

Bath & North East Somerset Council

MEETING: Regulatory (Access) Committee

MEETING DATE: Tuesday 8th January, 2008

AGENDA
ITEM
NUMBER

TITLE: Definitive Map Modification Order to add a public footpath over Dransfield Way between Coronation Avenue and Ivy Avenue Bath

WARD: Westmoreland

AN OPEN PUBLIC ITEM

List of attachments to this report:

Appendix 1 – Plan identifying used route: proposed DMMO route

Appendix 2 – Plan showing adopted highway

Appendix 3 – Extract from 1932 Ordnance Survey Map

Appendix 4 – Extract from 1936 Ordnance Survey Map

Appendix 5 – Planning application plan, 1999

Appendix 6 – Proposed minor amendment plan

Appendix 7 – Planning application plan 2000

Appendix 8 – DMMO application and plan

Appendix 9 – Ownership – Form D

Appendix 10 – Copy of letter from developers Agent dated 28/11/2000

Appendix 11 – Copy of advert in The Bath Chronicle, dated 25/10/2007, planning Ownership Certificates and covering letter

Appendix 12 – Block and Drainage plans 1937

1 THE ISSUE

- 1.1 This report is submitted to assist Members in determining an application for a Definitive Map Modification Order to be made under section 53 (2) of the Wildlife and Countryside Act 1981 to modify the Definitive Map and Statement by adding a public footpath over Dransfield Way between Coronation Avenue and Ivy Avenue.

2 RECOMMENDATION

- 2.1 That the Assistant Director for Environmental Services be granted delegated authority to refuse to make an Order to modify the Definitive Map and Statement to add the public footpath between Coronation Avenue and Ivy Avenue as shown on the route marked A- B on the plan attached at Appendix 1.

3 FINANCIAL IMPLICATIONS

- 3.1 Financial implications are not a relevant consideration which may be taken into account under the provision of the Wildlife and Countryside Act 1981. The costs associated with making an Order and any subsequent Public Inquiry would be met from the PROW budget.

4. LEGAL FRAMEWORK

- 4.1 Bath and North East Somerset Council, as Surveying Authority, is under a statutory duty, imposed by Section 53(2) of the Wildlife and Countryside Act 1981, to keep the Definitive Map and Statement of Public Rights of Way under continuous review.

- 4.2 Section 53(2)(b) states:

"As regards every definitive map and statement, the surveying authority shall:

..... keep the map and statement under continuous review and as soon as reasonably practicable after the occurrence of any of those events, by order make such modifications to the map and statement as appear to them to be requisite in consequence of the occurrence of that event".

- 4.3 The 'events' referred to in subsection (2) are set out in section 53(3). The event relevant to this case is set out in Section 53(3)(c)(i) as follows:

"The discovery by the authority of evidence which (when considered with all other relevant evidence available to them) shows-

"that a right of way which is not shown in the map and statement subsists or is reasonably alleged to subsist..."

- 4.4 Anyone may apply to the Council for an Order to modify the map and statement, and such application must be determined in accordance with the provisions of Schedule 14 of the Act. The Council must also make an order on its own initiative if it discovers evidence which justifies the making of an Order.

- 4.5 If, after consideration of an application, the Authority decides not to make an Order then the applicant may appeal to the Secretary of State for the Environment, Food and Rural Affairs within 28 days of the service of notice of that decision. The Secretary of State will then re-examine the evidence and direct the authority accordingly.
- 4.6 Evidence of use by the public can be sufficient to raise a presumption of dedication at common law or under Section 31 of the Highways Act 1980. The "discovery" of such evidence of use can constitute the "event" for the purposes of section 53(2)(b).
- 4.7 For presumed dedication to have occurred under Section 31 of the Highways Act 1980, a way is deemed to have been dedicated as a highway after 20 years use by the public unless there is evidence of a contrary intention. In order to establish a presumed dedication under this section, each element in the wording of Section 31(1) and (2) needs to be proved on the balance of probabilities.

"(1) Where a way over any land, other than a way of such a character that use of it by the public could not give rise at common law to any presumption of dedication, has been actually enjoyed by the public as of right and without interruption for a full period of 20 years, the way is to be deemed to have been dedicated as a highway unless there is sufficient evidence that there was no intention during that period to dedicate it.

(2) The period of 20 years referred to in subsection (1) above is to be calculated retrospectively from the date when the right of the public to use the way is brought into question, whether by a notice such as is mentioned in subsection (3) below or otherwise."

- 4.8 Documentary evidence is often considered in determining applications for Definitive Map Modification Orders. Section 32 of the Highways Act 1980 states:

"A court or other tribunal, before determining whether a way has or has not been dedicated as a highway, or the date on which such dedication, if any, took place, shall take into consideration any map, plan or history of the locality or other relevant document which is tendered in evidence, and shall give such weight thereto as the court or tribunal considers justified by the circumstances, including the antiquity of the tendered document, the status of the person by whom and the purpose for which it was made or compiled, and the custody in which it has been kept and from which it is produced."

- 4.9 No legal document such as a creation agreement, court or other order has been discovered to show that the claimed way has been created.

5 THE ORDER

Background

- 5.1 Dransfield Way was not recorded in the Authority's Highway Records including its List of Streets required to be kept under Section 26(6) of the Highways Act 1980, as a highway maintainable at the public expense. It links Coronation Avenue with Ivy Avenue and these are both adopted (full) highways being class 4 roads. Coronation Avenue was made up and adopted in 1911 and as development of this area continued, the section of Ivy Avenue in question was made up and adopted in 1950. The extent of these adopted highways is as shown coloured green on Appendix 2.

- 5.2 The precise construction date of the connecting road, Dransfield Way is not known however, it is shown surveyed in existence on the 1932 Edition of the Old County Series Ordnance Survey sheet for the area, extract attached as Appendix 3.
- 5.3 It should be noted that at this time Ivy Avenue is shown terminating as a cul-de-sac just to the south of its junction with Dransfield Way. It appears that the back way to Coronation Avenue was also in existence bisecting the middle of Dransfield Way but that access could be gained to it from the Ivy Avenue end through the gap shown. The section of Dransfield Way from Coronation Avenue to the backway was quite obviously constructed purposefully when this area was developed some time prior to 1911 possibly as an access for the Moravian Church shown on the plan, constructed c.1907 and which also had the building immediately to its rear, used as a Sunday School.
- 5.4 By 1936 development has continued in this area and Dransfield Way now connects fully through from Coronation Avenue to Ivy Avenue as shown on the 1936 Edition of the old County Series Ordnance Survey sheet extract attached as Appendix 4.
- 5.5 Use of the Moravian Church and associated Sunday School ceased some time ago and the property was acquired by private developers. The owners of the site which at this time was a company called Inventive Minds Ltd., through their Agents N. J. Clarke, Architectural Designer, submitted a planning application towards the end of 1999 to convert the premises to offices with associated (private) parking in Dransfield Way as shown on the plan attached as Appendix 5.
- 5.6 The planning application provoked some consternation among local residents who alleged using Dransfield Way and felt the proposal impacted on their use. Their views were made known to the developers and enquiries were made of the Authority as to the best method of protecting their alleged rights. The developers had also taken cognizance of the local residents concerns and they, together with one of the residents were sent DMMO application packs accordingly.
- 5.7 The developers subsequently made enquiries of the Authority regarding making a minor amendment of the planning application to include the provision of a surfaced "public footpath" to be dedicated over the section of Dransfield Way in question, as shown on the plan attached as Appendix 6.
- 5.8 Planning advised the developers that because of the considerable interest shown by local residents, a "Minor Amendment" would not be an appropriate way of dealing with the matter as it would bypass the statutory consultation process. A new application would therefore be required for the alterations proposed.
- 5.9 A new separate application was made, Ref 00/02239/FUL, specifically affecting Dransfield Way including the proposed car park, public footpath and ancillary work, which was granted permission and all works subsequently constructed and completed. The plan of the approved proposals is attached as Appendix 7.

