOINING RESIDENTS

The key issue in this case is considered to be the effect on adjoining neighbours in particular those to the south of the site as a consequence of the scale and massing of the proposals relative to adjoining neighbours. The proposed development would be located toward the rear of the site close to the rear boundary which would be between 7.5 and 9.5 metres away from the rear boundary. There are no opportunities to move the development further from the boundary due to the location of the protected trees to the immediate north at the front of the site. Nearest properties to the south have rear gardens of approximately 18 metres; the distance between existing rear walls and the proposal being consequently over 25 metres. This distance between residential properties would usually be regarded as acceptable.

In this case there are 2 other factors of significance in that the existing nearest residential properties to the south are on lower land and they are single storey albeit some have roof accommodation. In this case however the slope of the land and differentiation in heights is considered to have some advantage, reducing direct relationships between the two developments. At ground floor (or lower ground floor level in the case of the split level proposal) it is considered that adequate screening (as discussed in the landscape section) can be conditioned. The upper floor of the proposal (ground floor level) would have an eyeline above the single storey buildings and that would reduce direct overlooking between the properties.

Notwithstanding that the principle of bedrooms at the upper levels of the proposal is accepted and not found to be harmful, the original proposal included a south facing communal room and this would be more intensively used. This was advised to be unacceptable. However the applicant has submitted design amendments to address this issue. Amended drawings have repositioned the upper window to the communal lounge from the south to the

east elevation and this is considered acceptable.

The proposed development is located to the north of its closest adjoining neighbours and its location would minimise any loss of light. Direct sunlight would not be lost and there would be no direct overshadowing of properties to the south. There may be some overshadowing to the west but this is minimised due to the design of the roof (hipped on the west side) and the slope of the site and in that regard this is not considered an unacceptable impact sufficient to warrant refusal.

Since the initial submission the applicant has reduced the height of the roof to bring the ridge approximately 1 metre lower than the original submission which is an overall improvement. Taking account of all mitigating factors, the nature of surrounding development, the slope of the site and the design which incorporates a roof design which slopes away from the south side and is hipped to the west side are on balance factors which make the overall relationship of the development to its neighbours acceptable.

TREES

The submitted Arboricultural Impact Assessment confirms that the proposed development would only involve the removal of one small tree and there is no objection to that removal. The proposed access path would run down the western boundary of the site. Whilst acceptable in principle, more detail is sought to ensure that construction would be adequately controlled so as not to impact on protected trees and that would be provided and suitable conditions imposed. However it is considered that there is an acceptable solution and the Arboricultural officer does not consider this would warrant refusal and therefore no objection on grounds of tree impact is raised.

LANDSCAPING

A landscaping scheme has been proposed and includes the provision of additional planting around the boundaries of the site and the provision of a sensory garden which provides useable outdoor space for those requiring dementia care. Landscaping has a key significance in this case with regard to the acceptability of the landscaping of the boundary and whilst a landscape scheme has been proposed officers are not satisfied that this is sufficiently detailed at this stage. A landscape scheme would be conditioned that would provide a mix of shrubs of different heights and densities along the rear boundary allowing selective views into and out of the site rather than a dense and unrelenting hedge.

ARCHAEOLOGY

Archaeological conditions are applied as a precautionary measure taking account of local archaeological evidence.

DRAINAGE

Points of connection onto drainage systems will need to be agreed with Wessex Water. In light of concerns raised by residents a condition to ensure that details are provided to the Local Planning Authority is suggested.

JOB CREATION AND COMMUNITY BENEFITS

The provision of additional nursing home care for which there is a demand and the creation of jobs are both benefits in this case. The NPPF advocates sustainable development and there are economic benefits and social benefits attached to the proposed development to which I have given weight.

WASTE

Proposals to dispose of waste will need to be provided and are conditioned.

OTHER MATTERS

taking account of the nature of the amendments made the revised plans have not been subject to further formal re-notification.

CONCLUSION

Taking all of the above into account the recommendation in this case on balance is approval of the development. It is considered there would be no significant highway impact, the design is acceptable and the relationship of the proposal to off site development is acceptable.

RECOMMENDATION

PERMIT with condition(s)

CONDITIONS

1 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 permissions.

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

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

3 No development shall commence until a sample panel of all external walling materials to be used shall be erected on site, approved in writing by the Local Planning Authority, and kept on site for reference until the development is completed. The panels shall be of a size to be agreed in writing with the local planning authority.

Reason : In the interests of the appearance of the development and the surrounding area.

4 Plans showing a secure and sheltered parking area (providing for at least 8 cycles) shall be submitted to and approved in writing by the Local Planning Authority before the

development is commenced. This area shall be provided before the development is occupied and shall not be used other than for the parking of cycles in connection with the development hereby permitted.

Reason: In the interests of amenity and highway safety.

5 Prior to the occupation of the development a Travel Statement shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be operated in accordance with the Travel Statement.

Reason: In the interests of sustainable development.

6 No development shall commence until sewage disposal and surface water drainage works have been carried out in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

Reason : To ensure the adequate provision of drainage infrastructure.

