

Planning Committee

Date: Wednesday, 26th August, 2020
Time: 2.00 pm
Venue: Virtual Meeting – Public Access via YouTube
<https://www.youtube.com/bathnescouncil>

Agenda

To: All Members of the Planning Committee

Councillors:- Matt McCabe (Chair), Sally Davis (Vice Chair), Vic Clarke, Sue Craig, Lucy Hodge, Duncan Hounsell, Shaun Hughes, Eleanor Jackson, Hal MacFie and Manda Rigby

Permanent Substitutes:- Councillors: Rob Appleyard, Alison Born, Gerry Curran, Michael Evans, Andrew Furse, Liz Hardman, Ruth Malloy, Vic Pritchard, Brian Simmons and Ryan Wills

Chief Executive and other appropriate officers
Press and Public

The agenda is set out overleaf.



Marie Todd

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NOTES:

1. **Inspection of Papers:** Papers are available for inspection as follows:

Council's website: <https://democracy.bathnes.gov.uk/ieDocHome.aspx?bcr=1>

2. **Details of decisions taken at this meeting** can be found in the minutes which will be circulated with the agenda for the next meeting. In the meantime, details can be obtained by contacting as above.

3. Recording at Meetings

The Council will broadcast the images and sounds live via the internet

<https://www.youtube.com/bathnescouncil>

The Council may also use the images/sound recordings on its social media site or share with other organisations, such as broadcasters.

4. Public Speaking at Meetings

The Council has a scheme to encourage the public to make their views known at meetings. They may make a statement relevant to what the meeting has power to do. They may also present a petition or a deputation on behalf of a group.

Advance notice is required not less than two working days before the meeting. This means that for Planning Committee meetings held on Wednesdays, notice must be received in Democratic Services by 5.00pm the previous Monday.

Further details of the scheme can be found at:

<https://democracy.bathnes.gov.uk/ecCatDisplay.aspx?sch=doc&cat=12942>

5. Supplementary information for meetings

Additional information and Protocols and procedures relating to meetings

<https://democracy.bathnes.gov.uk/ecCatDisplay.aspx?sch=doc&cat=13505>

Planning Committee- Wednesday, 26th August, 2020

at 2.00 pm in the Virtual Meeting - Zoom - Public Access via YouTube
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A G E N D A

1. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS
2. DECLARATIONS OF INTEREST

At this point in the meeting declarations of interest are received from Members in any of the agenda items under consideration at the meeting. Members are asked to indicate:

- (a) The agenda item number and site in which they have an interest to declare.
- (b) The nature of their interest.
- (c) Whether their interest is **a disclosable pecuniary interest** or an **other interest**,
(as defined in Part 2, A and B of the Code of Conduct and Rules for Registration of Interests)

Any Member who needs to clarify any matters relating to the declaration of interests is recommended to seek advice from the Council's Monitoring Officer before the meeting to expedite dealing with the item during the meeting.

3. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN
4. ITEMS FROM THE PUBLIC - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS

(1) At the time of publication, no items had been submitted.

(2) To note that, regarding planning applications to be considered, members of the public who have given the requisite notice to the Democratic Services Officer will be able to make a statement to the Committee immediately before their respective applications are considered. There will be a time limit of 3 minutes for each proposal, i.e. 3 minutes for the Parish and Town Councils, 3 minutes for the objectors to the proposal and 3 minutes for the applicant, agent and supporters. This allows a maximum of 9 minutes per proposal.

5. MINUTES OF THE PREVIOUS MEETING (Pages 7 - 38)

To confirm the minutes of the meeting held on 29 July 2020.

6. MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (Pages 39 - 204)

7. ENFORCEMENT ACTION - UPDATE REPORT (Pages 205 - 206)

The Committee is asked to note the written update as requested at the previous meeting.

8. POLICY DEVELOPMENT

To consider any policy development issues.

9. NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES (Pages 207 - 210)

The Committee is asked to note the report.

The Democratic Services Officer for this meeting is Marie Todd who can be contacted on 01225 394414.

Delegated List Web Link: <http://www.bathnes.gov.uk/services/planning-and-building-control/view-and-comment-planning-applications/delegated-report>

PLANNING COMMITTEE

Minutes of the Meeting held

Wednesday, 29th July, 2020, 2.00 pm

Councillors: Matt McCabe (Chair), Sally Davis (Vice-Chair), Vic Clarke, Sue Craig, Duncan Hounsell, Shaun Hughes, Eleanor Jackson, Hal MacFie, Ruth Malloy (Reserve) (in place of Lucy Hodge) and Manda Rigby

18 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Cllr Lucy Hodge (substitute Cllr Ruth Malloy).

19 DECLARATIONS OF INTEREST

The following declarations were made:

- Cllr Vic Clarke stated that he is a member of the Royal Society for the Protection of Birds (RSPB).
- Cllr Manda Rigby made a declaration in relation to application no. 20/01061/FUL – 21 Henrietta Gardens, Bathwick, Bath. Cllr Rigby used to live at 18 Henrietta Gardens but had not discussed the application with any of the current residents.
- Cllr Eleanor Jackson stated that she knew the agent for application no. 20/01078/FUL – Land North of 9B Tennis Court Avenue, Paulton, as he lives near to her. However, Cllr Jackson clarified that she did not know the agent well and so this would not impede her ability to consider the application.

20 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

The Chair announced that he had agreed to consider two urgent items of business at this meeting:

- Planning Application Number 18/01516/REG04 – Land to the Rear of 89 to 123 Englishcombe Lane, Bath. The item would be presented to this meeting following a change to the Scheme of Delegation which had been agreed at the full Council meeting the preceding week. The reason for the urgency was that there was a large grant for ecological mitigation work associated with the application and the mitigation work had to be carried out during September and October. To enable the Committee to be able to take the full range of decisions (including deferring for a site visit if necessary) the application had to be considered at this meeting in order to make a decision within the necessary timescale.
- Member Call-in Period – The Committee was asked to consider extending the time for members to be able to call in an application to be heard by the

Planning Committee to two days after the closure of the consultation period. This was being considered as an urgent item to enable any changes to the scheme to be implemented as soon as possible.

21 ITEMS FROM THE PUBLIC - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS

The Democratic Services Officer informed the meeting that there were a number of people wishing to make statements on planning applications and that they would be able to do so when these items were discussed.

22 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 1 July 2020 were confirmed and signed as a correct record subject to the following amendments:

- Minute no. 11 – Declarations of interest – amend the declaration made by Cllr Duncan Hounsell to read “Walden Road” rather than “Torridge Road”.
- Minute no. 16 – Main Plans List – Item No. 8 – paragraph 12 – Amend “Waldron Road” to read “Walden Road”.

Cllr Rigby expressed concern that, despite a request at the last meeting for an update regarding recent enforcement action at Queenwood Avenue, Bath, this had not yet been received.

RESOLVED: To request that:

- An update on the enforcement action at 18-25 Queenwood Avenue, Bath be emailed to members of the committee as soon as possible.
- A progress report be submitted to the next meeting on the enforcement action taken at Parcel 2300 and Roberts Yard, Marsh Lane, Clutton.

23 MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE

The Committee considered:

- A report by the Head of Planning on various planning applications.
- An update report by the Head of Planning on items 1 and 2 attached as *Appendix 1* to these minutes.
- Oral statements by members of the public and representatives. A copy of the speakers' list is attached as *Appendix 2* to these minutes.

RESOLVED that in accordance with the delegated powers, the applications be determined as set out in the decisions list attached as *Appendix 3* to these minutes.

Item No. 1**Application No. 20/01078/FUL****Site Location: Land North of 9B, Tennis Court Avenue, Paulton – Erection of detached dwelling**

The Case Officer reported on the application and her recommendation to permit.

The agent spoke in favour of the application.

Cllr Liz Hardman, local ward member, spoke against the application. She stated that, the principle of housing development has been established on Tennis Court Avenue, a street made up entirely of semi-detached properties. However, a detached dwelling would not be in keeping with the street scene as all other houses in the street are semi-detached. She pointed out that a precedent has been set where two very recent applications in Tennis Court Avenue, for detached houses were rejected and both appeals had been dismissed by the Planning Inspector. She also stated that Paulton Parish Council is strongly opposed to the application.

The Case Officer then responded to questions as follows:

- There would be a side access which both the new property and 21 Hope Terrace would be able to use.
- A number of the properties in this part of the street have sold off part of their long gardens for development and the character of the area has changed as a result of new properties being built.

Cllr Jackson noted the impact of the development on the street scene and felt that the application should be refused on the grounds of urban design. She felt that the existing garage is neat and tidy and has no adverse impact on the area. It would not be possible to erect semi-detached properties on this plot.

Cllr Clarke had visited the area and did not see evidence of any particular parking problems in this street.

Cllr Hounsell felt that the design would fit in with the location and moved the officer recommendation to permit. This was seconded by Cllr Craig who stated that the development would not make any difference to parking in the area and that it would be a shame to lose the opportunity for a much-needed dwelling.

Cllr Rigby supported the motion stating that the detached dwelling would be in proportion with other properties in the street.

The motion was put to the vote and it was RESOLVED by 9 votes in favour and 1 abstention to PERMIT the application subject to the conditions set out in the report.

Item No. 2**Application No. 20/01061/FUL****Site Location: 21 Henrietta Gardens, Bathwick, Bath, BA2 6NA – Erection of 4 dwellings and associated works following demolition of existing dwelling**

The Case Officer reported on the application and her recommendation to permit.

A representative of the Pulteney Estates Residents' Association (PERA) spoke against the application.

The agent spoke in favour of the application.

Cllr Dr Yuktेशwar Kumar, local ward member, spoke against the application. He stated that he had received a great deal of correspondence from local residents who were against this application. He stressed that any development in the heart of the city, which is a World Heritage Site, should be considered very carefully. He felt that the height of the buildings was not suitable for the site and that parking was a concern as it would cause inconvenience to the neighbours. Existing properties would also lose sunlight. The site may also be of archaeological importance and this should not be lost.

Officers then responded to questions as follows:

- The accommodation would be set across three floors at a height of 8m.
- There is no restriction on the number of storeys for a property in this area. The policy is driven by local character and there are a range of different dwelling heights in the area.
- The applicant does not own the access track leading to the site.
- There are 3-storey flats on one side of the site and 2-storey terraced houses on the other side.
- The level of overlooking is not considered enough to warrant refusal of the application. There would be some overlooking towards the built form of the neighbouring bungalow.
- The Highways Officer stated that the existing access would be retained and that this contains some private parking. There would be unobstructed access to the proposed dwellings and all eight parking spaces will be accessible.
- The two end dwellings would have a side access to their rear gardens and the two mid-terrace dwellings would have to access their rear gardens through the house itself.
- The cycle store would be located near the front door by the parking area and close to the bin stores.
- A loft extension could be added to the dwellings under permitted development rights; however, the addition of a dormer window would require planning permission.
- A Section 106 Agreement is in the process of being negotiated to secure a level of contribution for tree planting. It was noted that this should be included in the officer recommendation.
- The site is within an area of potential archaeological interest and conditions have been added to reflect this. Any archaeological findings will be recorded and preserved.

Cllr Rigby, local ward member on the Committee, noted that the existing bungalow adds no particular value to the area. However, she did not feel that the neighbouring flats should be used as a point of reference. There are three 2-storey houses next to the site which backs onto a private road containing garages for residents of Daniel Street. She felt that there is a level of harm to the Conservation Area and that the proposal would not preserve or enhance the area. She stated that the development is too large for the site and that there would be overlooking and loss of light to

neighbouring properties. She also felt that the development would be too high and that four houses was one too many. She then moved that the application be refused.