Landowners and the Application

- 5.10 The ownership of the Old Moravian Church site, including the Sunday School building to the rear, is not and has not been the subject of any dispute. Doubt, as to the developers ownership of Dransfield Way has been expressed, particularly by local residents, who consider it to be public land.
- 5.11 On the 28th November 2000, Mr N. J. Clarke on behalf of his clients Inventive Minds Ltd, submitted an application, within the provision of Schedule 14 of the Wildlife and Countryside Act 1981 (WCA81) to add a footpath along the line of the footpath provided over Dransfield Way by the developers. A copy of the application and the plan provided to witnesses to mark the route(s) used over Dransfield Way, are attached as Appendix 8.
- 5.12 The legislation required the applicant to serve Notice of the application on the landowner. Where ownership is unknown the applicant may request the Council that Notice may be served by posting said Notices at either end of the way claimed and this is indeed what happened in this case. This of course means that not only could no owner be found but also that the developers could lay no claim to the ownership of Dransfield Way themselves. A copy of the relevant form, Form D is attached as Appendix 9.
- 5.13 The above issue is underlined in the covering letter with the application, also dated the 28.11.2000, in which the developers Agent states, "I should point out that during substantial investigation by both the Moravian Church authority as previous owners and by Inventive Minds we have been unable to establish any known owner of the land known as Dransfield Way". A copy is attached as appendix 10.
- 5.14 In view of the foregoing it would almost certainly be the case that title to (the whole of) Dransfield Way would be (albeit probably unwittingly) still in the hands of the original developer(s) of the Coronation and Ivy Avenue estates, or their successors in title.
- 5.15 The developers (application now in the name of Ashlar 2 Ltd) have a current planning application with the Authority, Ref: 07/02550/FUL, for change of use from offices (Use Class B2) to mixed use re-development including offices (Use Class B2) and 8 no. flats and 4 no. maisonettes (Use Class C3) and associated extensions and alterations which is awaiting determination.
- 5.16 The original ownership certificate relating to the whole of the site the subject of application including the section of Dransfield Way in question, required with the planning application, was completed in respect of Certificate A, i.e. that the applicant owned (the whole of) the site. However, after discussions with Planning this was subsequently replaced by a completed Certificate D, i.e. that ownership of part of the application site (Dransfield way) was unknown or not provable and that therefore it was necessary to post Notices on site and in the local press to provoke any ownership claim coming forward as required under the Town and Country Planning (General Development Procedure) Order 1995 Notice under Article 6. Copies of the advert in the Bath Chronicle (25.10.07), Certificates and covering letter are attached as Appendix 11.

5.17 This current planning application has promoted a further wave of interest in and objections to the application on the basis of status of Dransfield Way.

Evidence submitted in support of the application for Modification of the Definitive Map and Statement.

5.18 The application for the DMMO was submitted with 21 completed witness statements of use (Evidence Forms). 16 of these witnesses have stated use of Dransfield Way for at least 20 years with 3 over 60 years. The remaining 5 have used the route for periods between 7 and 16 years. None of the witnesses have reported any impediment to "public" use.

5.19 The vast majority of the witnesses have indicated on the plan attached to their respective form that the extent of their use was over the whole width of Dransfield Way or over the more available stoned section that existed through the middle of the way.

5.20 Although the status of the way claimed is public footpath, at least 6 of the witnesses state that they either used it with vehicles or believed that the status of the route should be for all purposes including vehicular.

Consultations

5.21 Paragraph 3(b) of Schedule 14 Wildlife and Countryside Act 1981 requires: "after consulting with every local authority whose area includes the land to which the application relates, decide whether to make or not the order to which the application relates". There is, of course in respect of the city of Bath, in which the proposed order route is situated (Westmoreland Ward) no other local authority, apart from B&NES Unitary Authority, so no statutory consultation is required. In these cases however, it is generally felt customary to informally consult quite widely in the public interest. This was not considered necessary in this case as all the local residents have been fully aware of the position for some considerable time and many have expressed their views.

Assessing the Evidence

5.22 Mr N. J. Clarke, on behalf of his clients Inventive Minds Ltd, applied for an Order to be made to add a footpath to the Definitive Map and Statement and has submitted user evidence applicable to section 33 (3) (c) of the WCA81, and Section 31 of the Highways Act 1980 as set out in paras 4.3 and 4.7 above.

5.23 The application has been made principally to rationalise the perceived public use of Dransfield Way and fix this use in a position or part of the way to enable the remainder of it to be incorporated into the development.

- 5.24 It is considered that there is, prima facie more than enough evidence, which meets all of the criteria required under section 31 (1) and (2) of the Highways Act 1980 to suggest that it is probable a presumed dedication of (the whole) Dransfield Way as, at least, a public footpath has occurred. However, other factors came into play in this matter influencing the outcome.
- 5.25 In view of the continued amount of public interest in this matter, fuelled and exacerbated by the latest planning application, officers have undertaken further research into the status of Dransfield Way.
- 5.26 Historical research shown Dransfield Way was constructed as a road at the same time as the adjacent section of Ivy Avenue and Coronation Avenue and constructed to the same width of approximately 11 metres. Ordnance Survey material indicates that it was available for public use for a least 70 years prior to 2001, see paras 5.1 to 5.4. Coronation Avenue was made up and adopted in 1911 and Ivy Avenue in 1950. Dransfield Way was left as a private street. Nevertheless Bath City Council did formally maintain the verges and the street remained on the priority list of private streets for consideration for making up and adoption under the Private Street Works Code of 1892, until the programme was abandoned in 1976.
- 5.27 Block and Drainage Plans deposited with the City Engineer in 1937 for the Lymore Grove estate clearly show the way leading "From Coronation Avenue" to Ivy Avenue as a through route and part of the road network at the time. Copies attached as Appendix 12.
- 5.28 There is no known current owner of Dransfield Way and no specific vehicular easements known to exist for the benefit of any properties having frontage onto it or would require access over it to gain entry to the backways serving the garages to properties in both Coronation Avenue and Ivy Avenue.

Decision

- 5.29 Based on the evidence and officers' advice in this matter The Director of Environmental Services has decided that Dransfield Way is a full vehicular public highway, albeit because never constructed to the required standard and therefore not adopted, it is and will remain, unless adopted, privately maintainable and it has been added to the highway record as such. As a full highway the road will automatically carry all other minor rights including public footpath.
- 5.30 There is a requirement to record such highways in the Authoritys Street Works Register, to be kept pursuant to S.3 of the Street Works (Registers, Notices, Directions and Designations) Regulations 1992. In the table under subsection 3 it would be recorded in column 1 under the heading entitled: "3 Every street, of which the local highway authority are aware, which is a highway but for which they are not the street authority".

6. RATIONALE

- 6.1 Anyone may apply to the Council for an Order to Modify the Definitive Map. Such applications must be determined in accordance with the provisions of Schedule 14 of the Wildlife and Countryside Act 1981. Additionally, the Surveying Authority may make an Order on its own initiative if it discovers evidence which shows that at right of way which is not shown on the map and statement subsists or is reasonably alleged to subsist.
- 6.2 The application made by Mr N. J. Clarke on behalf of his clients Inventive Minds Ltd was duly made and must be determined by the Council
- 6.3 Where the authority decide not to make an order, the applicant may, at any time within 28 days after service on him of notice of the decision, serve notice of appeal against that decision on the Secretary of State and the authority. If on considering the appeal the Secretary of State considers that an order should be made, he shall give to the authority such directions as appear to him necessary for the purpose (which may include a direction as to the time within which an order is to be made).

7. HUMAN RIGHTS IMPLICATIONS

- 7.1 The Human Rights Act incorporates the rights and freedoms set out in the European Convention on Human Rights into UK law. So far as it is possible all legislation must be interpreted so as to be compatible with the convention
- 7.2 However, the Wildlife and Countryside Act 1981 does not impact on human rights in that it is only concerned with the accurate recording of public rights of way that already exist. It does not create any new rights, nor does it extinguish any existing rights. In this sense, the HRA is not a relevant consideration in the determination of this application/order.

8 OTHER OPTIONS CONSIDERED

- 8.1 No option exists for the Council to disregard duly made applications for DMMO's. Local Authorities are under a statutory duty to consider and determine all applications made with the provisions of section 53 of the Wildlife and Countryside Act 1981. Committee is required to make a decision whether or not to make any DMMO.

9. CONSULTATION

Please see section 5.21

10. CONCLUSIONS

- 10.1 The application was submitted within the provisions of schedule 14 of the Wildlife and Countryside Act 1981 accompanied by 21 completed witness evidence forms.
- 10.2 There appears, prima facie, that there is sufficient user evidence to suggest to officers that it meets the test contained within the relevant legislation (WCA81 Section 53 and Highways Act 1980, section 31) to make an order to add Dransfield Way to the Definitive Map and Statement.
- 10.3 Notwithstanding the application evidence, the Director of Environmental Services has decided that user and documentary evidence proved on the balance of probabilities, that Dransfield Way is a privately maintainable full public highway and has been added to the records as such. This decision can only be contested in the High Court by way of Judicial Review.
- 10.4 The status of the road as "full" highway automatically includes public footpath rights and for this reason it is requested that committee grant delegated authority to the Assistant Director Environmental Services to refuse to make an order to modify the Definitive Map and Statement to show a public footpath over the whole length of Dransfield Way.