7 No development shall be commenced until a hard and soft landscape scheme has been first submitted to and approved in writing by the Local Planning Authority, such a scheme shall include details of all walls, fences, trees, hedgerows and other planting which are to be retained; details of all new walls, fences and other boundary treatment and finished ground levels; a planting specification to include numbers, density, size, species and positions of all new trees and shrubs; details of the surface treatment of the open parts of the site; and a programme of implementation.

Reason : To ensure the provision of an appropriate landscape setting to the development.

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

Reason : To ensure that the landscape scheme is implemented and maintained.

9 No development shall take place within the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a controlled watching brief during ground works on the site, with provision for excavation of any significant deposits or features encountered, and shall be carried out by a competent person(s) and completed in accordance with the approved written scheme of investigation.

Reason: The site is within an area of significant archaeological interest and the Council will wish to examine and record items of interest discovered.

10 No ground preparation, demolition or construction activity shall take place until a Detailed Arboricultural Method Statement with Tree Protection Plan has been submitted to and approved in writing by the Local Planning Authority and details within that implemented as appropriate. The final method statement shall incorporate a provisional programme of works; supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and certificates of completion. The statement should also include the control of potentially harmful operations such as the demolition of the existing garage, removal of existing concrete; storage, movement and mixing of materials on site, burning, location of site office, service run locations including soakaway locations and movement of people and machinery.

Reason: To ensure that the protected trees to be retained are not adversely affected by the development proposals and to ensure that the approved method statement is complied with for the duration of the development.

11 No ground preparation, demolition or construction activity shall commence until the protective measures as stated in the approved Detailed Arboricultural Method Statement are implemented. The local planning authority is to be advised two weeks prior to development commencing of the fact that the tree protection measures as required are in place and available for inspection.

Reason: To ensure that the trees are protected from potentially damaging activities.

12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no lines, mains, pipes, cables or other apparatus shall be installed or laid on the site other than in accordance with drawings first submitted to and approved in writing by the Local Planning Authority.

Reason : To safeguard the existing and proposed trees, vegetation and open spaces on the site.

13 No works or deliveries required to implement this development shall take place outside the hours of 8.00 am and 6.00 pm Monday to Saturday and at no time on Sundays or bank holidays.

Reason : To safeguard the amenity of nearby occupiers.

14 The development hereby approved shall not be used other than for purposes ancillary to the existing nursing home located within the site ('Newbridge Towers') as shown on site location plan drawing P001.

Reason : In the interests of residential amenity of the existing and proposed occupiers and surrounding residents.

15 No development shall commence until details of refuse storage have been submitted to and approved in writing by the Local Planning Authority. The development shall not be

occupied until the refuse storage has been provided in accordance with the details so approved, and thereafter shall be retained solely for this purpose. No refuse shall be stored outside the building(s) other than in the approved refuse store(s).

Reason : In the interests of the appearance of the development and of the amenities of the area.

16 The use hereby approved shall not commence until details of proposed extract/ventilation systems have been submitted to and approved in writing by the local planning authority. The system shall thereafter be retained in accordance with the approved details.

Reason : To safeguard the amenities of local occupiers.

17 Prior to commencement of development a detailed external lighting scheme shall be submitted and approved in writing by the Local Planning authority. No external lighting shall be erected other than that approved by virtue of the details submitted by this condition.

Reason : In the interests of residential amenity.

18 No development shall take place until a plan showing existing and proposed ground levels across the site and details of slab levels for the new development has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason : To ensure a satisfactory appearance to the development

PLANS LIST:

1 PLANS LIST: 290101-B1-E-010, 011, 012, 013, P - 001, 002, 003, Site - D - 01, 02, 03, 04, Site - P - 001, 002, 010, 011, Site - S 001, 002.

Statement of proactive working

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. For the reasons given, a positive view of the submitted proposals was taken and permission was granted.