Cllr Jackson seconded the motion and felt that the application should be refused for the following reasons:

- Overdevelopment of the site.
- Inappropriate design for this location.
- Loss of amenity to neighbours.

Cllr Davis stated that the proposed 2.5 storey dwellings were appropriate for the area and pointed out that measures would be taken to protect the archaeology in the area.

Cllr Hounsell felt that the application represented intelligent use of the space available. He pointed out that residents could extend into the loft using permitted development rights in any case.

Cllr Clarke felt that the application is policy compliant and that the reasons put forward against the development are very subjective.

Cllr Malloy supported the motion stating that the application would result in overdevelopment of the site and properties that would not be in keeping with the area.

The Team Manager, Development Management, informed the Committee that house values are not a material consideration, although housing mix to meet housing need can be taken into account.

The motion was put to the votes and there were 5 votes in favour and 5 votes against. The Chair then used his casting vote against the motion. The motion was therefore LOST.

Cllr Davis then moved the officer recommendation to delegate to permit the application subject to conditions and the completion of a Section 106 Agreement. This was seconded by Cllr Clarke.

The motion was put to the vote and there were 5 votes in favour and 5 votes against. The Chair then used his casting vote in favour of the motion and it was therefore **RESOLVED to DELEGATE TO PERMIT** the application subject to the conditions set out in the report and the completion of a S106 Agreement to secure a contribution towards tree planting.

Item No. 3

Application No. 19/04024/FUL

Site Location: 8 South Parade, Chew Magna, BS40 8SJ – Conversion and change of use of former NatWest Bank Buildings into 3 apartments and retail unit

The Case Officer reported on the application and her recommendation to permit.

The agent spoke in favour of the application.

Cllr Karen Warrington, local ward member, spoke against the application. She explained that the building is in a Conservation Area and that it is important to preserve the building. The Parish Council is keen to see the building brought back into use. She expressed concerns regarding non-compliance with the parking policy, inappropriate density in this location, the impact on the Conservation Area and Grade II* listed building and the impact on the viability of retail outlets in Chew Magna High Street.

Officers then responded to questions as follows:

- Whilst the current Covid-19 situation has an impact, this is considered to be a temporary issue and so should be given little weight.
- There are no specific space standards in the B&NES policies, however it is considered that the size of the apartments is acceptable.
- The top floor was previously office space for the bank (A2 use).
- The Highways Officer explained that officers do not feel that the proposed retail unit requires parking provision. There is a shortfall of six parking spaces for the residential element of the proposal, however, free parking is available within walking distance of the property.
- The Case Officer explained that weight has been given to the fact that there is a parking shortfall. It was felt that the benefits of the proposal outweighed the lack of parking provision.

Cllr Clarke noted that this area has always experienced problems with parking. However, he felt that it has been worse in the past when there were more pubs and shops in the village. He supported the development and the use of this building.

Cllr Hounsell stated that parking in Chew Magna is very difficult and that this would be challenging with a shortfall of six parking spaces.

Cllr Jackson moved the officer recommendation to permit. She felt that the proposal would improve the external appearance of the building and would make good use of an empty building. Cllr Clarke seconded the motion.

The motion was put to the vote and it was RESOLVED by 7 votes in favour, 1 vote against and 2 abstentions to PERMIT the application subject to the conditions set out in the report.

Item No. 4

Application No. 19/05110/FUL

Site Location: Three Ways, Station Road, Clutton – Erection of a single storey 2 bedroom dwelling adjacent to existing bungalow

The Case Officer reported on the application and his recommendation to permit.

A representative from Clutton Parish Council spoke against the application.

Officers then responded to questions as follows:

- There is a warning sign near to the site asking drivers to be aware of the possibility of pedestrians walking in the road. The area marked for pedestrians is a flush surface used by both pedestrians and vehicles. There is not a formal crossing point.
- The Highways Officer stated that, according to the Highway Code, there should be no parking within 10m of a junction. The junction is 7.5m from the entrance to the property and 10m from the centre of the site. It was noted that the Highways Officer had not visited the site and had relied solely on written information to reach his conclusions.

Cllr MacFie felt that the junction was dangerous and noted that there is no solid pavement for pedestrians to use.

Cllr Craig noted that a vehicle would have to either reverse into or out of the site and also felt that it was a dangerous junction.

Cllr Davis, ward councillor on the committee, stated that highway safety was the main concern.

Cllr Rigby was concerned that the Highways Team had not visited the site and queried how vehicles would enter and exit the site.

Cllr Clarke welcomed the provision of new houses in the area, however, felt that this was a difficult location.

Cllr Jackson moved that the application be refused on highway safety grounds as the entrance is located so close to the junction. This was seconded by Cllr Hounsell.

The motion was put to the vote and it was RESOLVED unanimously to REFUSE the application on the grounds of highway safety which is contrary to Policy ST7.

Item No. 5 – Urgent Item

Application No. 18/01516/REG04

Site Location: Land to the Rear of 89 to 123 Englishcombe Lane, Bath – Development of 37 residential dwellings (Use Class C3, including affordable housing), vehicular and pedestrian access, open space, landscaping, drainage, related infrastructure and engineering works.

The Case Officer reported on the application and her recommendation to permit.

Two local residents spoke against the application.

The agent spoke in favour of the application.

Cllr Jess David, local ward member, spoke against the application. She raised concerns regarding the ecological value of the site, visual and landscape impact of the proposal and transport planning and the potential impact on the local highway. She felt that the application is contrary to policies NE3, NE2A, ST7 and ST1. She did not feel that the application adequately addresses the challenges and complexities of this site: its ecology, its landscape setting, and the need to minimise impacts on the local highway and promote more sustainable travel.

The Case Officer then responded to questions as follows:

- The habitat translocation site is on Pennyquick Hill and is a greenfield site in the Green Belt which has previously been a farm.
- The habitat creation and translocation work must be completed by October and therefore needs to take place during September and October this year.
- The Pennyquick site is privately owned and can currently be accessed by members of the public but there is no automatic entitlement to do so in the future.
- If the tufa flushes remained on the Englishcombe Lane site then there would need to be a significant reduction in the number of houses to be built. If the tufa flushes were left intact, then it was estimated that only around 10-20 properties could be built on the site rather than the proposed 37 properties. Officers felt that the need for the 37 houses outweighed the harm that would be caused.

Cllr Jackson moved that consideration of the application be deferred pending a site visit. This was seconded by Cllr Rigby.

The motion was put to the vote and it was RESOLVED by 9 votes in favour and 1 abstention to DEFER consideration of the application pending a SITE VISIT to both the Englishcombe Lane and Pennyquick Hill sites. If possible, this should be a physical rather than a virtual site visit.

24 **MEMBER CALL-IN PERIOD**

The Committee considered a report which asked them to consider a proposal to extend the time for members to be able to call in an application to be heard by the Planning Committee from 5 weeks from the publication of the Weekly List to 2 days after the closure of the public consultation/publicity period. It was noted that, as a change to the Scheme of Delegation, the final decision must be made by the full Council and the Planning Committee's views will inform the Council report.

It was noted that the proposal would reduce the transparency of deadline dates on applications as these may vary per application. There has been no consultation on the proposal yet, and officers recommended that consultation with the Agents' Forum should take place prior to any final decision.

RESOLVED: To defer consideration of this report until the next meeting to enable further work and consultation to take place.

25 **POLICY DEVELOPMENT - AGENDA ITEM**

The Chair asked the Committee whether they would agree to an additional standing item entitled "Policy Development" to be added to future agendas. A number of policy developments are under discussion and will need to be considered at future meetings.

RESOLVED: To add a standing item entitled "Policy Development" to future Planning Committee agendas.

26 **QUARTERLY PERFORMANCE REPORT - APRIL TO JUNE 2020**

The Committee considered the quarterly performance report from April to June 2020.

Councillor Hounsell asked for more detailed information to be provided regarding enforcement investigations. He asked for the enforcement report (of resolved cases) to be split into those resolved due to compliance and those resolved due to it not being expedient to take action.

RESOLVED: To note the report.

27 **NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES**

The Committee considered the appeals report.

RESOLVED: To note the report.

The meeting ended at 6.03 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services

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BATH AND NORTH EAST SOMERSET COUNCIL

Planning Committee

Date 29th July 2020

OBSERVATIONS RECEIVED SINCE THE PREPARATION OF THE MAIN AGENDA

ITEM

ITEMS FOR PLANNING PERMISSION

Item No.	Application No.	Address
1	20/01078/FUL	Land north of 9B Tennis Court Avenue Paulton

This application was considered by the Planning Committee on the 1st July 2020. The committee resolved that a site visit should be carried out to enable Councillors to assess the development in relation to the surrounding context. A virtual site visit was carried out on the 20th July 2020. Councillors were shown a video of the local area including Tennis Court Avenue and Tennis Court Road.

HIGHWAYS PARKING RESTRICTIONS

There are only yellow lines on Tennis Court Road in the vicinity of the site at the corners of the junctions of Tennis Court Road and Park Road (to the north) and Specklemead (to the South). There are yellow lines on the corner of the junction with Plumptre Road and yellow lines outside numbers 16-19 Tennis Court Road opposite the junction with Plumptre Road. There is a disabled space adjacent to these yellow lines. The rest of this section of Tennis Court Road is available for parking. Most of the properties on the east side of this road have their own off-street parking.

Tennis Court Avenue does not have any yellow line parking restrictions in the vicinity of the site.

Item No.	Application No.	Address
2	20/01061/FUL	21 Henrietta Gardens Bathwick Bath Bath And North East Somerset BA2 6NA

The report incorrectly refers to Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in the second to last paragraph of the design and heritage section of the report. The application does not require listed building consent but is within the setting of listed buildings as such this section should have instead referred to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The paragraph should therefore read;

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

BATH AND NORTH EAST SOMERSET COUNCIL

**MEMBERS OF THE PUBLIC AND REPRESENTATIVES SUBMITTING A
WRITTEN STATEMENT AT THE VIRTUAL MEETING OF THE PLANNING
COMMITTEE ON WEDNESDAY 29 JULY 2020**

MAIN PLANS LIST			
ITEM NO.	SITE NAME	NAME	FOR/AGAINST
Urgent Item	Land to the rear of 89 – 123 Englishcombe Lane, Bath	David Roberts	Against (To share 10 minutes)
		Danny Groves	
		Arwel Evans (Agent)	For (10 minutes)
		Cllr Jess David (Local Ward Member)	N/A (5 minutes)
1	Land North of 9B, Tennis Court Avenue, Paulton	Dave Bissex (Agent)	For
		Cllr Liz Hardman (Local Ward Member)	Against
2	21 Henrietta Gardens, Bathwick, Bath, BA2 6NA	Sasha Wass (On behalf of Pulteney Estates Residents' Association - PERA)	Against
		Chris Beaver (Agent)	For
		Cllr Dr Kumar (Local Ward Member)	Against
3	8 South Parade, Chew Magna, BS40 8SJ	Marcus Fox (Agent)	For
		Cllr Karen Warrington (Local Ward Member)	Against