Contact person	Mr Alan Harbour, Definitive Map Officer, PROW
Background papers	Bundle of Witness Statement

Appendix 1

Dransfield Way

Compiled by on 13 December 2007

Claimed Route **A** ----- **B** -----

Scale 1:625



Bath & North East Somerset Council
Riverside
Temple Street
Keynsham
Bristol BS31 1LA
Tel 01225 477000



Dransfield Way

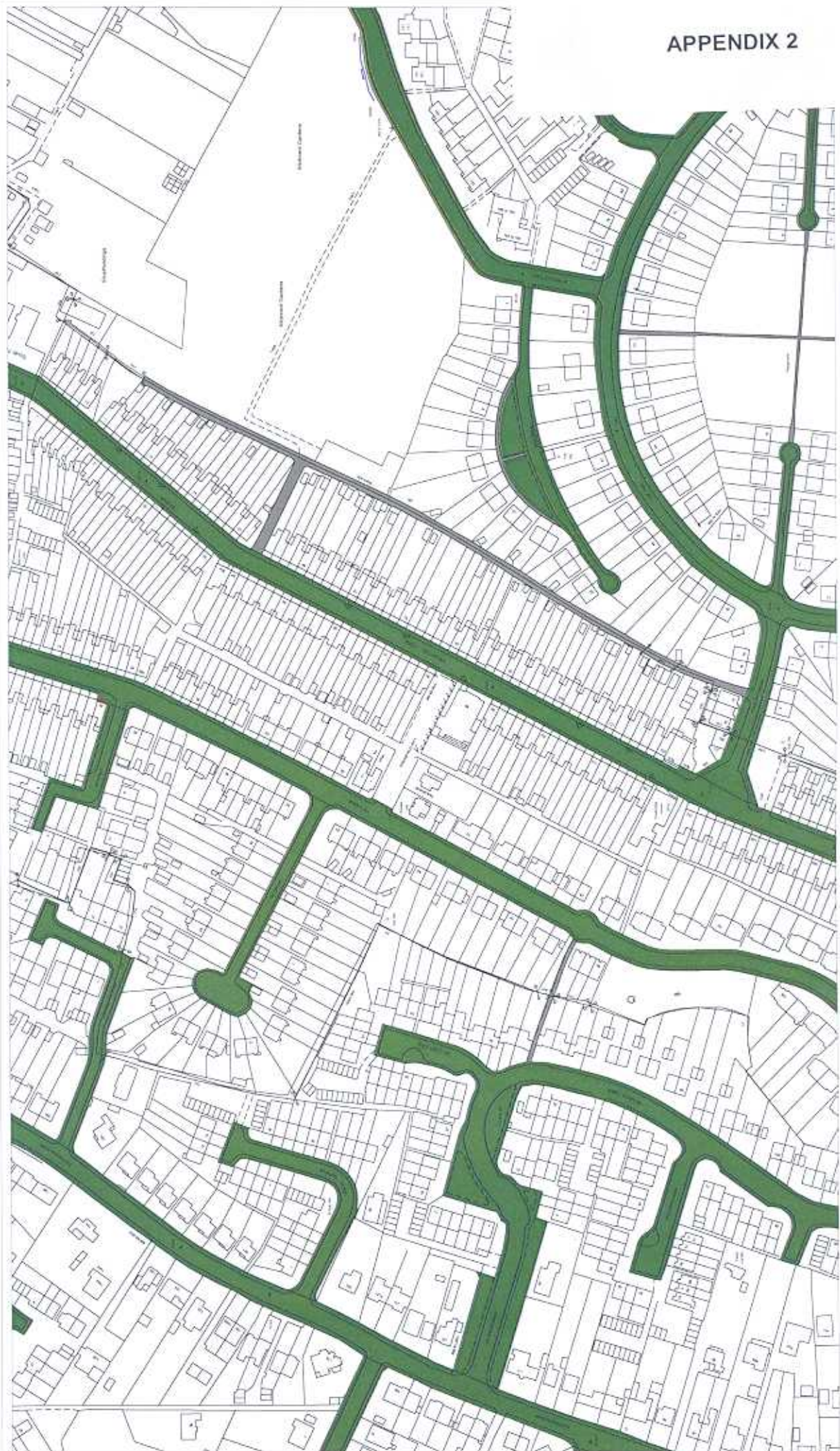
Adopted Highway

Compiled by A Harbour on 13 December 2007

Scale 1:2500



Bath & North East Somerset Council
Riverside
Temple Street
Keynsham
Bristol BS31 1LA
Tel 01225 477000

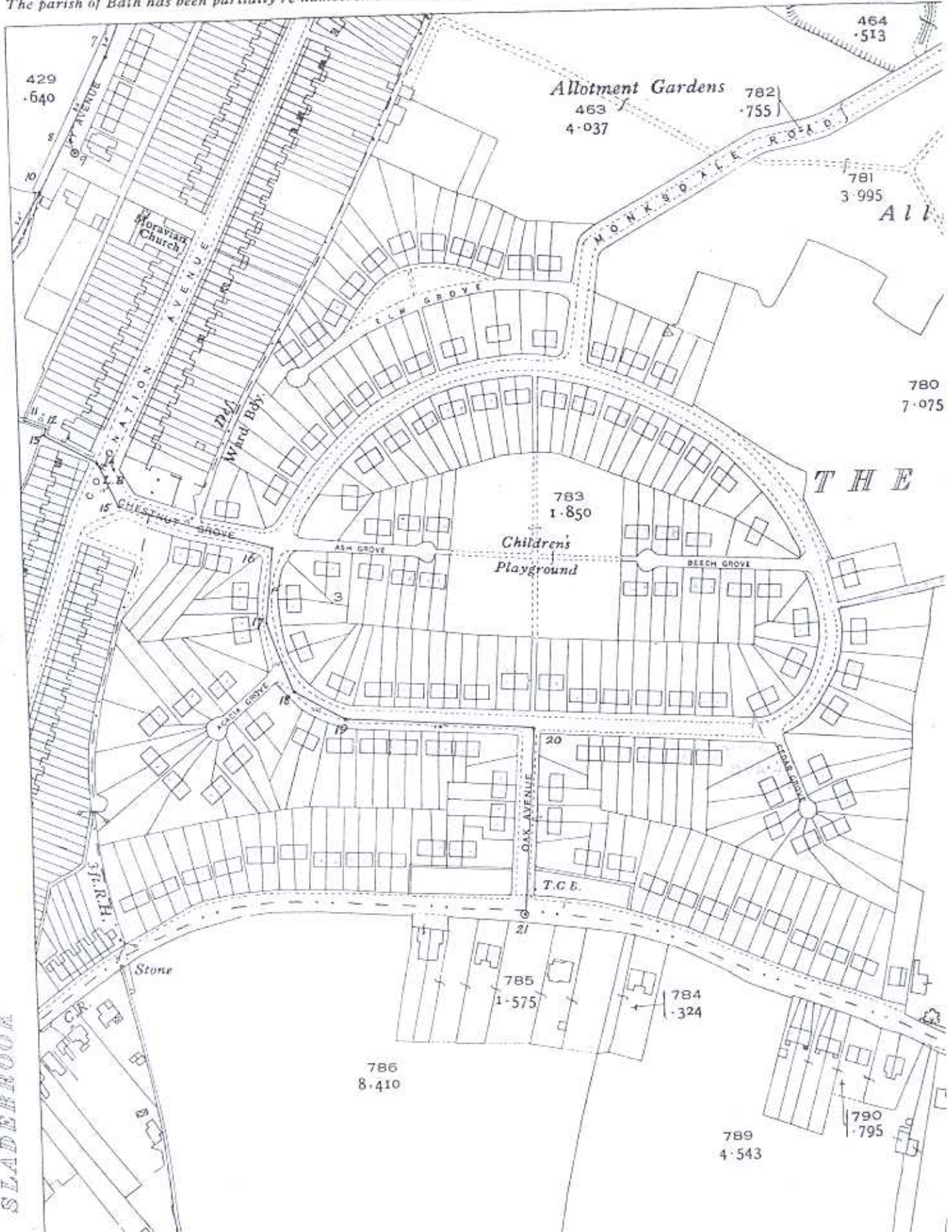


APPENDIX 2

The parish of Bath has been partially re-numbered on this edition.