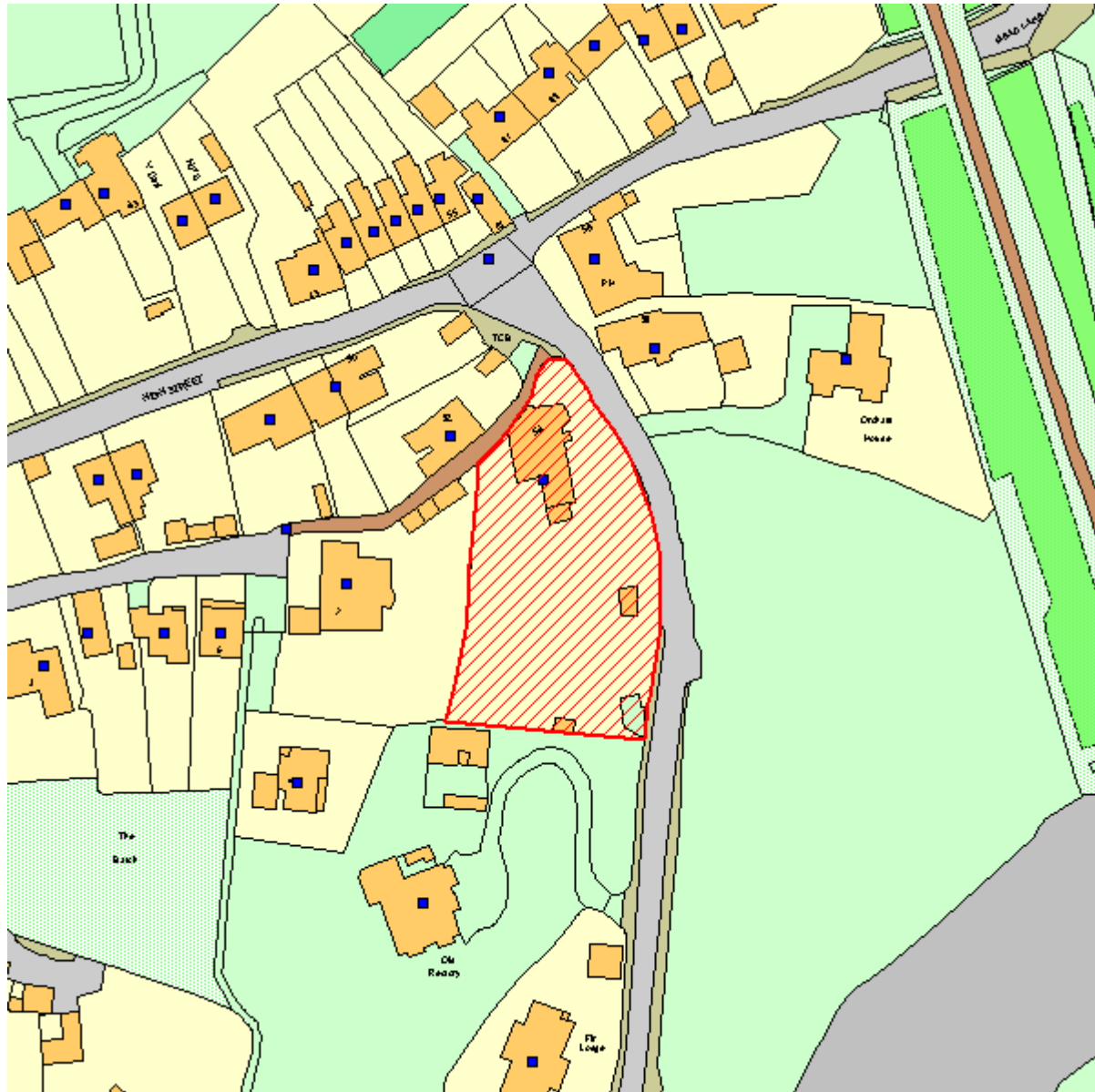
2 REASONS FOR GRANTING APPROVAL:

1. The decision to grant approval has taken account of the Development Plan, relevant emerging Local Plans and approved Supplementary Planning Guidance. This is in accordance with the Policies set out below at A.

(A) BH1, BH6, SC.1, D2, D4, T24, T25, T26, ES.2, ES3, ES.4, ES.5, ES.9, ES12, NE14, BH12, BH22, CF2, CF6

2. The proposed development is considered acceptable in this location. The scheme will provide for a use on site that is locally in demand and would be an acceptable addition to the mix of uses currently in the vicinity. It would provide some local employment. The development would not be visually harmful and would take account of trees within the site so as not to adversely impact upon them. There would be no harm created by traffic. The development would not unacceptably reduce neighbouring amenities.

Item No: 002
Application No: 13/01163/FUL
Site Location: 54 High Street Saltford Bristol Bath And North East Somerset BS31 3EJ



Ward: Saltford

Parish: Saltford

LB Grade: N/A

Ward Members: Councillor F Haerberling Councillor Mathew Blankley

Application Type: Full Application

Proposal: Erection of a detached two storey dwelling and a new double garage for use by no 54, modification works to retaining walls to create wider entrance and associated works following demolition of existing single garage and stone retaining walls

Constraints: Agric Land Class 1,2,3a, British Waterways Major and EIA, Conservation Area, Forest of Avon, Housing Development Boundary,

Applicant: Mr Luke Pargeter

Expiry Date:	10th June 2013
Case Officer:	Chris Griggs-Trevarthen

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE

Councillor Matthew Blankley has requested that the application be determined by the Development Control Committee if it is recommended for approval for the following reasons.

- A transport statement/assessment has not been submitted.
- The properties driveway is on a hairpin from the High Street and The Shallows is a very narrow lane.
- Failure to see how such a modern-build would make a positive contribution to such a historic area.

The application has been referred to the Chairman who has agreed that the application should be considered by the Committee as there are a number of objections from local residents and both Ward councillors and there are highways issues with the application.

This application was deferred from the 3rd July 2013 Development Control Committee meeting for the Committee to visit the site which has now taken place.