4	Three Ways, Station Road, Clutton	Cllr Rosemary Naish (Clutton Parish Council)	Against

BATH AND NORTH EAST SOMERSET COUNCIL

PLANNING COMMITTEE

29th July 2020

DECISIONS

Item No:		
Application No:	18/01516/REG04	
Site Location:	Land To The Rear Of 89 To123, Englishcombe Lane, Southdown, Bath	
Ward: Odd Down	Parish: N/A	LB Grade: N/A
Application Type:	Regulation 4 Application	
Proposal:	Development of 37 residential dwellings (Use Class C3, including affordable housing), vehicular and pedestrian access, open space, landscaping, drainage, related infrastructure and engineering works.	
Constraints:	Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP9 Affordable Housing Zones, Policy GDS1 Site Allocations, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE2A Landscapes and the green set, Policy NE3 Local Nature Reserve, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,	
Applicant:	Bath & North East Somerset Council	
Expiry Date:	31st December 2019	
Case Officer:	Tessa Hampden	

DECISION DEFERRED FOR COMMITTEE SITE VISIT

PLANS LIST:

03 Jun 2020	065-403_P1	WELDMESH FENCING
03 Jun 2020	065-501_P4	ACCESS ROAD SECTIONS
03 Jun 2020	065-502_P1	ACCESS ROAD SECTION
03 Jun 2020	065-503_P1	ACCESS ROAD LONG SECTIONS
03 Jun 2020	065-510_P4	SECTION EE
03 Jun 2020	065-511_P5	SECTIONS CC
03 Jun 2020	065-512_P4	SECTION KK
03 Jun 2020	065-G107-1_P3	PROPOSED MATERIALS - HARD LANDSCAPE
03 Jun 2020	065-G107-2_P3	PROPOSED MATERIALS - SITE FURNITURE
03 Jun 2020	065-G107-3_P3	PROPOSED PLANTING - TREE PALETTE
22 Jun 2018	020015 B	PROPOSED SITE ELEVATIONS
22 Jun 2018	030011 A	PROPOSED SITE SECTIONS
22 Jun 2018	030015	PROPOSED SITE SECTIONS
22 Jun 2018	040001	PROPOSED BIN STORES

05 Apr 2018	900010	PROPOSED SITE PLAN 1 OF 2	Public
22 Jun 2018	040002	PROPOSED BIN STORES	
03 May 2018	5889-BR-V01-ZZ-DR-A-010104	PROPOSED PLANS HOUSE TYPE 3	
03 May 2018	5889-BR-V01-ZZ-DR-A-010111	PROPOSED PLANS HOUSE TYPE 6	
03 May 2018	5889-BR-V01-ZZ-DR-A-010119	PROPOSED PLANS HOUSE TYPE 8	
05 Apr 2018	010100	HOUSE TYPE 01 - PROPOSED PLANS	
05 Apr 2018	010102	HOUSE TYPE 02 - PROPOSED PLANS	
05 Apr 2018	010106	HOUSE TYPE 04 - PROPOSED PLANS	
05 Apr 2018	010108	HOUSE TYPE 05 - PROPOSED PLANS	
05 Apr 2018	010113	APARTMENTS - PROPOSED PLANS	
05 Apr 2018	010114	APARTMENTS - FLAT LAYOUTS	
05 Apr 2018	010117	HOUSE TYPE 07 - PROPOSED PLANS	
05 Apr 2018	010117	HOUSE TYPE 07 - PROPOSED PLANS	
05 Apr 2018	020015	PROPOSED SITE ELEVATIONS	
05 Apr 2018	020101	HOUSE TYPE 01 - PROPOSED ELEVATIONS	
05 Apr 2018	020103	HOUSE TYPE 02 - PROPOSED ELEVATIONS	
05 Apr 2018	020105	HOUSE TYPE 03 - PROPOSED ELEVATIONS	
05 Apr 2018	020105	HOUSE TYPE 03 - PROPOSED ELEVATIONS	
05 Apr 2018	020107	HOUSE TYPE 04 - PROPOSED ELEVATIONS	
05 Apr 2018	020109	HOUSE TYPE 05 - PROPOSED ELEVATIONS	
05 Apr 2018	020110	HOUSE TYPE 05, PLOT 19-21 - PROPOSED ELEVATIONS	
05 Apr 2018	020112	HOUSE TYPE 06 - PROPOSED ELEVATIONS	
05 Apr 2018	020112	HOUSE TYPE 06 - PROPOSED ELEVATIONS	
05 Apr 2018	020115	APARTMENTS - PROPOSED ELEVATIONS	
05 Apr 2018	020116	APARTMENTS - PROPOSED ELEVATIONS	
05 Apr 2018	020120	HOUSE TYPE 08 - PROPOSED ELEVATIONS	
05 Apr 2018	020120	HOUSE TYPE 08 - PROPOSED ELEVATIONS	
05 Apr 2018	030010	PROPOSED SITE SECTIONS	
05 Apr 2018	030011	PROPOSED SITE SECTIONS 2	
05 Apr 2018	030012	PROPOSED SITE SECTION 3	
05 Apr 2018	030013	PROPOSED SITE SECTIONS 4	
05 Apr 2018		EXISTING SITE SURVEY	
05 Apr 2018	900102	PROPOSED PLOT NUMBERS	
05 Apr 2018	900100	SITE LOCATION PLAN	
05 Apr 2018	900011	PROPOSED SITE PLAN 2 OF 2	
05 Apr 2018	900012	PROPOSED SITE PLAN	
05 Apr 2018	900013	PROPOSED SITE CONTEXT PLAN	

Condition Categories

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

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

Pre-commencement - The condition requires the submission and approval of further information, drawings or details before any work begins on the approved development.

The condition will list any specific works which are exempted from this restriction, e.g. ground investigations, remediation works, etc.

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

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

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

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

Local Highway Authority require an agreement (Section 106, Section 38, Section 278)

The Local Highway Authority (LHA) requires the developer to enter into a legally binding agreement(s) to secure the vehicular access and adoption of the internal access roads and footways as public highway. Further information in this respect may be obtained by contacting the LHA.

The Local Highway Authority requires Road Safety Audits

The detailed design of the vehicular access to the application site together with the layout of the internal access roads and footways shall be subject of an independent Stage 2 Road Safety Audit (RSA) and the completed works shall be the subject of an independent Stage 3 RSA. Both audits will be undertaken in accordance with GG119. Both audit briefs together with the CV of the Audit Team Leader and Audit Team Member shall be submitted to and approved in writing by the LHA. A representative of the LHA shall be present at the Stage 2 RSA site visit as an observer and a representative of the LHA and Avon and Somerset police shall be invited to attend the daytime and night-time Stage 3 RSA site visits

Permit/Consent Decision Making Statement

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

Community Infrastructure Levy

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. **Before** commencing any development on site you should ensure you are familiar with the CIL process. If the development approved by this permission is CIL liable there are requirements to assume liability and notify the Council before development commences, failure to comply with the regulations can result in surcharges and additional payments. Full details about the CIL

Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: www.bathnes.gov.uk/cil

Item No:	01	
Application No:	20/01078/FUL	
Site Location:	Land North Of 9B, Tennis Court Avenue, Paulton, Bristol	
Ward: Paulton	Parish: Paulton	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Erection of detached dwelling.	
Constraints:	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Conservation Area, Policy CP9 Affordable Housing Zones, Housing Development Boundary, SSSI - Impact Risk Zones,	
Applicant:	Harrub Ltd	
Expiry Date:	31st July 2020	
Case Officer:	Christine Moorfield	

DECISION PERMIT

1 Standard Time Limit (Compliance)

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

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

2 Plans List (Compliance)

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

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

3 Surface water management (Compliance)

The development hereby permitted is to manage surface water onsite using soakaways as indicated on the application form and/or approved drawings. Soakaways are to be designed and constructed in accordance with Building Regulations Approved Document Part H section 3, noting the requirement for infiltration testing which should be undertaken at an early stage of the development to confirm viability of infiltration techniques.

If the infiltration test results demonstrate that soakaways are not appropriate, an alternative method of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The soakaways or other approved method of surface water drainage shall be installed prior to the occupation of the development.

Reason: To ensure that an appropriate method of surface water drainage is installed and in the interests of flood risk management in accordance with Policy CP5 of the Bath and North East Somerset Core Strategy and Policy SU1 of the Bath and North East Somerset Placemaking Plan.

4 Sustainable Construction (Pre-occupation)

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

- o Table 2.4 (Calculations);
- o Building Regulations Part L post-completion documents

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

5 Water Efficiency - Rainwater Harvesting (Pre-occupation)

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

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

6 Materials - Submission of Schedule and Samples (Bespoke Trigger)

No construction of the external walls of the 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 approved details.

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

7 Hard Landscaping (Pre-occupation)

No occupation shall commence until a hard landscape scheme has been submitted to and approved in writing by the Local Planning Authority showing an appropriate surface finish at the front of the dwelling adjacent to Tennis Court Avenue. The surface shall be constructed in accordance with the approved details prior to the first occupation of the dwelling.

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

PLANS LIST:

2020519-20, 21, 22, 23 and 24 all dated 16/03/20

Condition Categories

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

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

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

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

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

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

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

Community Infrastructure Levy

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. **Before** commencing any development on site you should ensure you are familiar with the CIL process. If the development approved by this permission is CIL liable there are requirements to assume liability and notify the Council before development commences, failure to comply with the regulations can result in surcharges and additional payments. Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: www.bathnes.gov.uk/cil

Responding to Climate Change (Informative):

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

Permit/Consent Decision Making Statement

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

Coal Mining - Low Risk Area (but within coalfield)

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

Item No:	02	
Application No:	20/01061/FUL	
Site Location:	21 Henrietta Gardens, Bathwick, Bath, Bath And North East Somerset	
Ward: Bathwick	Parish: N/A	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Erection of 4no. dwellings and associated works following demolition of existing dwelling.	
Constraints:	Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Air Quality Management Area, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Contaminated Land, Policy CP9 Affordable Housing Zones, Flood Zone 2, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,	
Applicant:	Longacre Development Ltd	
Expiry Date:	30th July 2020	
Case Officer:	Samantha Mason	

DECISION PERMIT

1 Standard Time Limit (Compliance)

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

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

2 Drainage Design (Pre-commencement)

No development shall commence (except for demolition, ground investigations or remediation works), until a detailed drainage design including plans and calculations

(demonstrating no flooding at the critical 1in100+40% storm event) has been submitted to and approved in writing by the Local Planning Authority. This design should consider discharge to the ground via soakaways in the first instance for which evidence of both a viable infiltration rate (testing to comply with BRE Digest 365); and confirmation that there will be least 1m clearance between the highest seasonal groundwater level and the base of the proposed infiltration structure is required. If soakaways are demonstrated not to be viable then an alternative means of disposing surface water within the site will be required for approval (this should be supported with any relevant third party approvals).

Reason: To ensure that an appropriate method of surface water drainage is installed and in the interests of flood risk management in accordance with Policy CP5 of the Bath and North East Somerset Core Strategy and Policy SU1 of the Bath and North East Somerset Placemaking Plan.

3 Archaeological Evaluation (Pre-commencement)

No development shall commence 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 first been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a field evaluation of the site to determine date, extent, and significance of any archaeological deposits or features, and shall be carried out by a competent person and completed in accordance with the approved written scheme of investigation.

Reason: The site is within an area of potential archaeological interest and the Council will wish to evaluate the significance and extent of any archaeological remains.

4 Archaeology Controlled Excavation (Pre-commencement)

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

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

5 Archaeology Post Excavation and Publication (Pre-occupation)

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

approved publication plan, or as otherwise agreed in writing with the Local Planning Authority.