TWERTON EAST WARD

Monksdale
Playground

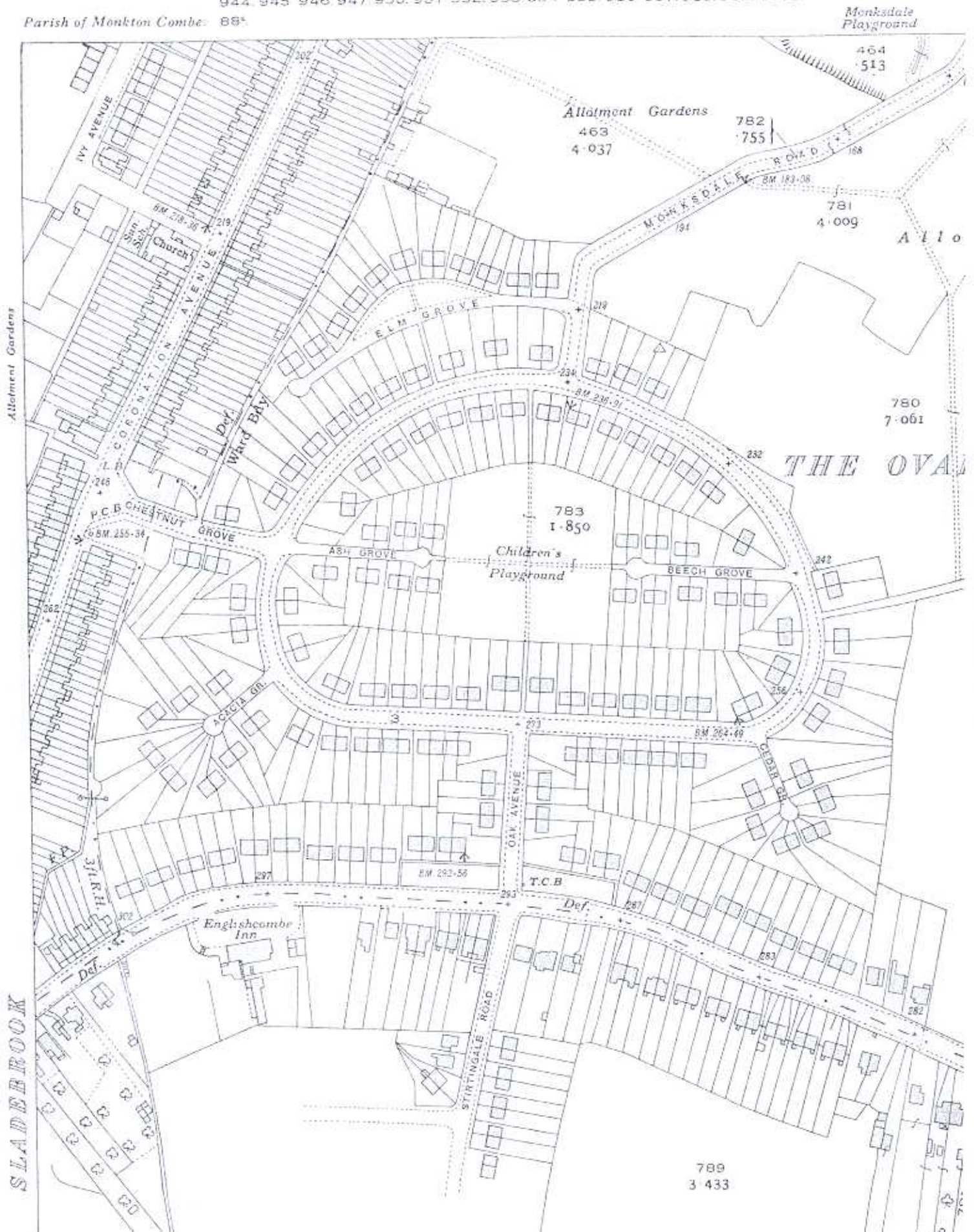


The following parcel numbers do not appear on this edition :-

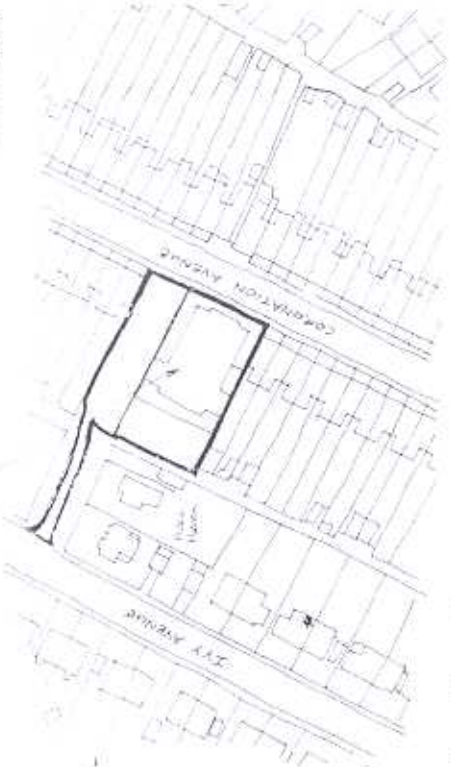
Parish of Bath

429	730	757	784	785	786	790	820	823	825	829	830	894	896	898
904	906	914	915	916	917	918	919	920	922	923	933	941	942	943
944	945	946	947	950	951	952	953	954	955	956	957	959	962	1012

Parish of Monkton Combe: 88^s



Site plan (Detailed version)



Location plan

E.E.D.	
NO.	1
DATE	2000
PREP.	
FILE	

Site Plan
 Date of Planning & Development (initials) 22/10/99

Conversion to Offices
 Moravian Church
 Coronation Ave. Bath

Site plan

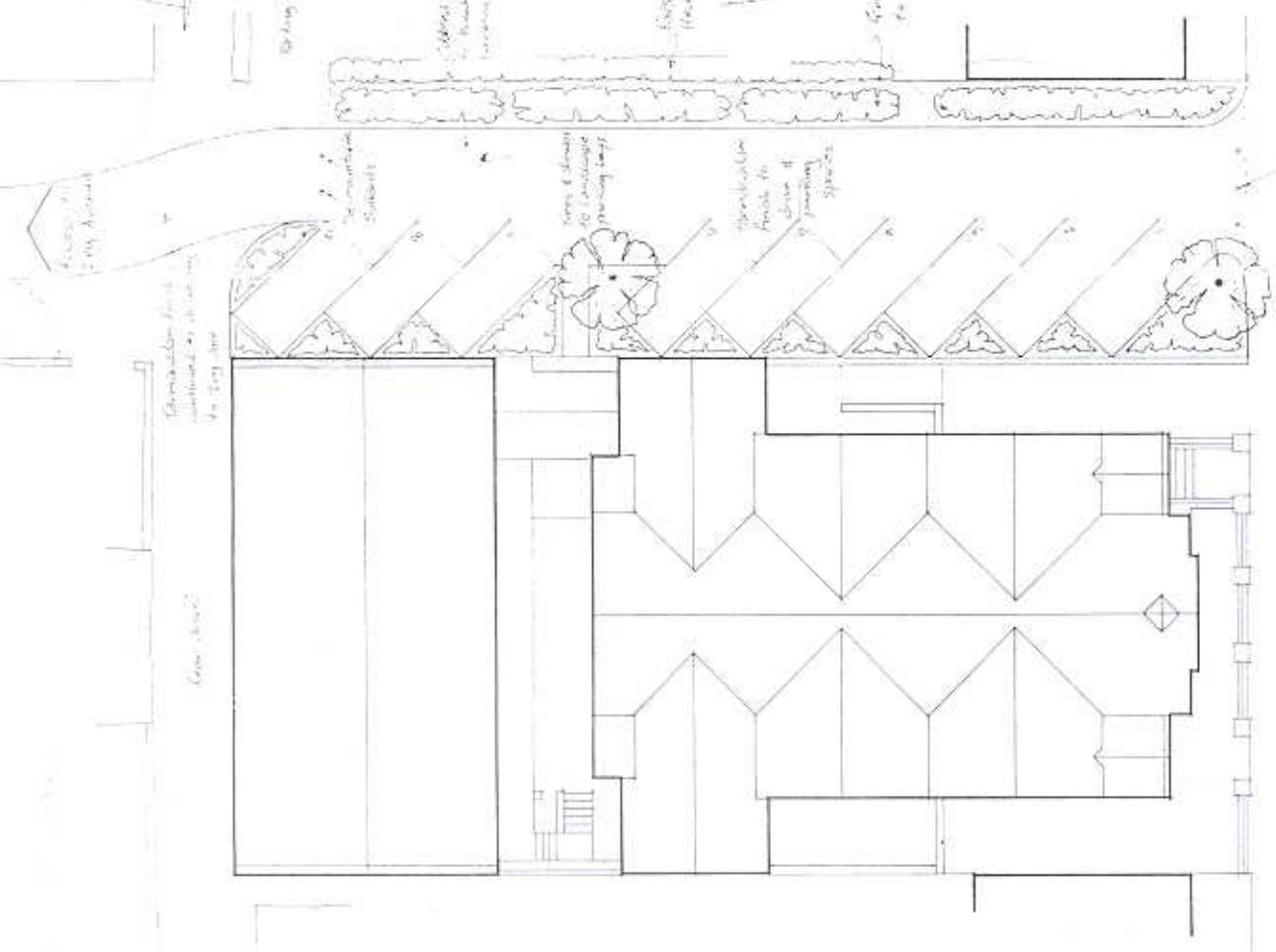
Every ten metres, intending to have a cross strip of cobble sets 4" wide.