DESCRIPTION OF SITE AND APPLICATION

The application site is at the end of a large garden belonging to No. 54 High Street. The site slopes steeply up to the west so that the rear of the site is significantly elevated above the level of the road. The western boundary is demarcated by a retaining wall which serves the garden of 7 The Batch immediately adjoining the site. There are a number of mature trees along the southern boundary and a natural stone wall along the eastern boundary with The Shallows.

The site is within the Saltford Housing Development Boundary and the Conservation Area, the character and appearance of which in the immediate vicinity is of substantial houses in appropriately sized and well landscaped mature plots. Immediately to the east of the site is designated as Green Belt and further to the east lies the route of the Bristol to Bath cycle path which crosses the old railway bridge in view of the application site. The Grade II listed building, The Old Rectory, lies to the south of the application site.

This application is for the erection of a detached, split level dwelling and double garage within the garden of No. 54 High Street. The proposal includes the demolition of the existing single garage and the removal of a 4m section of stone wall to widen the existing access.

RELEVANT HISTORY

08/00595/OUT - Erection of detached dwellinghouse (Outline) - REFUSED - APPEAL DISMISSED

In dismissing the above appeal the inspector considered that:

"The restricted size of the plot and the loss of the trees would fail to preserve or enhance the character and appearance of the Conservation Area and the proposal would be contrary to Policies BH.6, D.2 (a) and D.4(a) of the adopted Bath & North East Somerset Local Plan."

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

HIGHWAYS OFFICER

The proposal involves the demolition of the existing single garage for No.54, and the erection of a 4-bedroom detached dwelling with integral single garage, together with a new double garage for No.54. The access is also proposed to be amended to create a wider entrance and a shared driveway for the existing and new dwellings, which will provide for shared on-site turning facilities.

The existing driveway rises steeply up to the existing garage, and can provide for up to three cars parked on its length, but there are currently no on-site turning facilities. The visibility from the existing point of access is virtually nil in both directions, due to the high boundary retaining walls, and only a 1m footway across its frontage.

The proposed alterations to the access would involve the removal of a 4m length of wall to create a 9.6m opening which could allow for two cars to pass in the access, although the alignment of the driveway may make this difficult, particularly having regard to the likely gradient of the driveway, of which details have not been submitted. It seems however that two cars wishing to pass would be a relatively rare event as the driveway would be for two dwellings only.

While visibility will be improved, it remains below standard. I am however conscious of the Planning Inspector's comments for a similar application in 2008 application (refused on grounds of highway safety), that an access solution to "safely accommodate vehicles" was possible by way of a "sympathetic realignment" of the wall.

It seems therefore that the solution proposed is the best which can be achieved, and which would therefore appear to accord with the Inspector's comments.

I am conscious that the development of one additional dwelling will generate only a small level of additional traffic. In addition, given there will be a widened access, a marginally improved visibility splay and inclusion of turning space (allowing cars to exit and enter in forward gear), and that there is no existing record of road accidents along this length of road (notwithstanding several other examples of substandard access), I would not raise a highway objection to the proposed development subject to the 3 recommended conditions.

HIGHWAYS (DRAINAGE) OFFICER

No objection, subject to condition requesting details of surface water drainage.

ARBORICULTURAL OFFICER

The proposed development will necessitate the removal of 2 No. Lawson's Cypress, 2 No. Holly and a group of hazel. None of these trees are worthy of a TPO.

Provided the submitted tree protection is implemented the trees to be retained will not be adversely impacted by the proposed development. 3 conditions are recommended.

ECOLOGIST

The proposal affects a large garden and its vegetation including impacts on a number of trees.

I have no objection to the proposal in principle however the garden is likely to support a range of wildlife and could also be used by protected species which if present could be affected by the proposals. In particular the site (including habitats that would be affected by the proposal) may support reptiles and there are records of slow-worm from very close proximity to the site.

An ecological survey and assessment by a suitably experienced ecologist must therefore be undertaken, and any necessary mitigation measures proposed and agreed, prior to works beginning at the site. This must include in particular surveys for reptiles and full details of all necessary measures for protection of reptiles and mitigation for any unavoidable impacts. The report should also include consideration of potential use of the site by nesting birds, bats, badger and other wildlife, and provide details of appropriate protection and mitigation measures for each.

Due to the nature of the site, the low risk of impacts on European protected species, and the likelihood that all necessary mitigation can be accommodated within the site, I do not in this case request the ecological assessment to be completed prior to any consent for this proposal. It must however be completed prior to works including any tree or vegetation removal.

Please note that a further condition has been included within the recommendation to confirm the requirement for an ecological survey to be undertaken and mitigation measures to be incorporated. Condition recommended.

SALTFORD PARISH COUNCIL

Comments only - Concerns about access and egress to the site; the preservation of trees; the steep gradient undermining the ground and the effect on drainage; possible contravention of policy BH.6; the massing and glass feature at the front section of the building.

COUNCILLOR BLANKLEY

A Transport statement has not been submitted as part of this planning application. The NPPF states that 'plans and decisions should take account of whether safe and suitable access to the site can be achieved for all people'. I make this point because the property's driveway is accessed by a hairpin from High Street end of The Shallows, otherwise the property is access from The Shallows, which is a very narrow road also accessed by a hairpin from Bath Road.