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

6 Tree Protection Plan (Pre-commencement)

No development shall take place until an annotated tree protection plan produced following the recommendations contained within BS 5837:2012 identifying measures (fencing and/or ground protection measures) to protect the trees to be retained has been submitted to and approved in writing by the Local Planning Authority and details within the approved document implemented as appropriate. The plan shall include proposed tree protection measures during site preparation (including clearance and level changes), during construction and landscaping operations. The plan should include the design of protective fencing proposed and take into account the control of potentially harmful operations such as the position of service runs, storage, handling and mixing of materials on site, burning, and movement of people and machinery.

Reason: To ensure that the trees are protected from potentially damaging activities in accordance with policy NE.6 of the Placemaking Plan and CP7 of the Core Strategy. This is a condition precedent because the works comprising the development have the potential to harm retained trees. Therefore these details need to be agreed before work commences.

7 Implementation of Wildlife Scheme (Pre-Occupation)

No occupation of the development hereby approved shall commence until a report produced by a suitably experienced ecologist confirming and demonstrating, using photographs, completion and implementation of the Wildlife Protection and Enhancement Measures detailed in Section 8 of Ecological Appraisal (Ethos Environmental Planning, March 2020) has been submitted to and approved in writing by the Local Planning Authority. This shall include avoidance and protection measures for nesting birds, reptiles and hedgehog and ecological enhancement measures including bat and bird boxes, hedgehog connectivity measures and beneficial planting for wildlife.

Reason: To demonstrate the completed implementation of the Wildlife Protection and Enhancement recommendations as set out in the ecology report, to prevent ecological harm and to provide biodiversity gain in accordance with NPPF and policies NE3 NE5 and D5e of the Bath and North East Somerset Local Plan.

8 Materials - Submission of Schedule and Samples (Bespoke Trigger)

No construction of the external walls of the 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. Additionally, a sample panel of all external walling materials to be used showing the lime mortar joints shall be erected on site. The development shall thereafter be carried out only in accordance with the approved details.

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

9 Parking (Compliance)

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

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

10 Construction Management Plan (Pre-commencement)

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

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

11 Waste Management Plan (Pre-Occupation)

No occupation of the development hereby approved shall commence until a detailed waste management plan including collection arrangement by refuse vehicles has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

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

12 Sustainable Construction (Pre-Occupation)

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

- o Table 2.4 (Calculations);
- o Building Regulations Part L post-completion documents

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

13 Water Efficiency - Rainwater Harvesting (Pre-occupation)

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

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

14 Water Efficiency (Compliance)

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

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

15 Plans List (Compliance)

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

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

PLANS LIST:

This decision relates to the following plans:

- 13 Mar 2020 001 Site Location Plan
- 13 Mar 2020 005 Opportunities and Constraints Plans
- 13 Mar 2020 006 Proposed Site Plan
- 13 Mar 2020 011 Proposed Ground Floor Plan
- 13 Mar 2020 012 Proposed First Floor Plans
- 13 Mar 2020 013 Proposed Second Floor Plans
- 13 Mar 2020 014 Proposed Roof Plan
- 13 Mar 2020 020 Proposed North Elevation
- 13 Mar 2020 021 Proposed East Elevation
- 13 Mar 2020 022 Proposed South Elevation
- 13 Mar 2020 023 Proposed West Elevation
- 13 Mar 2020 025 Proposed Sections
- 13 Mar 2020 030 Proposed Site Section Aa
- 13 Mar 2020 031 Proposed Site Section Bb
- 13 Mar 2020 032 Proposed Site Section Cc
- 13 Mar 2020 033 3d Visualisation
- 13 Mar 2020 034 Aerial Views Massing Model
- 13 Mar 2020 035 Proposed Waste Management Plan
- 13 Mar 2020 19084-D01-B Drainage Strategy Layout

Condition Categories

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

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

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

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

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

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

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

Permit/Consent Decision Making Statement

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

Community Infrastructure Levy

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. **Before** commencing any development on site you should ensure you are familiar with the CIL process. If the development approved by this permission is CIL liable there are requirements to assume liability and notify the Council before development commences, failure to comply with the regulations can result in surcharges and additional payments. Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: www.bathnes.gov.uk/cil

Responding to Climate Change (Informative):

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

Item No:	03		
Application No:	19/04024/FUL		
Site Location:	8 South Parade, Chew Magna, Bristol, Bath And North East Somerset		
Ward: Chew Valley	Parish: Chew Magna	LB Grade: N/A	
Application Type:	Full Application		
Proposal:	Conversion and change of use of former Natwest Bank Buildings into 3 apartments and retail unit		
Constraints:	Bristol Airport Safeguarding, Agric Land Class 3b,4,5, Coal - Standing Advice Area, Conservation Area, Policy CP12 Centres and Retailing, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Housing Development Boundary, Listed Building, Policy NE1 Green Infrastructure Network, Policy NE5 Ecological Networks, Neighbourhood Plan, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,		
Applicant:	Frater Developments		
Expiry Date:	5th August 2020		
Case Officer:	Samantha Mason		

DECISION PERMIT

1 Standard Time Limit (Compliance)

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

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

2 Bicycle Storage (Pre-occupation)

No occupation of the development shall commence until the proposed bicycle storage shown on the approved plans has been provided in accordance with in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. The bicycle storage shall be retained permanently thereafter.

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

3 Construction Management Plan (Pre-commencement)

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

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

4 Tree Protection Plan (Pre-commencement)

No development shall take place until an annotated tree protection plan produced following the recommendations contained within BS 5837:2012 identifying measures (fencing and/or ground protection measures) to protect the adjacent trees has been submitted to and approved in writing by the Local Planning Authority and details within the approved document implemented as appropriate. The plan shall include proposed tree protection measures during site preparation during construction and landscaping operations. The plan should include the design of protective fencing proposed and take into account the control of potentially harmful operations such as the position of service runs, storage, handling and mixing of materials on site, burning, and movement of people and machinery.

Reason: To ensure that the trees are protected from potentially damaging activities in accordance with policy NE.6 of the Placemaking Plan and CP7 of the Core Strategy. This is a condition precedent because the works comprising the development have the potential to harm retained trees. Therefore, these details need to be agreed before work commences.

5 Sustainable Construction (Pre-Occupation)

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

- o Table 2.4 (Calculations);
- o Building Regulations Part L post-completion documents

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

6 Water Efficiency - Rainwater Harvesting (Pre-occupation)

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

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

7 Water Efficiency (Compliance)

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

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

8 Plans List (Compliance)

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

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

PLANS LIST:

This decision relates to the following plans:

05 Jun 2020 100 Rev C Proposed Floor Plans
05 Jun 2020 110 Rev B Proposed Elevations
11 Sep 2019 Location Plan

Condition Categories

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

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

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

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

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

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

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

Permit/Consent Decision Making Statement

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

Community Infrastructure Levy

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. **Before** commencing any development on site you should ensure you are familiar with the CIL process. If the development approved by this permission is CIL liable there are requirements to assume liability and notify the Council before development commences, failure to comply with the regulations can result in surcharges and additional payments. Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: www.bathnes.gov.uk/cil

Responding to Climate Change (Informative):

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

Item No:	04		
Application No:	19/05110/FUL		
Site Location:	Three Ways, Station Road, Clutton, Bristol		
Ward: Clutton And Farmborough	Parish: Clutton	LB Grade: N/A	
Application Type:	Full Application		
Proposal:	Erection of a single storey 2 bedroom dwelling adjacent to existing bungalow		
Constraints:	Bristol Airport Safeguarding, Clutton Airfield, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Policy CP9 Affordable Housing Zones, Housing Development Boundary, Policy M1 Minerals Safeguarding Area, Policy NE1 Green Infrastructure Network, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,		
Applicant:	Mr Dean		
Expiry Date:	12th June 2020		
Case Officer:	Hayden Foster		

DECISION REFUSE

1 The proposed development is considered to present an unacceptable means of access and parking arrangements which would prejudice highways safety. Therefore, the proposal is contrary to policy ST7 of the Placemaking Plan for Bath and North East Somerset (2017) and part 9 of the NPPF.

PLANS LIST:

This decision relates to the following plans received 23rd November 2019:

Drawing Number: P002 - Proposed Ground Floor Plan
Drawing Number: P006 - Proposed Section

Plans received 15th May 2020:

Drawing Number: P100 C4 - Proposed Block Plan
Drawing Number: P005 C4 - Proposed 3D View and South Elevation

Plans received 22nd May 2020:

Drawing Number: P004 C4 - Proposed North and East Elevations

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework. Whilst the application was recommended for permission by Officers the Development Management Committee considered the proposal to be unacceptable for the stated reasons.

Community Infrastructure Levy

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

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Bath & North East Somerset Council		
MEETING:	Planning Committee	AGENDA ITEM NUMBER
MEETING DATE:	Main Agenda 26th August 2020	
RESPONSIBLE OFFICER:	Simon de Beer – Head of Planning	
TITLE:	APPLICATIONS FOR PLANNING PERMISSION	
WARDS:	ALL	
BACKGROUND PAPERS:		
AN OPEN PUBLIC ITEM		

BACKGROUND PAPERS

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

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

The following notes are for information only:-

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

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

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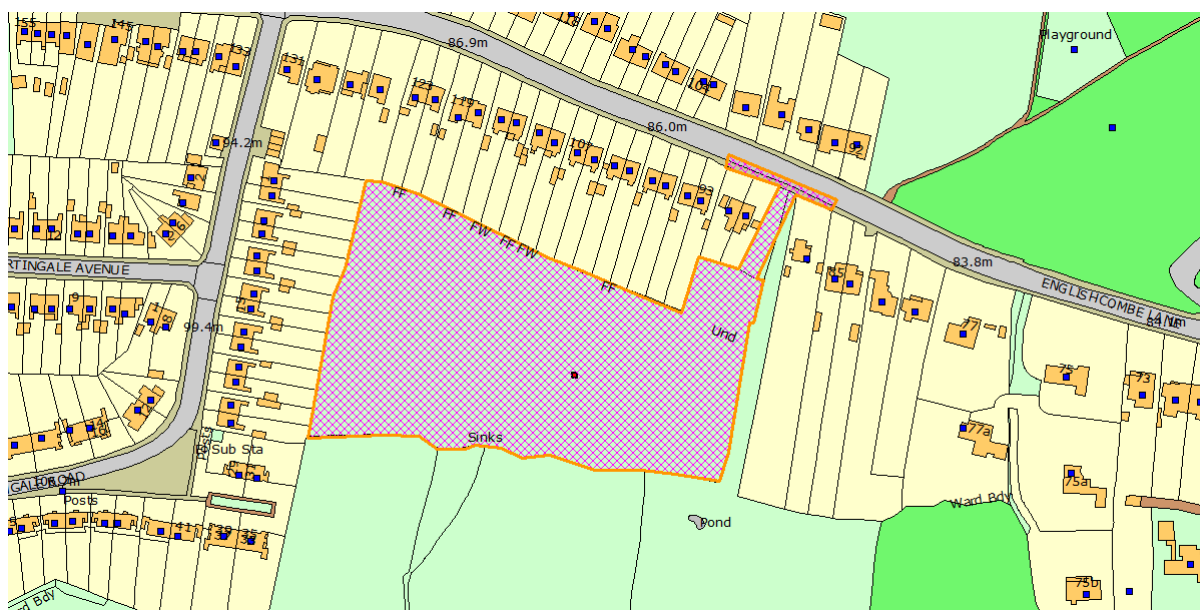
ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	18/01516/REG04 31 December 2019	Bath & North East Somerset Council Land To The Rear Of 89 To123, Englishcombe Lane, Southdown, Bath, Bath And North East Somerset Development of 37 residential dwellings (Use Class C3, including affordable housing), vehicular and pedestrian access, open space, landscaping, drainage, related infrastructure and engineering works.	Moorlands	Tessa Hampden	PERMIT
02	19/04933/FUL 3 July 2020	Frangrance UK (Bath) Ltd Royal National Hospital For Rheumatic Diseases, Upper Borough Walls, City Centre, Bath, Bath And North East Somerset Change of use from hospital (Use Class D1) to 164 -bedroom hotel (Use Class C1) and 66 sq m of restaurant/café (Use Class A3); to include publicly accessible restaurant, health spa, bar, lounge/meeting spaces at ground and first floor; external alterations to East Wing roof including removal of lift room and flu, demolition and replacement of roof top plant area and extension to existing pitched roof; demolition and replacement of modern infill development to south elevation and new infill development to north elevation of the East Wing internal courtyard and new glazed roof to spa area; removal of modern external staircase to rear of West Wing and replacement infill development and glazed link to new extension; demolition and replacement of 3rd storey extension to West Wing; alterations to the roof of West Wing including new lift shaft and plant screen; erection of 3.5-storey extension to rear of West Wing with glazed link/conservatory space; removal of two trees and replacement tree planting; landscaping and associated works.	Kingsmead	Tessa Hampden	PERMIT