Revised Plan

Invasive Minds Ltd
 10 Snell, 2 Claydon Rd, Chelwood, Nr Bristol, BS30 4NW
 424443, Queens Sq, Bath BA1 1HN

Stem Gardens
 Gardeners Tarmac Services
 Frombridge, 218, 1:200, Oct 99

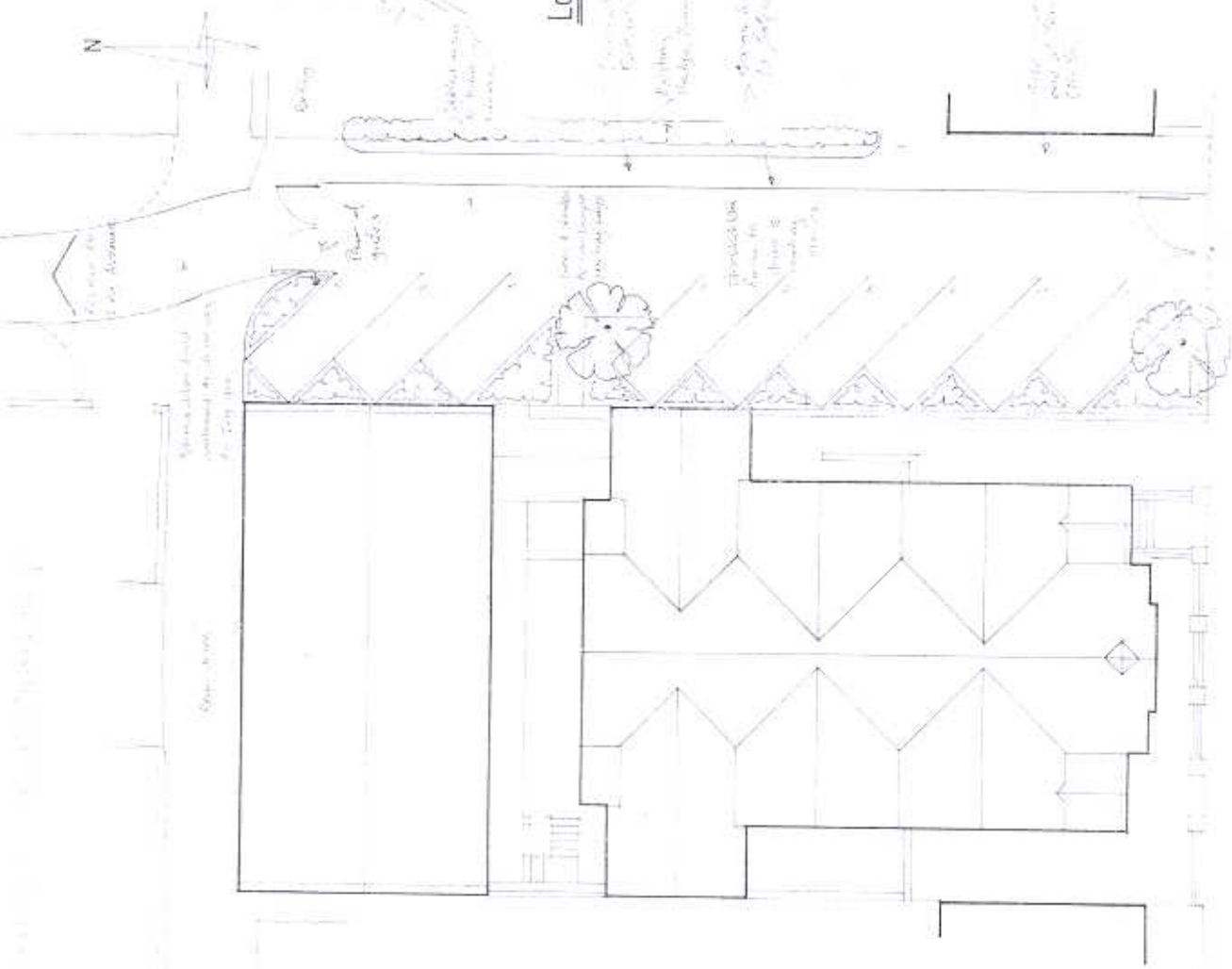
— CORONATION AVENUE —



APPENDIX 5 PLAN



Location plan



Plan of gates & driveway
to be built at rear
of site

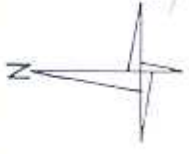
CORONATION AVENUE

Author: [illegible]
Date: [illegible]
Scale: 1:200

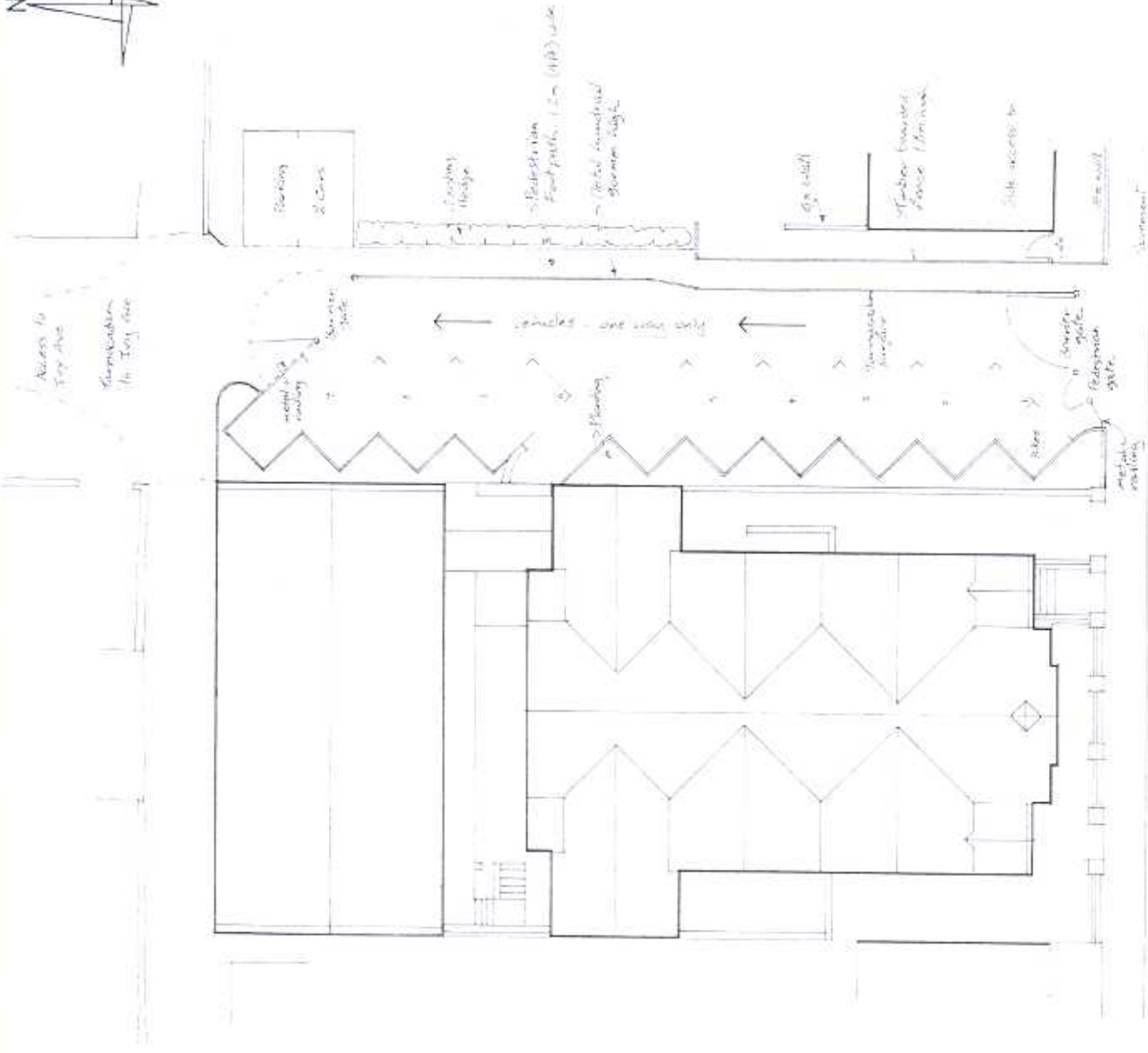
Project:
Conversion to Offices
Moravian Church
Coronation Ave Bath

Site plan
N J Clarke
2, Chelwood, Nr Bristol, BS38 4NW
Tel: 01275 490091

Date: 1/20/99
Sheet No: 2/8
Drawing No: 6/1



Location Plan



Conversion to Offices
 Moravian Church
 Coronation Ave. Bath

Parking Layout

N J Clarke
 3, Chelwood, Nr Bristol, BS39 4NW
 TEL: 01761 490391

Scale 1:200 Date Oct 2000
 Job No 218 Sheet No 6 c

BATH & NORTH EAST SOMERSET
APPLICATION FORM
FOR A MODIFICATION TO THE DEFINITIVE MAP AND STATEMENT
Wildlife and Countryside Act 1981

To: Public Rights of Way
Trimbridge House
Trim Street
BATH
BA1 2DP

I/We (i) NIGEL CLARKE

of (ii) _____
hereby apply for an order under Section 53/(2) of the Wildlife and Countryside Act 1981 modifying the Definitive Map and Statement for the area by (iii):-

- ~~(a)~~ Deleting the *footpath / bridleway / byway open to all traffic* * which runs
from: _____
to: _____
- (b) Adding the *footpath / bridleway / byway open to all traffic* * which runs
from: CORONATION AVENUE
to: IVY AVENUE
- ~~(c)~~ Upgrading/downgrading to a *footpath / bridleway / byway open to all traffic* * the
footpath/bridleway/byway open to all traffic which runs
from: _____
to: _____
- (d) Varying/adding to the particulars relating to the *footpath / bridleway / byway open to all traffic* *
from: _____
to: _____
by providing that _____

and shown on the map annexed hereto (see overleaf).