The NPPF states that 'In determining planning applications, local planning authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness'. I cannot see from the application that this issue has been addressed and I fail to see how such a modern-build would make a positive contribution to such an historic area.

COUNCILLOR HAEBERLING

I strongly object to the proposal for this development. Firstly, as a next door neighbour I did not receive an official notification of the application which although it is in the garden of 54 High Street the development will actually be in The Shallows, which as anyone who lives near will tell you is a single track road in parts, very busy and attracting many visitors particularly at the weekends. Secondly, it is far too large for the site, it is in a conservation area, and the design is totally out of keeping with the surrounding properties and cannot in any way be considered as preserving or enhancing area.

THIRD PARTIES/NEIGHBOURS

6 letters of objection have been received. The main issues raised are:

- The site is in a prominent position in the Saltford conservation area, the Avon Valley and is adjacent to the Grade II listed building, the Old Rectory.
- Harm to the open aspect of the site.
- Would set an undesirable precedent.
- It will in-fill the existing garden
- It will be detrimental to the setting of nearby landmarks, e.g. the cycle track.
- Concern about the impact upon the retaining wall at the rear of the site.
- Dwelling has wrongly been described as two-storey when, in fact, it is three-storey.
- The Shallows is a narrow, busy lane and introducing more traffic will be dangerous.
- The site entrance is on a blind bend and is dangerous.
- Builder's access to the site will be hazardous.
- Taking down the stone wall to widen the access will detract from the character and appearance of the conservation area.
- The style and materials of the proposed dwelling do not respect the local context
- The proposed design does not complement the neighbouring Victorian and listed buildings.
- It will divide a historic landscaped garden.
- Impact upon ecology and wildlife.
- Loss of established mature trees and impact upon root systems of remaining trees.
- The site spacing and layout does not reinforce or compliment the local context.
- Adverse effect on natural site drainage.
- Will dominate the outlook of 7 The Batch, Saltford.
- Concern that a Bed and Breakfast would be operated from the site.
- A previous appeal on the site was dismissed.
- Removal of greenery from the site.
- Does not respect the existing urban grain in relation to street pattern, plot size, rhythm or silhouette.
- Pressure to remove trees in the future.
- Fails to preserve the setting of the adjacent listed building.
- Light intrusion to neighbouring property
- Loss of privacy to the Old Rectory
- Impacts upon the Coach House of the Old Rectory which is proposed to be converted.
- Inadequate off-street parking

1 letter of support has been received. The main points raised are:

- Overall appearance of the proposed house is attractive
- Design is not slavish copy of older houses, but is sympathetic to the area
- The striking gable echoes that of the houses above
- Both houses will have adequate garden space

- The site entrance is at the widest part of the road
- Assuming that technical issues of drainage and arboriculture have been satisfactorily addressed.

POLICIES/LEGISLATION

At the meeting of the Council on the 18th October 2007, the Bath and North East Somerset Local Plan (including minerals and waste policies) was adopted. The following policies are material considerations:

- D.2 - General Design and public realm considerations
- D.4 - Townscape considerations
- BH.2 - Listed buildings and their settings
- BH.6 - Conversation areas
- GB.2 - Visual amenity of the Green Belt
- T.24 - General access and development control policy
- T.26 - Parking

At its meeting on 4th March 2013 the Council approved the amended Core Strategy for Development Management purposes. Whilst it is not yet part of the statutory Development Plan, the Council attaches substantive weight to the amended Core Strategy in the determination of planning applications in accordance with the considerations outlined in paragraph 216 of the National Planning Policy Framework. Policies D.2, D.4, GB.2, BH.2, BH.6, T.24 and T.26 of the local plan are proposed as saved policies within the submission core strategy.

National guidance in the National Planning Policy Framework (NPPF) is also a material consideration. The following sections are of particular relevance:

- Section 7: Requiring good design
- Section 12: Conserving and enhancing the historic environment

OFFICER ASSESSMENT

INTRODUCTION

The site falls within the Saltford Housing Development Boundary where the principle of new residential development is acceptable in accordance with policy HG.4 of the Bath and North East Somerset Local Plan (2007).

The main issues to consider in respect of this application are the impact upon the character and appearance of the conservation area, the impact upon residential amenity and the impact upon highways safety and parking.

A previous appeal for the erection of a dwelling on this site was dismissed in 2008. The Inspector's comments in relation to that appeal are a significant material consideration in the consideration of the current application and shall be discussed in the relevant sections below.

CHARACTER AND APPEARANCE

The area immediately surrounding the site on The Shallows is characterised by several traditional properties with large landscaped gardens.

The Inspector for the previous appeal considered that the proposed sub-division of the plot under application 08/00595/OUT would result in a narrow rectangular form with a relatively small garden. It was considered that the narrowness of the plot, being only 15m in width, and resultant small garden would make the proposed dwelling appear cramped in relation to others nearby and out of keeping with the spaciousness of this part of the conservation area. The perception of the narrow plot was considered to be heightened due to the need to fell mature trees within the site.