03	19/04934/LBA 3 July 2020	<p>Frangrance UK (Bath) Ltd Royal National Hospital For Rheumatic Diseases, Upper Borough Walls, City Centre, Bath, Bath And North East Somerset</p> <p>Listed Building Consent: Internal and external alterations associated with proposed conversion to hotel (Use Class C1); demolition and replacement of modern infill extension, new glazed roof and new infill development of northern elevation to internal courtyard of East Wing; alterations to the roof of east and West Wings; removal of external staircase to West Wing and replacement with glazed link to new extension and replacement infill development; abutment of new glazed structure with West Wing chapel south wall; demolition and replacement of 3rd floor extension to West Wing and additional plant screen and lift overrun to West Wing roof; partial demolition of the boundary wall on Parsonage Lane; construction of replacement glass screen to main internal ground floor lobby of West Wing; changes to internal layout and consequential changes to internal partitions and other fabric.</p>	Kingsmead	Tessa Hampden	CONSENT
04	19/05165/ERES 27 August 2020	<p>Dick Lovett Companies Ltd Western Riverside Development Area, Midland Road, Westmoreland, Bath, Approval of reserved matters (scale, appearance and landscaping) pursuant to outline application 06/01733/EOUT for the erection of 2 no. 5-storey buildings comprising 290 student bedrooms (Sui Generis); retail floorspace (Class A1); bin and cycle stores, plant rooms, and associated landscaping works.</p>	Westmoreland	Chris Griggs-Trevarthen	APPROVE
05	20/01893/LBA 2 September 2020	<p>WSP Cleveland Bridge, Cleveland Bridge, Bathwick, Bath, Bath And North East Somerset</p> <p>The refurbishment, repair and strengthening of a Grade II* listed structure.</p>	Bathwick	Caroline Power	CONSENT
06	20/01965/FUL 28 August 2020	<p>Mr L Bignell 2 Uplands Drive, Saltford, Bristol, Bath And North East Somerset, BS31 3JH</p> <p>Erection of outbuilding /garden room to rear garden</p>	Saltford	Isabel Daone	PERMIT
07	20/02389/FUL 3 September 2020	<p>Bath And North East Somerset Liberal Democrats Liberal Democrats, 31 James Street West, City Centre, Bath, Bath And North East Somerset</p> <p>Remodelling of the front garden to include the installation of a new lifting platform.</p>	Kingsmead	Helen Ellison	PERMIT

08	20/02390/LBA 3 September 2020	Bath And North East Somerset Liberal Democrats Liberal Democrats, 31 James Street West, City Centre, Bath, Bath And North East Somerset External alterations for the remodelling of the front garden to include the installation of a new lifting platform	Kingsmead	Helen Ellison	CONSENT
09	20/02331/AR 4 September 2020	Mrs Julia Moss 20 Wellsway, Bath, Bath And North East Somerset, BA2 2AA, Display of 1no. non-illuminated company logo on existing retractable canopy above private forecourt.	Widcombe And Lyncombe	Hayden Foster	PERMIT

REPORT OF THE HEAD OF PLANNING ON APPLICATIONS FOR DEVELOPMENT

Item No: 01
Application No: 18/01516/REG04
Site Location: Land To The Rear Of 89 To123 Englishcombe Lane Southdown Bath
Bath And North East Somerset



Ward: Moorlands **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Jess David
Application Type: Regulation 4 Application
Proposal: Development of 37 residential dwellings (Use Class C3, including affordable housing), vehicular and pedestrian access, open space, landscaping, drainage, related infrastructure and engineering works.
Constraints: Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP9 Affordable Housing Zones, Policy GDS1 Site Allocations, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE2A

	Landscapes and the green set, Policy NE3 Local Nature Reserve, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,
Applicant:	Bath & North East Somerset Council
Expiry Date:	31st December 2019
Case Officer:	Tessa Hampden
To view the case click on the link here .	

REPORT

Reason for referring this to planning committee

This has been referred to the planning committee as the updated Scheme of Delegation cites that Council applications of this size should be referred to committee. This application was deferred from the previous committee to allow Members to undertake a site visit.

Site description and proposal

The application seeks planning permission for the development of 37 residential dwellings, vehicular and pedestrian access, open space, landscaping, drainage, related infrastructure and engineering works of land to the rear of 89-123 Englishcombe Lane. This is an undeveloped plot of land around 1.4ha to the north of Stirtingale Farm and to the rear of Englishcombe Lane and Stirtingale Road. The site is within the City of Bath Conservation Area and the wider World Heritage Site and forms part of the wider Site of Nature Conservation Interest.

The development has been screened and is not considered to be EIA development.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Historic England - Expressed that they do not wish to make comments

Conservation Officer - Not acceptable in its current form. Recognises that the site is prominent from wider views and has some concerns with the addition of 3 storey terrace within the context of the surrounding character of the two storey buildings.

Ecologist - objection in principle on ecological grounds due to significant negative impacts on a SNCI and tufa-depositing/flush habitats and associated plant and notable invertebrate communities (overall County Importance).

Natural England - agrees with the conclusion of the Habitats Regulation Assessment and the bat mitigation proposals.

Highway safety, no objection subject to planning condition/obligations

Avon Fire and Rescue - no objection subject to financial contribution to fire hydrants

Contaminated Land Officer - no objections subject to conditions

Crime Prevention - no objection subject to conditions

Arboricultural Officer - no objections subject to conditions

Flooding and Drainage - No objection subject to conditions/obligations

Landscape Officer - Not acceptable in the current form due to the variation between the proposals and the surrounding built form in terms of their layout, scale density, materials and details.

Urban Design - Not acceptable in current form due to the lack removal of footpath link within the scheme. No objections to scale, general layout.

Cllr Jess David - Given the length of time that this application has taken can I would like to request that this is called into the planning committee to decide. I am concerned that as the council B&NES is the applicant - this should be decided by the committee allowing local people to also state their views on the application. I believe this reflects a recent council decision on all ADL developments - that planning decisions would go to committee. I am also very conscious of the ecological significance of this site and would welcome further scrutiny of the proposals to transplant the tufa to pennquick - as well as assurance of net gain.

Bath Preservation Trust - The Trust finds this application broadly satisfactory (given that the principle of development on this land has been established). The site plans looks to be reasonably well laid and spaced out which is commendable, the success of the assimilation of this scheme will rest with the effectiveness and quality of the landscaping and tree planting, especially to allow the scheme to blend into the urban townscape in long views. The individual house gardens are quite small compared to the garden character suburb of the surrounding area, photomontages would have been useful to understand how the scheme would appear on the hillside in long views. BPT have some reservations about the elevational treatment of the houses. Departing from the materials palette in this conservation area would potentially fail to retain or enhance local distinctiveness. The use of clay roof tiles is also of concern given that if they are a bright red colour they will stand out on the hillside until they weather which could take some time. The use of a pre-patinated clay tile to ensure that the scheme would not be built out with a highly visible red roofscape.

Council for Protection of Rural England - While accepting that normally such a site, in its proximity to services and local transport, might be suitable for development, we understand from the surveys that the site is home to a range of protected species, including invertebrates, badgers and various species of bat. The high water table, numerous springs and regular flooding would suggest that development on it could cause disruption to these flows, with consequences for the existing residents along Englishcombe Lane and elsewhere. The history of the site is of low intensity grazing, associated with a former farm. We suggest that is view of the visibility of the site from the centre and north of Bath, it would be better suited to allocation within the important BathScape project/World Heritage Site status, for natural meadow or woodland.

48 objection/general comments have been received. These can be summarised as follows:

- Impact upon residential amenity (including overlooking/privacy, dominating outlook, loss of light, noise and disturbance)
- Drainage concerns - development compounding existing problems
- Concerns raised with viability of drainage maintenance systems
- Ecological concerns - impact upon SNCI, habitats and species
- Loss of green space
- Lack of need for housing
- Highway safety concerns including concerns with access, parking, road safety
- Impact of construction
- Civil matters
- Impact upon site and neighbouring trees
- Concerns with siting, design, materials, scale and impact upon Conservation Area and World Heritage Site.
- Land stability
- Previous appeal raised issues which should be considered
- Concerns with the fact that this is a Council application and the way that it should be determined
- Security concerns

POLICIES/LEGISLATION

The Development Plan for Bath and North East Somerset comprises:

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

Core Strategy:

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

- DW1 - District Wide Spatial Strategy
- B1 -Bath Spatial Strategy
- CP2 - Sustainable Construction
- CP3 - Renewable Energy
- CP5 Flood risk management
- CP6 - Environmental Quality
- CP7 - Green Infrastructure
- CP9 - Affordable Housing
- CP10 - Housing Mix
- CP13 - Infrastructure Provision

SD1 - Presumption in favour of sustainable development

Placemaking Plan:

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

BD1: Bath Design Policy

SB17 Englishcombe Lane

D.1 - D.6 & D.10: General Urban design principles: Local Character & Distinctiveness; Urban Fabric; Streets and Spaces; Building Design; Amenity; Lighting; Public Realm

D7 - Infill and Backland Development

H1 - Historic environment

SU1 - Sustainable Drainage

NE1 - Development and Green Infrastructure

NE2 Conserving And Enhancing The Landscape And Landscape Character

NE2A Landscapes setting of settlements

NE3 - Sites, species and habitats

NE4 Ecosystem Services 113

NE5 Ecological networks

NE6 - Trees

ST1 - Promoting Sustainable Travel

ST7 - Transport requirements for managing development

SCR1 On-site renewable energy requirement

SCR2 Roof Mounted/Building Integrated Scale Solar PV

SCR5 Water Efficiency

H7 Housing Accessibility

LCR7B Broadband

PCS1 Pollution and nuisance 128

PCS2 Noise and vibration 129

PCS3 Air quality

PCS5 Contamination

PCS6 Unstable land

PCS7A Foul sewage infrastructure

CP5 Flood Risk Management

CP13 Infrastructure Provision

SUPPLEMENTARY PLANNING DOCUMENTS AND ADDITIONAL GUIDANCE

City of Bath World Heritage Site Setting SPD (2013)

Bath City-wide Character Appraisal SPD

Planning Obligations SPD (2015)

Bath Building Heights Strategy (2010)

LOW CARBON AND SUSTAINABLE CREDENTIALS

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon

emissions and impacts on climate change. The application has been assessed against the policies as identified and these have been fully taken into account in the recommendation made.