I/We attach copies of the following documentary evidence [including statement of witnesses] in support of this application:-

(iv) 20 N° FORM E

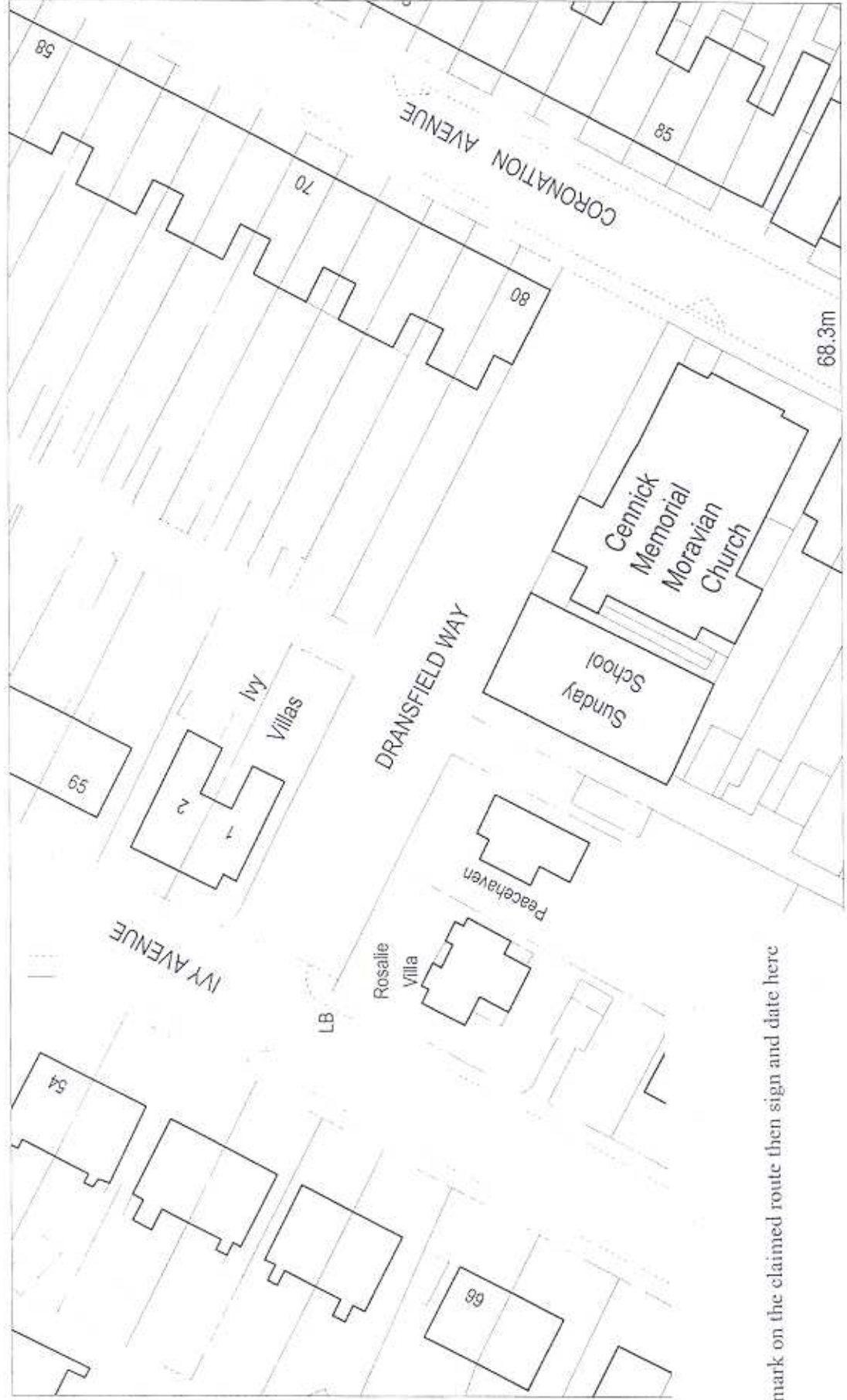
Signed: N. J. Clarke

Date: 28/11/00

Dransfield Way

Compiled by on 12 June 2000

Scale 1:500



Please mark on the claimed route then sign and date here

BATH & NORTH EAST SOMERSET
APPLICATION FOR PERMISSION TO NOTIFY LANDOWNERS
BY SITE NOTICE

Wildlife and Countryside Act 1981

To: Public Rights of Way
 Trimbridge House
 Trim Street
 BATH
 BA1 2DP

PATH LOCATION DETAILS:

PARISH: BATH

CLAIMED STATUS OF WAY: Footpath/Bridleway/Byway Open to All Traffic *[delete as appropriate]*.

DESCRIPTION OF PATH *[include a map]:*

FROM: CORONATION AVENUE

TO: IVY AVENUE

I/AWE (i) NIGEL CLARKE

of (ii) _____

have carried out an investigation in an attempt to discover the owners and occupiers of the land over which the alleged way runs. I have made enquiries of: *[delete those that are not applicable]*.

- * Adjoining landowners
- * Local inhabitants
- * ~~Post Office~~
- * ~~Parish Council~~
- * Register of Electors
- * Land Registry
- * Other appropriate sources *[please state]*.

I have been unable to discover ownership of the land, and I request the Council to direct that Notice may be served by posting said Notices at either end of the way claimed.

Signed: N. J. Clarke Date: 28/11/00

(i) Insert name of applicant(s)

(ii) Insert address of applicant(s)

BATH & NORTH EAST SOMERSET

NOTES

APPLICATION FOR PERMISSION TO NOTIFY LANDOWNERS BY SITE NOTICE

Wildlife and Countryside Act 1981

1. It is a requirement of Para 2 of Schedule 14 to the Wildlife and Countryside Act 1981 that an applicant for a Modification Order shall serve a Notice stating that the application has been made on every owner and occupier of any land to which the application relates.
2. The form of Notice, defined by the regulations, is set out in the Council's **FORM B**, which should be addressed and sent to every owner and occupier of land over which the alleged way runs.
3. It is the duty of the applicant to investigate the ownership and occupation of the land so that the necessary Notice may be served.
4. Where it proves impossible for the applicant to discover the owner and occupier, **if after reasonable enquiries have been made**, the Council is satisfied that it is not practicable to ascertain the name and address of all the owners or occupiers, the Council may direct that the Notice may be served by addressing it to the owner or occupier of the land [describing it] and by affixing it to some conspicuous object or objects at either end of the route concerned.
5. Before the Council can direct that a Notice be posted on the land, the Council must be satisfied that reasonable enquiries have been made. The applicant must, therefore, give details of the enquiries made, which may be conveniently done by completing the details overleaf [**FORM D**].
6. Failure to serve Notice on any owner and occupier may invalidate the application.

N J Clarke - Architectural Designer

Architectural drawings, planning and building regulation applications.

Judith Gradwell,
Public Rights of Way Officer,
BAINES,
Trimbridge House,
Trim Street,
Bath,
BA1 2DP.

RECEIVED
1- DEC 2000

28th November 2000,

Dear Mrs Gradwell,
Re: Public Right of Way, Dransfield Way, Bath.

Please find enclosed an application to establish a Public footpath between Coronation Avenue and Ivy Avenue over an area known as Dransfield Way.

As you are aware my client 'Inventive Minds' have bought and converted the neighbouring church into offices and as part of the planning permission gained consent to convert "Dransfield Way" into a car park. As part of the planning application it was proposed to provide a "dedicated" route for the public footpath so that pedestrians who use this link between Coronation Avenue and Ivy Avenue can do so without fear of being injured by cars using the car park. I should point out that during substantial investigations both by the Moravian Church authority as previous owners and by Inventive Minds we have been unable to establish any known owner of the land known as "Dransfield Way".