The current scheme has significantly increased the size of the application site and has proposed a more even sub-division of the plot. The plot width has been increased to approximately 25m. The proposed sub-division follows the existing landform and, therefore, avoids the creation of a rigid rectangular plot. The proposed application site is considered not to appear too narrow or cramped and creates a reasonably sized garden for the proposed dwelling whilst retaining a good sized garden for No. 54 High Street.

Whilst the sub-division of the existing large plot will inevitably have some impact upon the overall spaciousness of the site, the resultant plots are considered to be adequately sized to preserve the character and appearance of the conservation area. The impacts of this sub-division are also mitigated to a degree by the organic layout of the boundary and the use of a lightweight stock fencing combined with planting to define the northern boundary.

It is accepted that future occupiers may wish to construct a more substantial and permanent boundary fence. The erection of a 2m closed boarded fence or other similarly harsh boundary treatment along this boundary would adversely affect the overall spaciousness of the site. It is, therefore, considered necessary to apply conditions requiring further details of the proposed boundary treatment and planting and to restrict permitted development rights for the erection of fences and other means of enclosure.

The enlargement of the application site over the previous appeal scheme means that the proposed dwelling has been shifted to the north avoiding the need to remove as many trees from the southern boundary. The proposed development will necessitate the removal of 2 No. Lawson's Cypress, 2 No. Holly and a group of hazel. The Council's Arboriculturalist considers that none of these trees are worthy of a Tree Preservation Order (TPO).

Replacement planting is proposed in mitigation for the loss of these trees including a Field Maple, a Holly and an Apple tree along with a mixed native hedge along the northern boundary.

The most significant and mature trees on the site are those directly along the southern boundary. These make a significant contribution towards the character and appearance of the conservation area and contribute towards the visual amenity of the site when viewed in the wider landscape, such as from the cycle path to the east. They also form part of the setting of the adjoining listed building, The Old Rectory, and delineate the southern boundary of the site.

The applicant has set out a scheme of tree protection during construction phase which has been assessed by the Council's arboriculturalist. Provided the submitted tree protection plan is implemented, the trees to be retained along this boundary will not be

adversely impacted by the proposed development. Conditions are proposed to ensure the implementation of these tree protection measures.

The proposed dwelling lies to the north of the existing mature trees which cast shadows over parts of the site. However, the enlarged size of the application site over the previous appeal site means that the proposed dwelling will have more usable garden space that is not entirely shaded and there will be less pressure to fell these trees in the future.

It is therefore considered that the proposal has overcome the concerns of the previous appeal Inspector in regards to the restricted size of the plot and the loss of trees.

Turning to the design of the proposed dwelling, there are a variety of styles and designs in the surrounding area including a number of Victorian properties which are prevalent throughout the conservation area.

The scale of the proposed dwelling is in keeping with the other substantial dwellings surrounding it on this part of The Shallows. It is built into the slope with a split level design to reduce the overall excavation required for its construction. Although raised above the level of the road, the proposed dwelling is lower than the neighbouring coach house associated with The Old Rectory and does not project above the retaining wall at the rear of the site. It is therefore read against the backdrop of the slope and the surrounding vegetation and does not appear unduly prominent in wider views.

The form of the proposed building is not out of keeping with the surrounding area where there are a variety of forms including gables and bays. The projecting bay on the proposed front elevation represents a contemporary approach to the more traditional style bays in surrounding area and also echoes the gable of No. 7 The Batch which sits above the application site to the west.

The majority of buildings in the surrounding area are constructed using natural lias stone. The proposed dwelling would utilise some of the traditional materials found in the surrounding area including coursed blue lias stone for the main elevations and natural slate for the roof. However, some of the detailing will use more contemporary materials such as green oak for the proposed balcony and projecting bay and aluminium frames for the windows.

It is considered that the overall approach to the design respects the predominate character of the conservation area in respect of its scale, form, massing and main materials, but avoids appearing pastiche by incorporating some clearly contemporary elements and materials.

The proposed double garage replaces the existing single garage in a similar position. Although close to the boundary with the Shallows, the proposed garage is set behind the existing stone wall which is approximately 2.7m in height. The bulk of the replacement garage is kept down through the incorporation of a hipped roof form and the proposed materials match those proposed in the main house.

The proposal also includes the removal of a 4m section of the existing stone wall to widen the access to the site. Natural stone walls, such as this, are common throughout the surrounding streets and make a positive contribution towards the character of the

conservation area. In considering the proposals to remove part of this stone wall the previous appeal Inspector's comments are relevant.

In dismissing the previous appeal the Inspector did not support the Council's second reason for refusal which asserted that it was not possible to secure safe access to the site for an additional dwelling without causing further harm to the character and appearance of the conservation area. The Inspector considered that:

"a sympathetic realignment would be possible to improve the visibility sufficiently to safely accommodate vehicles likely to need access to the new dwelling and still maintain the value which the wall contributes to the appearance of the Conservation Area."