OFFICER ASSESSMENT

Principle of Development

The site is allocated under Place Making Plan (PMP) Policy SB17 - (South of Englishcombe Lane) for residential development; the principle of the development on this site can therefore be supported. Policy SB17 contains six development requirements and design principles and the scheme will be assessed against these as well as the Development Plan as a whole. The preamble to the allocation advises that the vision for the site is suburban residential development that makes efficient use of the site.

Policy SB17 states that around 40 dwellings will be delivered on the site, and the 37 dwellings proposed is therefore considered to be an acceptable number of units, subject to compliance with the relevant policies of the Development Plan. The erection of the 37 units is compatible with the vision of the policy which is to make efficient use of land.

Housing Mix

Policy CP10 of the Core Strategy requires that new housing development must provide for a variety of housing types and sizes to accommodate a range of different households. The development as proposed is considered to offer a satisfactory mix of dwellings and flats which ensure that the aims of achieving a balanced community are delivered.

Character and appearance

The site is bounded to the north and west by the rear gardens of residential properties on Englishcombe lane and Stirtingale Road. The built form in these streets comprises a mixture of detached, semi-detached and terraces of two-storey dwellings. The south and east boundaries are formed by wooded scrubland which is part of Stirtingale Site of Nature Conservation Interest (SNCI).

The site is currently an open field and this, along with the context in which it sits, forms its character. Whilst this site is visible from the rear of the surrounding dwellings, there is limited visibility from the immediate public realm. However, the site occupies an elevated position and it is therefore visible from wider views across the city. These wider views play a key part in the World Heritage Site. A Landscape Visual Impact Assessment (LVIA) has been submitted which, along with the Design and Access Statement assesses the impact of the development upon key views.

The character of the site will inevitably change as part of the development proposals, but the size of the site allows for a scheme to come forward with its own identity. However, any development must respect the character and appearance of the surrounding area.

PMP SB17 requires that a detailed historic environment assessment is submitted, and where necessary evaluation, in order to implement appropriate mitigation. The Design and Access Statement includes a Heritage Statement which undertakes this work and justifies

the design approach. The scheme is of a contemporary design and has a distinct character which has the potential to successfully complement the wider neighbourhood.

The siting of the development has been informed by the constraints of the site, including its topography, the ecological features, as well as by the surrounding built form. The site has a significant level change rising from the north at Englishcombe Lane to the south. The siting of the buildings respects the topography of the site, stepping up the hill, in line with the form of the surrounding development.

The linear form of the surrounding dwellings is a key characteristic of the area, and this is highlighted in the LVIA. It is noted that the Landscape Officer highlights marked differences between this proposed development and the surrounding built form. It is however noted that the siting of the dwellings adjacent to the northern boundary of the site run parallel to the units at Englishcombe Lane. Similarly, the dwellings on the western boundary run parallel to the dwellings at Stirtingale Road respecting this linear form. This aids in assimilating the development with the existing built form, particularly when seen from wider views. The remaining dwellings follow less of a linear form, but this looser building grain is not considered to be harmful, given that the predominant form of the site would reflect the strong linear form. It also allows for the retention of areas of ecological importance and for green spaces to be interspersed throughout the site, reflecting the verdant character to the south and east.

It is noted that the Urban Design Officer has raised concerns that a footpath connecting the north west of the site to Englishcombe Lane has been omitted from the scheme. Whilst links to facilitate pedestrian connections are encouraged, it is noted that third parties raised security concerns flowing from the inclusion of this footpath. Given the relatively small size of the site and the proposed connections to the east of the site, an additional connection is not necessary to make the development acceptable.

The units proposed are predominantly two storeys high, with some three storey properties. The development will comprise detached, semi-detached, terraced houses and an apartment block. It is noted that the Conservation Officer and Landscape Officer has raised some concerns about the inclusion of 3 storey units within the site. However, the Council's Urban Design Officer has not objected to the scale of the development. It is also noted that an appeal decision for a development at Englishcombe Lane raised concerns with the excessive heights of the dwellings at that site. However, the siting of these larger dwellings is in the least sensitive part of the site, whether these are in concealed or lower sections of the site. Looking at their siting, orientation and footprint, these larger 3 storey buildings are acceptable. The LVIA offers justifies the position of the larger buildings within the specific parts of the site.

Whilst the development results in the loss of a greenfield site and the loss of green space on the hillside, the development will be seen in the context with the green hillside beyond. The site retains elements of open space within the site, particularly to the south and affords views beyond to the Stirtingale Farm. As the southern boundary is retained as a green space, the ridgeline of the development is contained and maintains the green space when read from key viewpoints. This will therefore limit any impact upon the setting of the World Heritage Site.

The density of the scheme is acceptable for a new development and each dwelling has an acceptable level of outdoor amenity space, with the overall development having an acceptable balance of built form and open space. Green spaces and green infrastructure are retained around the site, which aids in retaining the rural edge to the site. Whilst the garden spaces are smaller than for those of the existing surrounding dwellings, this is not uncommon for new developments. Given the quantum envisaged through the policy allocation, the overall density and layout is acceptable.

The external materials within the immediate locality are predominately Bath stone. Englishcombe Lane also comprises properties finished in render, and there is recently constructed dwelling finished in timber and render. The proposed residential units would be constructed from buff brick and timber cladding under clay pantile roofs. The use of common features and materials throughout the site ensures that the development sits comfortably together. Brick has the potential to be of a high quality and finish, and has a similar tone, and weathering texture as stone. It maintains the masonry and monolithic nature of the surrounding area and will ensure that the development integrates with the surrounding built form.

A significant amount of timber is to be used, but this is acceptable in this backland location and links to the verdant nature of the site. The Conservation Officer has highlighted the importance of ensuring that an appropriate timber is used, and this is critical to the success of the development. As with all materials, the final detail of this can be secured via condition. The roof materials will comprise clay tiles which will tie in with the prevailing form in the surrounding areas. This will aid in limiting the impact of the development from wider views and will assimilate the development with the existing built form.

Placemaking Policy SB17 design principle number three outlines the need for the retention of the hedgerows along the boundaries of the site. The development accords with this policy, retaining and supplementing existing hedgerows. The final landscaping scheme, and the implementation of this scheme will be secured through the inclusion of conditions on any permission.

There is a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character or appearance of the surrounding conservation area. Overall, the proposal, which is a landscape led design, is considered to be of an acceptable layout, scale and design. The development is of its time, whilst responding to its sensitive context. For these reasons therefore for proposals are considered to preserve the character and appearance of this part of the Conservation Area. Further, the development is not considered to result in harm to the setting of the World Heritage Site. The development site is located a sufficient distance away from the AONB to ensure there is no harm to this designation.

It is noted that an appeal decision has been referenced by third parties which dismissed development in rear gardens in Englishcombe Lane, due to the inappropriate siting, scale, and design. The application must however be assessed on its own merits and is not directly comparable to the appeal scheme. As noted above, this is an allocated site, and the character of the site will change as a result of the development. However, the proposals put forward are considered to be acceptable.

Highway safety

The site is an allocated site in a sustainable location. It is recognised that third party comments have disputed statements within the submission in relation to the distances of the site to facilities such as the train station. However, officers are satisfied that the future occupiers of the development will be able to easily access local services and facilities.

A Design Principle of policy SB17 states that vehicular access shall be taken from between numbers 87-89 Englishcombe Lane. The scheme accords with this part of the policy.

The initial 'Proposed Access Layout' indicated a 'standard' priority junction to include a 'build-out' into Englishcombe Lane. The proposed access road was indicated as being 4.8-metres in width, with a 2-metre wide footway on the south-eastern side together with a 0.3-metre wide landscaped verge on the north-west side. This layout was satisfactory, subject to the introduction of a No Waiting at any Time restriction (double yellow lines) on both sides of Englishcombe Lane for the entire length of the proposed build-out, to prohibit waiting within the narrowed section.

Amendments have been made to this proposed access due to the need to provide a darkened corridor alongside the access for bats. Revised plans have amended the access from a bellmouth junction to a footway crossover, the benefit being that pedestrians walking along Englishcombe Lane do not need to step down to carriageway level and give-way to cars, as the proposed layout provides a continuous footway across the access with cars giving way to pedestrian. Based upon the low level of traffic the development is forecast to generate, the amended access is suitable.

The revised Proposed Access Layout indicates that the access road will still be 4.8-metres in width and that a 0.3-metre wide landscape verge will be provided on the south-east side. However, the main amendment to the access road in highway terms is that the footway has been relocated to the north-west side and is proposed to be reduced in width to 1.5-metres.

Whilst Manual for Streets recommends a minimum width for a new build footway of 2-metres, the Department for Transport publication Inclusive Mobility outlines the requirements for footway widths and summarises that a 1.5-metre wide footway is suitable for a wheel-chair user with an ambulant person side-by-side.

The senior engineer confirmed that new build footways of a minimum width of 1-metre have previously been accepted. The alignment of the footway is such that opposing users will have adequate forward visibility to each other to safely pass one another without being required to step into the live carriageway.

In summary, whilst the width of the proposed footway is below the recommended minimum of 2-metres, it is acknowledged that the provision of a 1.5-metre wide footway is better than no segregated provision for vulnerable users at all, and is therefore considered to be acceptable in this instance, especially when assessed against the 'Inclusive mobility' guidance.

Highway officers have recommended that the applicant commission a Stage 2 Road Safety Audit in accordance with GG119. This relates to the detailed design stage of the access and the highway officer has confirmed that this can be dealt with post planning permission. An informative can be included on any permission to secure the above. An informative can also be included to remind the applicant that there is a need to secure the offsite highway improvements as part of a Section 278 Agreement and that the onsite detail will need to be agreed through a Section 38 Agreement. The funding of the necessary waiting restrictions needs to be secured through an appropriate legal agreement.

The proposals included 88 parking spaces and adequate space for cycle parking, this accords with the requirements of the PMP. The submission confirms that all dwellings will be installed with electric car charging points. The apartments will have a metered charging point to share. This installation of these charging points can be secured via condition.

Ecological implications

Outline of ecological interests:

Point 4 of PMP policy SB17 states 'identify and assess the ecological interest of the site and the likely effects of development on them. Protect and enhance these aspects and mitigate to avoid or minimise the effects. Point 5 of the PMP advises that lighting and green infrastructure at this location must be designed to safeguard the ecological and habitat requirement of bats.

The site is within a designated Site of Nature Conservation Interest (SNCI) called "Stirringale Farm (including Rush Hill Open Space and Corston View)". The site also falls within an area of known bat activity including activity for greater and lesser horseshoe bats associated with the nearby Bath & Bradford on Avon Bats Special Area of Conservation (SAC).

The submitted ecology reports confirms the presence of habitats of high conservation value at the local level, including tufa depositing flushes and semi-improved calcareous grassland, with other semi-natural habitats present within and immediately adjacent to the site described as adding to the diversity of the overall habitat mosaic. These include woodland, hedgerow, semi-improved mesotrophic grassland and scrub.