This application is to establish that the 'Footpath' exists and has been used by local residents for some time. As I understand the procedures once this is proven we can then apply to have the footpath defined to the route intended as part of the planning application and as shown on my plan 218/6c also enclosed - could you please confirm this is correct.

If you have any queries or require any further information please do not hesitate to contact me.

Yours sincerely



N J Clarke

THE BATH CHRONICLE - MARKETPLACE
THURSDAY OCTOBER 25 2007 | 5

Public notices

**TOWN AND COUNTRY PLANNING
(GENERAL DEVELOPMENT PROCEDURE)
ORDER 1995 NOTICE UNDER ARTICLE 6**

Proposed development at former Moravian Church, 88 Coronation Avenue, Bath.

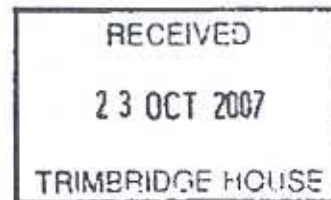
Notice is hereby given that an application is being made to Bath and North East Somerset Council by Ashlar 2 Ltd. for **PLANNING PERMISSION** for the change of use from offices to mixed use re-development including offices, two flats, two maisonettes, and associated extensions and alterations.

Any owner of the land (namely a freeholder or a person entitled to an unexpired term of at least seven years under a lease) who wishes to make representations to Bath and North East Somerset Council about the application should do so within 14 days of the date of publication of this notice to: **PLANNING SERVICES, TRIMBRIDGE HOUSE, TRIM STREET, BATH BA1 2DP**

place 6

1212 pln 004

23 October 2007



Eunice Bletso
Planning Administration
Bath and North East Somerset Council
Trimbridge House
Trim Street
Bath
BA1 2DP

the **ARCHITECTURE PRACTICE**

Dear Ms Bletso,

**Re-development of the Former Moravian Church
Coronation Avenue, Bath
Application ref: 07/02550/FUL**

I enclose a completed Certificate (D), as discussed on the telephone yesterday, to replace the original Certificate (A) wrongly supplied with the application documents.

Also enclosed is a copy of the Notice which is to appear in the Bath Chronicle on Thursday 25 October 2007.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Duncan Lawrence", followed by a long horizontal flourish.

Duncan Lawrence ARB
Principal

cc: client

OWNERSHIP/AGRICULTURAL HOLDING CERTIFICATES
TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER 1985

CERTIFICATES UNDER ARTICLE 7

COMPLETE ONE CERTIFICATE ONLY (*Delete where inappropriate)

CERTIFICATE A

I certify that:-

On the day 21 days before the date of the accompanying application nobody, except the applicant, was the owner of any part of the land to which the application relates.

Signed _____ *On behalf of _____ Date _____

And you should sign either

I hereby declare that:-

None of the land to which the application relates is, or is part of, any agricultural holding.

Signed _____ *On behalf of _____ Date _____

or

I have/the applicant has given the requisite notice to every person other than my/him/her self who, on the day 21 days before the date of the application was a tenant of an agricultural holding on all or part of the land to which the application relates, as follows:

Tenant's name	*Address at which notice was served	Date on which notice was served
---------------	-------------------------------------	---------------------------------

Signed _____ *On behalf of _____ Date _____

CERTIFICATE B

I certify that:-

I have/the applicant has given the requisite notice to everyone else who, on the 21 days before the date of the accompanying application, was the owner of any part of the land to which the application relates, as listed below.

Owner's name	*Address at which notice was served	Date on which notice was served
--------------	-------------------------------------	---------------------------------

Signed _____ *On behalf of _____ Date _____

And you should sign either

I hereby declare that:-

None of the land to which the application relates is, or is part of, any agricultural holding.

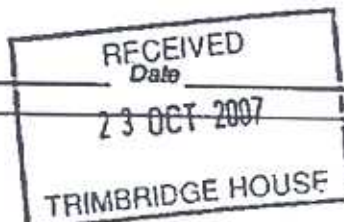
Signed _____ *On behalf of _____ Date _____

or

I have/the applicant has given the requisite notice to every person other than my/him/her self who, on the day 21 days before the date of the application was a tenant of an agricultural holding on all or part of the land to which the application relates, as follows:

Tenant's name	Address at which notice was served	Date on which notice was served
---------------	------------------------------------	---------------------------------

Signed _____ *On behalf of _____



CERTIFICATE C

1. (i) I am/the applicant is* unable to issue a certificate A or B in respect of the accompanying application dated
- (ii) I have/the applicant has *given the requisite notice to the following persons who, 21 days before the date of the application, were owners of any part of the land, viz:-
- | Name of owner(s) | Address | Date of service of notice |
|------------------|---------|---------------------------|
|------------------|---------|---------------------------|
- (iii) I have/the applicant has *taken the steps listed below, being steps reasonably open to me/him/her*, to ascertain the names and addresses of the other owners of the land or part thereof and have/has* been unable to do so: These steps were as follows:-
-
- (iv) Notice of the application as set out below has been published in the (newspaper)
- on (date)

Please forward a copy of the Advertisement with your application.

Signed _____ *On behalf of _____ Date _____

And you should sign either

I hereby declare that:-

None of the land to which the application relates is, or is part of, any agricultural holding.

Signed _____ *On behalf of _____ Date _____

or

I have/the applicant has given the requisite notice to every person other than my/him/her* self who, on the day 21 days before the date of the application was a tenant of an agricultural holding on all or part of the land to which the application relates, as follows:

Tenant's name	Address at which notice was served	Date on which notice was served
---------------	------------------------------------	---------------------------------

Signed _____ *On behalf of _____ Date _____

CERTIFICATE D

1. (i) ~~am~~the applicant is* unable to issue a certificate A in respect of the accompanying application dated 23 October 2007 and ~~have~~has* taken the steps listed below, being steps reasonably open to ~~me~~him/her*, to ascertain the names and addresses of all persons who, 21 days before the date of the application were owners of any part of the land to which the application relates and ~~have~~has* been unable to do so. These steps were as follows:-
Land Registry and previous owners.....
- (ii) Notice of application as set out below has been published in the (newspaper) Bath Chronicle on (date) 25 October 2007

Please forward a copy of the Advertisement with your application.

Signed [Signature] *On behalf of applicant Date 23 October 2007

And you should sign either pp the Architecture Practice

I hereby declare that:-

None of the land to which the application relates is, or is part of, any agricultural holding.

Signed [Signature] *On behalf of applicant Date 23 October 2007

or

I have/the applicant has given the requisite notice to every person other than my/him/her* self who, on the day 21 days before the date of the application was a tenant of an agricultural holding on all or part of the land to which the application relates, as follows:

Tenant's name	Address at which notice was served	Date on which notice was served
---------------	------------------------------------	---------------------------------