It is considered that the proposed scheme represents a 'sympathetic realignment' of the boundary wall which strikes the appropriate balance between providing safe access to the site and preserving the value which the wall contributes towards the appearance of the conservation area. The section of wall to be removed is lower than the more substantial wall further towards the High Street and the resultant opening of approximately 9.6m in length is considered not to harm the character and pattern of boundary treatment along this part of The Shallows.

Overall, it is considered that the proposal represents a contemporary design approach on an adequately sized plot which protects the valuable trees on the site and preserves the character and appearance of the conservation area. Furthermore, as the existing trees along the southern boundary will remain the proposed development is considered to preserve the setting of the adjacent listed building, The Old Rectory.

RESIDENTIAL AMENITY

As previously discussed, the proposal creates adequate outdoor garden space for the proposed dwelling and No. 54 High Street. The distance between No. 54 High Street and the proposed dwelling is approximately 21m. This is considered sufficient to reduce the inter-visibility between the properties to an acceptable level.

Both properties will share the access and part of the driveway. The lightweight nature of the proposed northern boundary also means that the gardens of the two properties will not be formally separated, as would be the case if a closed boarded fence were erected. However, given the nature of the shared driveway and access and the benefits of maintaining the overall openness of the site, it is considered that this approach will still provide an adequate level of privacy and amenity. Furthermore, there will be a degree of caveat emptor for the potential and future occupiers.

There is currently an application being considered for the conversion of the Coach House at The Old Rectory to be converted into self-contained ancillary accommodation (13/01688/FUL). There are two windows on the north elevation of the Coach House which face towards the application site. One of these windows serves the proposed bathroom and one is high level window serving the proposed living area.

There is a change in levels between the Coach House and the application site. The change in levels means that the window serving the Coach House's proposed bathroom is

in line with the ground level of the application site. There are only very limited views into and from this existing window due to the existing vegetation and low stone wall along the boundary and the proposed dwelling would not alter this. The proposed high level window is adjacent to the very rear of the application site and, due to the change in levels and the position of the existing shed, will not result in any significant loss of privacy to either property.

No. 7 The Batch lies directly to the west and its garden extends up to the retaining wall at the rear of the application site. The ridge of the proposed dwelling is set approximately 1.7m below the top of the retaining wall and sits below the garden of No. 7 The Batch. Although visible from within the rear garden, the primary outlook from the rear of 7 The Batch will not be adversely affected by the proposed dwelling.

HIGHWAYS AND PARKING

The existing access to No. 54 High Street is off The Shallows. The Shallows is a narrow lane and the access is located at the end of a bend. There is poor visibility due to the stone boundary walls either side of the existing access and insufficient space for turning on the site.

The proposal to widen the access by 4m will create an opening of 9.6m and will enable two cars to pass one another. It will also improve visibility for egress from the site and provide on-site turning space.

The Highways Officer considers that the proposed access is still sub-standard. However, it represents an improvement upon the existing situation and is considered to be in line with the previous appeal Inspector's comments that a 'sympathetic realignment' would be possible to allow the access to 'safely accommodate vehicles'.

Furthermore, it is considered that the development of one additional dwelling will generate only a small level of additional traffic and there is no existing record of road accidents along this length of road. In light of this, the Highways Officer has raised no objection to the proposed access.

The application proposes 2 off-street parking spaces within the replacement double garage for the use by No. 54 High Street and 2 off-street parking spaces (1 garage, 1 driveway) for use by the proposed dwelling. The level of off-street parking proposed is considered acceptable.

OTHER MATTERS

A number of concerns have been raised about the potential impact of the proposed development upon the retaining wall on the western boundary of the site. The proposed dwelling, utilising a split level design, avoids excessive excavation and the applicant's design and access statement includes results of a ground investigation and details of contiguous piled retaining wall proposed to the perimeter of the excavation. The proposal would also be subject to approval under building regulations which would consider issues of ground stability.

Concerns have also been raised about the site's drainage. However, the Highways (Drainage) Officer has no objections to the proposal and a condition is proposed which requires details of the site's surface water drainage to be submitted to and approved by the Council.

CONCLUSION

In conclusion, the application proposes a sensible sub-division of the existing garden resulting in two reasonably sized plots with a layout which enables the significant mature trees along the southern boundary to be protected. It is considered that the proposed design, whilst incorporating contemporary elements, respects the predominant character of the conservation area and does not harm the amenities of adjoining occupiers. The widened access provides an improvement on the existing situation whilst maintaining the value of the stone wall along The Shallows.

It is therefore considered that the proposed scheme overcomes the previous appeal Inspectors concerns and preserves the character and appearance of the conservation area.

RECOMMENDATION

PERMIT with condition(s)

CONDITIONS

1 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 permissions.

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

Reason: In the interests of the appearance of the development and the character and appearance of the Conservation Area.

3 Provision shall be made within the site for the disposal of surface water, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to construction.

Reason: In the interest of flood risk management.

4 Prior to the occupation of the dwellinghouse hereby approved the means of enclosure separating the garden of No. 54 High Street from the garden of the approved

dwellinghouse shall be erected in accordance with details first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of privacy and the character and appearance of the conservation area.