Tufa flushes are a vulnerable and increasingly rare habitat. They are a priority feature in the selection of sites for designation as Special Areas of Conservation (Natura 2000 sites). The tufa flushes at the site vary in quality due to long term habitat neglect and degradation; in spite of this the habitats are still of value with one of the flushes proposed for part-retention described as "containing a diverse assemblage of plants and bryophytes indicative of calcareous water, which is of county level importance due to its rarity in the local area. An assemblage of aquatic invertebrates indicative of unpolluted water is also supported

The site also supports birds; reptiles; badger activity with two active badger setts confirmed as present on site; use by bats, and suitability for a range of mammals.

Acknowledging the potential adverse effects arising from this development, the submission confirms that a number of strategies are proposed in order to protect, avoid, mitigate and compensate for any harm to species or biodiversity interests. These include, a reptile translocation strategy, bat mitigation strategy, Construction Ecological Management Plan, Habitat Enhancement and Management Plan and Off-site Compensation Biodiversity Offsetting.

Bats - Special Areas of Conservation.

A Habitats Regulations Assessment (HRA) and Appropriate Assessment (AA) has been undertaken. During the course of the application, additional survey information has been submitted which supports the conclusion of the 2017-18 surveys that small numbers of lesser horseshoe bats regularly use the site. It is not considered that additional surveys would be of particular benefit to further inform mitigation. Precautionary assumptions have been applied e.g. potential foraging habitat and winter use.

There is no evidence that the site provides a key foraging resource, but it is likely to be occasionally used by foraging horseshoe bats, including during winter months. Public access to the southern area of the site will now be prevented. This will enable greater flexibility in relation to habitat management, with opportunities to benefit foraging bats. At a population level, habitat creation at Pennyquick (offsetting site detailed below) may also provide enhanced foraging opportunities. Management and monitoring will be of key importance and will need to be secured by condition.

Although there may be localised net loss of foraging habitat in terms of area, there are opportunities to enhance habitats to improve invertebrate abundance. There is no credible risk of a significant impact on SAC bat populations as a result of loss of foraging area, due to habitat retention, management and compensation proposals.

The site entrance has been redesigned to provide an undisturbed dark corridor of between 1.8m-10m in width. Although this is narrower than preferred, the ecologist has confirmed that lesser horseshoe bats will sometimes fly within a bushy hedgerow. Consideration of alternative options has now been fully justified by the applicants. The access road cannot be created without a small number of trees being removed.

The proposals include a 2m high fence, hedgerow and tree planting. Management and landscape proposals for the northern end will need to be reconsidered. The Ecologist has recommended that if consent is granted, a revised Management Plan and landscaping layout should be secured by condition to secure details such as a wider hedge or shade tolerant species mix/native shrub planting.

Disturbance as a result of human activity and car headlights will be minimised by the solid fences bordering the bat corridor and gate at the northern end. Relocation of the footpath to the western side of the access road is strongly supported.

The submitted Lighting Impact Assessment demonstrates that, although light spill along the access road, will exceed 0.5 lux in isolated areas, a dark (below 0.5 lux) vegetated bat corridor of at least 1.8m wide can be maintained on the eastern boundary. The existing streetlights will be fitted with cowls/baffles which will improve conditions at the road crossing itself for horseshoe bats as shown by detailed modelling. This may offset some of

the reduction in width from the existing crossing point. No additional street lighting columns will be installed. The lighting calculations do not include retained habitats in the south of the site. It is feasible, based on scheme design, that these can be retained at light spill levels of less than 0.5 lux. Therefore, detailed lighting design for the entire site can be secured by condition. Monitoring with remedial measures if needed will need to be secured by condition.

The HRA concludes that the mitigation is sufficient so that there is not a credible risk of significant negative impacts on the SAC bat populations either alone or in-combination. In accordance with Regulation 63 (3) of the Conservation of Habitats and Species Regulations 2017 (as amended), the application must not be approved until NE have reviewed the HRA/AA. It is noted that they have informally agreed this, but formal comments have not yet been submitted. Natural England has confirmed that they agree with the conclusions of the HRA.

Impact upon the SNCI/UK Priority Species and UK Priority Habitats

Policy NE3 advises that development that would adversely affect, directly or indirectly other, species, habitats or features of biodiversity/geodiversity importance or value will be permitted in the following cases:

b for Sites of Nature Conservation Importance; Local Nature Reserves, Regionally Important Geological/ Geomorphological Sites and other sites of equivalent nature conservation value, where material considerations are sufficient to outweigh the local biological geological / geomorphological and community/amenity value of the site

c for UK Priority Species and UK Priority Habitats, where the importance of the development and its need for that particular location is sufficient to override the value of the species or habitat

In all cases:

a Firstly, any harm to the nature conservation value of the site is minimised; and

b secondly, compensatory provision of at least equal nature conservation value is made for any outstanding harm, and

c Thirdly, ecological enhancements are made.

d Then, as appropriate:

i Measures for the protection and recovery of priority species are made.

ii Provision is made for the management of retained and created habitat features.

iii Site lighting details are designed to avoid harm to nature conservation interests; including habitat connectivity and function as part of an ecological corridor.

As outlined above, the submission includes a suite of reports to address the ecological impact of the development. The Ecological Enhancement and Management Plan sets out mitigation, on site compensation and off-site compensation for the harm identified. Measures for offsite compensation measures are put forward at a site at Pennyquick. This includes the provision of 5.5ha of species-rich grassland and the translocation of 40m from Flush 1 with an additional 210m to be created.

The Council's Ecologist has raised concerns that measures to avoid any impacts on habitats and species of principal importance, and the SNCI, have not been achieved. They have advised that this could be in ways such as by retaining Flush 3 in its entirety. The only way to address this issue appears to be to redesign the scheme. This has been discussed in detail with the agent, and any redesign of the scheme to avoid the harm would significantly reduce the quantum of development that could be accommodated on site. This is an allocated site where the number of dwellings is already below that of the cited 'about 40' as cited within the design and development principles. Whilst the Council's Ecologist considers the impacts on the SNCI, the tufa and associated habitats could be avoided, this would be by reducing the quantum of development to a level substantially below that as outlined in the policy. On balance therefore, officers accept that this harm cannot be completely avoided if the aspirations of this part of the policy are to be delivered.

As this harm has not been avoided, the Ecologist has concluded, that there is a risk of damage to retained habitats within the SNCI as well as overall loss of habitat quality including a tufa flush and associated plant and invertebrate assemblage of County Importance. It has been recognised that the revised proposals, including additional on-site mitigation and compensation, are an improvement and the additional on-site habitat retention and creation of tufa-depositing habitats and potential species-rich grassland is welcomed. However, this cannot alter the conclusion that there will be short-term tufa/flush habitat loss and the long-term impacts remain uncertain. It is possible that the habitat creation proposals could be successful; but there remains a high risk of net loss of onsite flush habitat in terms of quality, if not extent.

Due to the complexity of tufa/flush features, officers sought an independent opinion from a Professor at the University of Bath who is an expert in this field. His opinion on the translocation/artificial creation concurred with the applicant's Ecologist that the tufa flush was not irreplaceable and could be relocated/created on the Pennyquick offsetting site, and that it is possible to replicate the geological habitat structure. The Council's Ecologist highlights that replicating associated botanical and invertebrate communities is another matter. Although there appears to be a net gain in flush habitat within the compensation proposals, the Ecologist has highlighted that this will be meaningless in ecological terms if the habitat is not of comparable diversity in flora or fauna.

It is accepted that there is limited information available on the success of tufa/flush translocation, but significant weight has been given to the expert advice sought as well as the reports submitted. The Ecologist has requested, that if consent is granted a detailed methodology for habitat creation, translocation and management, to include hydrology information would need to be provided. The success of the off-site scheme also depends on the future management. Costings for management have been provided and these costings will be finalised and secured through the preparation of the legal agreement.

Within the site, the removal of the southern area from public access and retention/creation of additional on-site flush/tufa-depositing habitat as a result is a significant improvement. However, the revised landscaping layout remains unacceptable for a SNCI and a revised landscaping scheme must be secured via condition if permission is granted. This will ensure the planting specifications are acceptable.

In terms of species-rich grassland, the revised proposals combined with off-site habitat creation and Pennyquick should now result in no net loss and possible net gain of this habitat. The overall habitat mosaic on-site will be partially retained.

Overall, the Ecologist maintains their objection in principle on ecological grounds due to significant negative impacts on a SNCI and tufa-depositing/flush habitats and associated plant and notable invertebrate communities (overall County Importance). Although there appears to be a potential to replicate flush habitat within the compensation proposals, the risk that the habitat will not be comparable in habitat quality or supporting species assemblages is highlighted by the Ecologist. The Ecologist has requested that if the application is approved, conditions should be attached to secure a 30-year Biodiversity Management Plan, including monitoring protocol.

As the Ecological requirements of Policy NE3 are not met, the planning derogations within Policy NE3 (3b and 3c) will need to be considered. This will be dealt with below.

Biodiversity Net Gain (BNG)

The revised BNG metric calculator and updated Pennyquick Ecological Enhancement and Management Plan is welcomed. The best practice approach set out in Defra guidance has mostly been followed. Habitat condition and use of the calculator can be rather subjective but minor revisions would not result in less than 10% net gain as the current calculations indicates 130% net gain as a result of off-site habitat creation. The Ecologist response highlights that the result of the metric does not supersede the requirement for onsite mitigation and avoidance measures to be sufficient.

Overall, the number of bat and bird boxes and species-specific enhancement measures detailed within the Habitat Enhancement Management Plan (HEMP) is rather low given the sensitivity of the site. If consent is granted a revised plan should be provided. Hedgehog connectivity measures should be shown on all boundaries. There should be at least one habitat feature. A revised HEMP can be secured by condition.

Invertebrates

There remain likely negative impacts on an invertebrate assemblage of County Importance with the SNCI. However, the magnitude and likelihood of these risks has been somewhat reduced due to removal of the southern area from public access.

Other Protected and Notable Species

The detailed Badger Mitigation Strategy is supported, including obtaining a Natural England licence before works commence. The Reptile Mitigation Strategy is also strongly supported and is preferable to off-site translocation. Some minor amendments are required to this strategy but these could be confirmed in an updated CEMP/conditions.

Conclusion on ecology issues.

The Council's Ecologist has an in-principle objection to the development of the site. The Ecologist has advised that despite significant efforts to address off-site compensation, the proposals remain likely to result in substantial harm to a Site of Nature Conservation Interest and habitats and species assemblages of County Importance, resulting in net loss of biodiversity. In line with PMP NE3, consideration must be given as to whether there are material considerations that exist that outweigh this harm.

The harm identified should not be underplayed, and this is given significant weight in the decision making. However, the mitigation and onsite and offsite compensation measures are noted and given weight. Very substantial weight is given to the fact that the site is allocated for development. The site is in the 5-year housing land supply for the 2019 published trajectory and forms part of the overall supply for the Core Strategy. The provision of housing including affordable housing, on this allocated site, is a material consideration that outweighs the harm identified to the SNCI and the need for the development in this particular location is sufficient to override the harm to the species/habitats.