Signed _____ *On behalf of _____

Date 23 OCT 2007
TRIMBRIDGE HCUIS

**TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT
PROCEDURE) ORDER 1995 NOTICE UNDER ARTICLE 6**

**Proposed development at former Moravian Church, 88 Coronation
Avenue, Bath.**

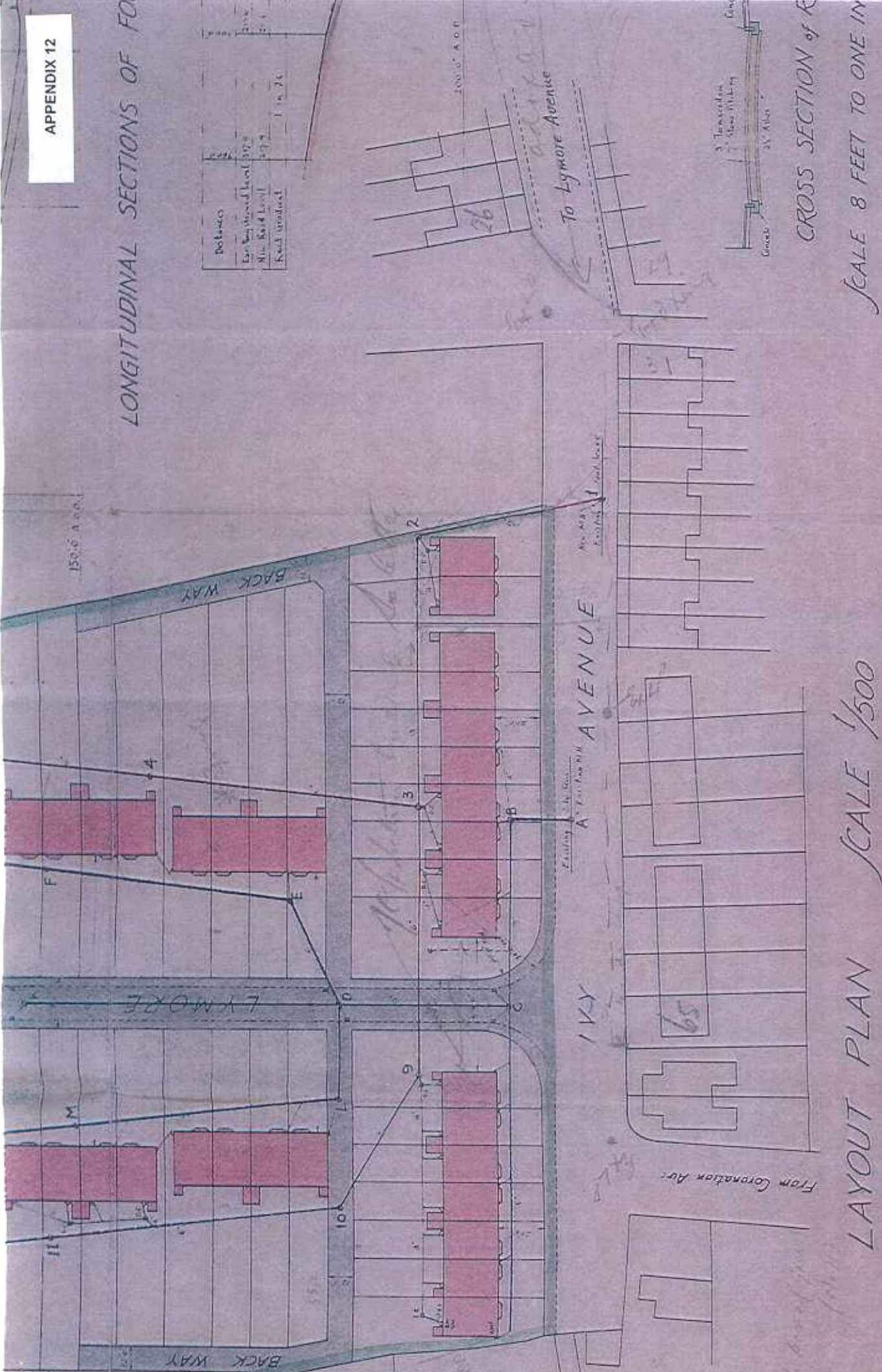
Notice is hereby given that an application is being made to Bath and North East Somerset Council by Ashlar 2 Ltd. for PLANNING PERMISSION for the change of use from offices to mixed use re-development including offices, 8no flats, 4no maisonettes and associated extensions and alterations.

Any owner of the land (namely a freeholder or a person entitled to an unexpired term of at least seven years under a lease) who wishes to make representations to Bath and North East Somerset Council about the application should do so within 14 days of the date of publication of this notice to PLANNING SERVICES, TRIMBRIDGE HOUSE, TRIM STREET, BATH BA1 2DP



LONGITUDINAL SECTIONS OF FLOOR

Do Bases	2 1/2"
Existing ground level	397.9
Min. Road Level	397.9
Road structure	1 in 2%



CROSS SECTION of R
SCALE 8 FEET TO ONE IN

LAYOUT PLAN SCALE 1/500

DEVELOPEMENT OF LYMORE GROVE ESTATE IVY AVENUE BATH

City and County Borough of Bath.
CITY ENGINEER'S OFFICE, BATH.

No. _____

757

FORM FOR BLOCK PLAN
AND OF
APPLICATION FOR PERMISSION TO LAY DRAIN FOR HOUSES OR BUILDINGS

Name and Address of Person giving Notice and making Application Messrs Cole & Evans, Abbeygate Street, Bath.

Situation of Buildings Ivy Avenue Bath.

Distance from nearest _____ ft. Clear width of Street _____ ft.

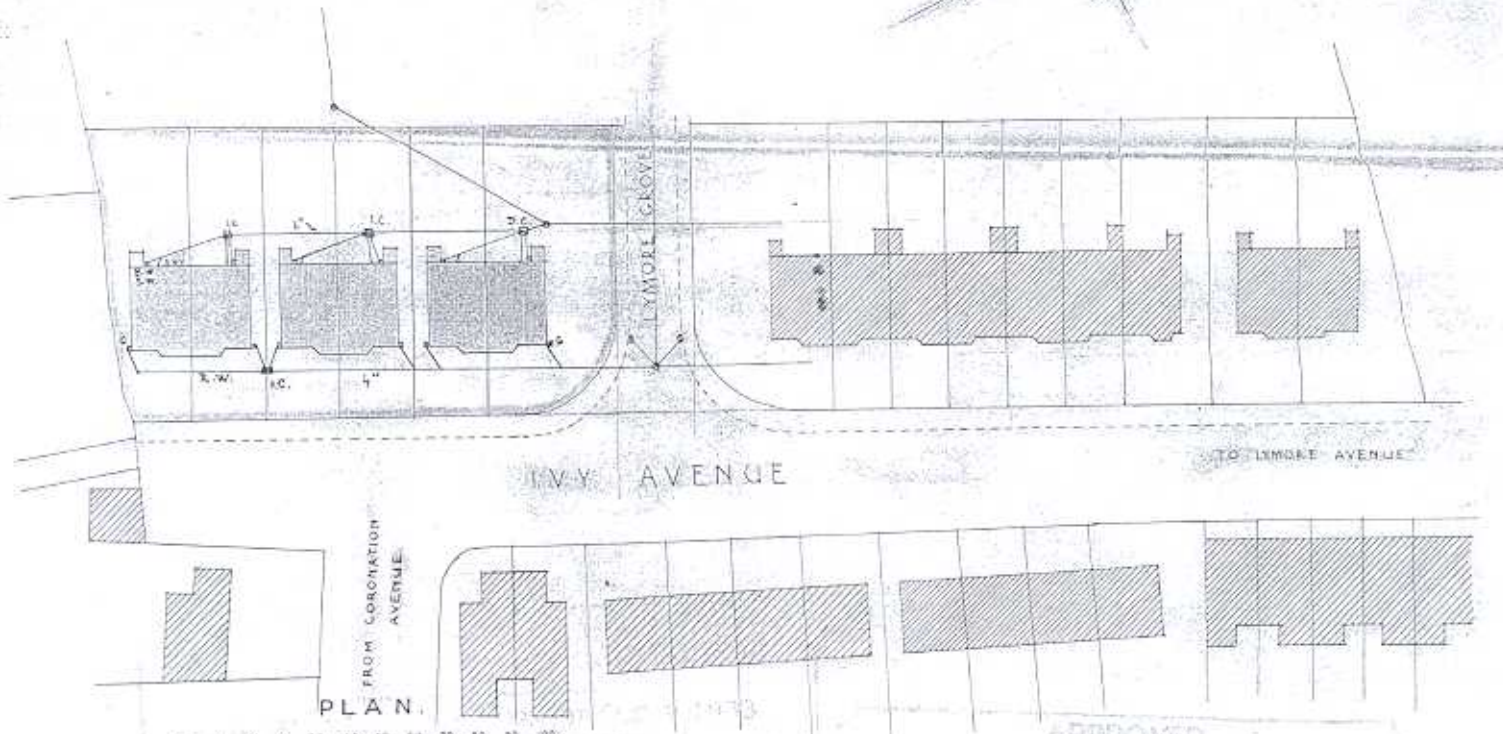
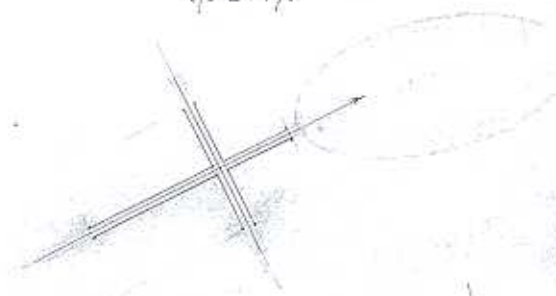
Level of Street above Ordnance Datum _____ ft. Height above or depth below footway (as the case may be) of Floor _____ ft., of Yard _____ ft.

Size of proposed drain 4 inches. Depth 3 ft.

Inclination 1 in 40 min. How Ventilated 4" F&C & 4" c.i. vent pipe.

I hereby agree to abide by the Byelaws and Regulations of the Council (a copy of which I acknowledge to have received) in the execution of the Building and Drainage Works hereunder shown, and also to carry out the said works in accordance with this Application and the plan delineated hereon, which I hereby certify to correctly represent the exact situation of the Building, and the nature of the intended Drainage Works, etc.

Signature and Date J. Cole & Evans, Mldrs 17. 2. 27.



Scale BEING 41.66 FEET TO AN INCH.

12 March 7

APPROVED

A. M. Wilson

Surveying Committee
FEBRUARY 1927

City Engineer.

OFFICE HOURS—From 9 a.m. to 5 p.m. (Saturdays from 9 a.m. to 12.30 p.m.)