5 No development shall be commenced on site until a soft landscape scheme has been first submitted to and approved in writing by the Local Planning Authority showing details of all trees, hedgerows and other planting to be retained; finished ground levels; a planting specification to include numbers, density, size, species and positions of all new trees and shrubs; and a programme of implementation.

Reason: In the interests of the appearance of the development and the surrounding conservation area.

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

Reason: To ensure that the landscape scheme is implemented and maintained.

7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no fences, gates, walls or other means of enclosure shall be erected or placed within the curtilage of the dwellinghouse hereby approved without a further planning permission being granted.

Reason: To maintain the spaciousness of the site and in the interests of the visual amenity and character and appearance of the conservation area.

8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no extension, external alteration or enlargement of the dwelling hereby approved shall be carried out unless a further planning permission has been granted by the Local Planning Authority.

Reason: Any further extensions require detailed consideration by the Local Planning Authority to safeguard the amenities of the surrounding area.

9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no garages or other free standing buildings shall be erected within the curtilage of the dwelling hereby approved, other than those expressly authorised by

this permission, unless a further planning permission has been granted by the Local Planning Authority.

Reason: The introduction of further curtilage buildings requires detailed consideration by the Local Planning Authority to safeguard the appearance of the development and the amenities of the surrounding area.

10 No development shall commence until a detailed Arboricultural Method Statement in accordance with BS5837:2012 has been submitted to and approved in writing by the Local Planning Authority. The statement shall include tree protection measures during site preparation (including clearance, demolition and level changes, taking into account disposal of soil resulting from excavations on site), during construction and landscaping operations. The statement should also include the control of potentially harmful operations such as storage, handling and mixing of materials on site, burning, movement of people, plant and machinery.'

Reason: To ensure that no excavation, tipping, burning, storing of materials or any other activity takes place which would adversely affect the welfare of the trees to be retained on site and on neighbouring property.

11 No development activity shall commence until the protective measures as stated in the Arboricultural Method Statement are implemented. The Local Planning Authority is to be advised two weeks prior to development commencing of the fact that the tree protection measures as required are in place and available for protection.'

Reason: To ensure that the trees to be retained are protected from potentially damaging operations.

12 No development or other operations shall take place except in complete accordance with the approved arboricultural method statement unless agreed in writing by the Local Planning authority. Interim Site Inspection Reports and a signed Certificate of Compliance shall be submitted to the Local Planning Authority on completion.

Reason: To ensure that the approved Arboricultural Method Statement is complied with for the duration of the development.

13 The garaging hereby approved shall be retained for the garaging of private motor vehicles associated with the dwelling and ancillary domestic storage and for no other purpose without the prior written permission of the Local Planning Authority.

Reason: To retain adequate off-street parking provision.

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

Reason: In the interests of amenity and highway safety.

15 The development hereby permitted shall not be occupied until the access improvement works shown on the submitted plan have been provided. The visibility splays shall thereafter be maintained free of obstruction at all times.

Reason: In the interests of highway safety

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

- (i) Survey and mitigation proposals for the protection of reptiles
- (ii) Survey for habitats and all other wildlife including survey for use of the site by protected species as applicable
- (iii) Details of all necessary wildlife protection and mitigation measures
- (iv) Details of appropriate ecological enhancements

All works within the scheme shall be carried out in accordance with the approved details, unless otherwise approved in writing by the local planning authority. The works shall be carried out prior to the occupation of any part of the development.

Reason: In the interests of securing an appropriate survey and mitigation measures for protected species which may be on the site and in accordance with policy NE.11 of the Bath and North East Somerset Local Plan (2007).

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

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

PLANS LIST:

- 1 Site Location Plan
- SCA-1214-001
- SCA1214-002
- SCA1214-003
- SCA1214-004
- SCA1214-005
- SCA1214-006
- SCA1214-007
- SCA1214-010
- SCA1214-011
- RF-P-022-100 Revision 01

REASON FOR APPROVAL

The proposed dwelling, due to its layout, siting, design, form and materials, preserves the character and appearance of the conservation area, does not significantly harm the amenities of adjoining occupiers and does not prejudice highways safety. The proposal is therefore in accordance with policies D.2, D.4, BH.2, BH.6, GB.2, T.24 and T.26 of the

Bath and North East Somerset Local Plan (2007) and guidance in the National Planning Policy Framework.

DECISION MAKING STATEMENT

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. For the reasons given, and expanded upon in a related case officer's report, a positive view of the submitted proposals was taken and consent was granted.

2 ADVICE NOTE:

Where a request is made to a Local Planning Authority for written confirmation of compliance with a condition or conditions attached to a planning permission or where a request to discharge conditions is submitted a fee shall be paid to that authority. Details of the fee can be found on the "what happens after permission" pages of the Council's Website. Please send your requests to the Registration Team, Planning Services, PO Box 5006, Bath, BA1 1JG. Requests can be made using the 1APP standard form which is available from the Planning Portal at www.planningportal.gov.uk.