Sustainable construction

PMP Policy CP2 explains that sustainable design and construction will be integral to new development. For major developments, policy SCR1 requires a reduction in carbon emissions (from anticipated regulated energy use) of at least 10% by the provision of sufficient renewable energy generation. A sustainability strategy which incorporates Passivhaus principles and a fabric-first approach to reduce energy demand and incorporates solar PVs as active on-site renewable energy generation is included with the submission. This is welcomed, and in order to ensure compliance with the policy targets, a condition will be included on any permission.

Housing accessibility

Placemaking Plan Policy H7 requires that market housing should have enhanced accessibility standards and should meet the optional technical standard 4(2) in the Building Regulations Approved Document M. The application confirms that over the required 19% of all new market housing meets enhanced accessibility standards.

Residential amenity

Existing

The application site is bound by residential properties, and therefore careful consideration must be given to ensure that there is no significant harm to the residential amenity of these occupiers. It is recognised that the adjacent dwellings currently have a pleasant outlook onto open fields, and this will change as a result of the development. However, the buildings are sited a sufficient distance to ensure that outlook of the occupiers of the surrounding development is not dominated by the development, and there will be no significant loss of light to the neighbouring dwellings or outdoor amenity spaces.

The dwellings, in particular those at Englishcombe Lane are sited a sufficient distance from the neighbouring occupiers to ensure that the privacy of these neighbouring occupiers is not unduly compromised. Whilst the occupiers of the adjacent dwellings at Stirlingale Road are closer to the proposed units, and will experience some greater overlooking, this will not be to an unacceptable level, and will not result in significant harm. Further, although the development will change the way the neighbours experience the site, the proposals will not result in any unacceptable noise and disturbance. Overall, the proposed development is not considered to result in any unacceptable impact upon the residential amenity of the neighbouring occupiers.

Future occupiers

The future occupiers of the development will benefit from satisfactory living conditions. The internal living space is of an acceptable size, and the occupiers of the dwellings will benefit from adequate garden areas, and although the apartments do not have a communal space, they have access to open spaces, including to the nearby park.

Arboricultural Matters

The submission includes an arboricultural report and the Arboricultural Officer is in general agreement with the arboricultural implications identified. It states that the majority of the trees proposed for removal are of low quality and will continue to decline if not managed. The siting of the dwellings has been informed by the trees on the site, and the scheme allows for sufficient replacement planting.

Drainage/flooding

The site is located wholly within Flood Zone 1 and is therefore considered to have a low probability of flooding. A site-specific Flood Risk Assessment (FRA) and Drainage Strategy has been produced and this demonstrates that the proposed development will be safe from flood risk for its lifetime, and that it will not increase flood risk elsewhere

The FRA includes detail on the drainage strategy proposed for the site, and third parties have highlighted existing problems with drainage and concerns that the development will compound these issues. However, the drainage strategy has been reviewed in detail by the Council's Drainage Officers and they are satisfied that the submitted drainage strategy is acceptable in principle. Finalised detailed design will be required prior to commencement of construction.

The proposed Sustainable Drainage System for the development will be managed and maintained to ensure that it will operate effectively for its lifetime. A maintenance strategy document has been submitted which sets out the proposed maintenance activities. A preoccupation condition will be requested requiring a finalised version to confirm how these activities can be guaranteed for the life of the development. The drainage officer requests the inclusion of the strategy in a S106 agreement. It is not considered that the responsibilities within the draft maintenance document are so onerous, that the requirement to adhere to these would be unenforceable on necessary parties. It is likely that the cost of doing so would be

dealt with through management charges, but again, this is not considered to be a level that would be unviable.

Third parties have raised concern with regards to future responsibilities for the drainage strategy. The submission confirms that the access road will be offered for adoption under a Section 38 agreement. Highway gullies and soakaways will be maintained by the Highway Authority if/once adopted. They must always be offered at an adoptable standard. Cut-off drains and cellular infiltration will be maintained by a private management company. If any private drainage is outside of the owner's boundary then it will also be maintained by the private management company. Any private drainage in private land will be maintained by the owner.

Due to repeated concerns by third parties with regards to the maintenance, further information was sought from the applicant's drainage consultant. They have confirmed that the SuDS at Englishcombe lane have been designed to be robust and easily maintained with such features as follows:

- Screens and silt traps to stop debris and silt entering the system
- Wrapping of filter trenches with geotextile to prevent silt entering pipes
- Double pipes from the headwall to provide redundancy
- Factors of safety on design
- Multiple access points for inspection and maintenance

The design of the Sustainable Drainage System (SuDS) has been based on best practice to include following the guidance in the CIRA SuDS Manual. This recommends an Operation and Maintenance Manual is provided. Following these recommendations, a Drainage Maintenance Strategy has therefore been included with the design information submitted. The proposed maintenance regime follows the recommendations of the SuDS Manual, which are good practice for any drainage system. The recommendations for monthly maintenance are limited to visual inspections of easily accessible areas and removal of debris and litter, if present, and are therefore simple to carry out. The maintenance recommendations for this site are therefore not onerous and no more than would normally be expected.

Exceedance routes will be provided for exceedance events or for local failure of the drainage system and will ensure that flood flows are directed safely through the development and safely off site onto the highway network. Wessex Water has confirmed that their existing public sewer in Englishcombe Lane has adequate capacity.

Land stability

Policy PCD6 deals with unstable land. This explains that the onus will be with the developer and/or landowner for securing a safe development and for submitting the necessary Risk Assessment(s) to support the proposal. The application is accompanied by a Rigorous Slope Stability Assessment which assesses the risk to ground stability.

Whilst there are some complexities within the site, the report concludes that development of the site is feasible, providing suitable precautions are taken to reduce the risk of slope failure. It is therefore considered that the site is capable of being developed without adversely affecting the stability of the development or that of neighbouring land. Further, it

is not considered that any remedial and/or precautionary measures proposed as a result of the development do not adversely affect local amenities and/or environmental interests beyond that already identified.

Planning obligations

Parks and open spaces

The Green Space Strategy provides costs for providing/improving open space per m2. When taking into account the value of the additional on-site natural greenspace (£13,406) the offsite S106 Greenspace contribution required is £66,248

Affordable housing

Core Strategy Policy CP9 (Affordable Housing) requires 30% affordable housing in this area. The policy states a mix of affordable housing units should be provided which contribute to the creation of mixed, balanced and inclusive communities with the size and type of units determined by the Council to reflect identified housing needs and site suitability.

The development provides 11 affordable units on-site which equates to 30%. This level is therefore policy compliant. A range of affordable units are proposed, including 1 and 2 bed apartments as well as 2 and 3 bed houses which respond to observed local need shown in the Strategic Housing Market Assessment. The on-site affordable units are proposed to be a mix of affordable rented and shared equity tenures.

The final affordable housing scheme will be agreed through the preparation of a legal agreement.

Other planning obligations to include:

- Details of Management Company - and commitment to maintenance/ drainage strategy
- Financial contribution, and method statement for offsite ecological mitigation measures and responsibilities for ongoing monitoring. - Offsetting currently costed at £197,417.00
- Site Specific Targeted Recruitment and Training in Construction
- Financial contribution to Fire Hydrants
- Financial contribution to highway works as detailed above

Normally any s106 agreement would be executed and completed before planning permission is issued. However, in this case, the site is owned by the Council and the Council cannot enter into a legal agreement with itself. That prevents the completion of a s106 agreement. Therefore, the agreement will be drafted and annexed to the planning permission without being executed. Condition 33 below provides that no development shall commence on any part of the land until a s106 substantially in the form annexed to the permission has been completed (i.e. made legally enforceable) with the Local Planning Authority, binding that part of the land to be developed to the planning obligations contained in the agreement. The condition also provides that the Local Planning Authority must have given written notification to the persons executing the s106 agreement that the land has been bound by the legal obligations to the satisfaction of the

Local Planning Authority. This is an exceptional course of action but is considered to be appropriate in this case due to the Council's ownership of the land.

Public Sector Equality Duty

The Public Sector Equality Duty requires public authorities to have regard to section 149 of the Equality Act 2010.

The development will introduce a mixture of housing types into the community, and these will be accessible to a range of people. It does not eliminate any particular characteristic. Whilst there will be an impact upon neighbouring residents, it is not considered to result in harm to a specific group/characteristic. The impact of the development through the construction process can be limited through a Construction Management Plan. Whilst some concerns were raised with regards the access, the development is considered to be accessible to all.

Planning balance/conclusion

As noted above, the ecologist maintains their objection in principle due to significant negative impacts on a SNCI and tufa-depositing/flush habitats and associated plant and notable invertebrate communities. The Council's Ecologist has concerns that the ecological mitigation hierarchy has not been met and has uncertainty as to whether or not there will be net loss of important tufa/flush habitats and associated flora and fauna. Biodiversity compensatory measures are provided on site and off site. As noted above NE3 explains that development that adversely affect an SNCI, or UK Priority Species and habitats will not be permitted unless there are material considerations to outweigh the harm, and the importance of the development and the need for that particular location is sufficient to override the value of species or habitats.

The allocated status of this land means that the principle of residential development is acceptable on the site. Whilst it is noted that the quantum of development could be reduced to minimise the harm further, the allocation specifically references around 40 dwellings. It is not considered reasonable to reduce the level of development to a number much lower than 40 given the allocation requirements.

Based on 37 dwellings, the scheme has sought to position development away from the most ecologically sensitive parts of the site and has put forward onsite and offsite mitigation and compensatory measures. Whilst there is harm to specific habitats, there is overall biodiversity net gain. Very substantial weight is given to the fact that the site is allocated for development. The site is in the 5-year housing land supply for the 2019 published trajectory and forms part of the overall supply for the Core Strategy.

On balance, the provision of housing, including affordable housing, on this allocated site, is a material consideration that outweighs the harm identified to the SNCI and the need for the development in this particular location is sufficient to override the harm to the species/habitats.

The development of the site will undoubtedly change the character of the site, introducing a contemporary development onto an undeveloped site. However, this is considered to be

of a design, scale, and a siting that will ensure that the character and appearance of the Conservation Area and the wider World Heritage Site is preserved.

For the above reasons the application is recommended for approval subject to a number of conditions and a legal agreement.

RECOMMENDATION

PERMIT

CONDITIONS

0 Permit: subject to

-finalisation of the draft s106 agreement to be annexed to the planning permission; and subject to the following conditions

1 Standard Time Limit (Compliance)

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

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

2 Materials - Submission of Schedule and Samples (Bespoke Trigger)

No construction of the external walls of the 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 approved details.

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

3 Hard and Soft Landscaping (Pre-occupation)

No occupation shall commence until a hard and soft landscape scheme has been 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, details of existing and proposed walls, fences, other boundary treatment and 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 in accordance with Policies D1, D2 and NE2 of the Bath and North East Somerset Placemaking Plan.

4 Hard and Soft Landscaping (Compliance)

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 (phasing) agreed in writing with the Local Planning Authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority. 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 in accordance with Policies D1, D2 and NE2 of the Bath and North East Somerset Placemaking Plan.

5 Housing Accessibility (Compliance)

19% of the market dwellings hereby approved shall meet the optional technical standards 4(2) in the Building Regulations Approved Document M

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

6 Water Efficiency - Rainwater Harvesting (Pre-occupation)

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

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

7 Water Efficiency (Compliance)

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

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

8 Arboricultural Method Statement and Tree Protection Plan (Pre-commencement)

No development shall commence until a Detailed Arboricultural Method Statement with Tree Protection Plan following the recommendations contained within BS 5837:2012 has been submitted to and approved in writing by the Local Planning Authority. The arboricultural method statement shall incorporate a provisional programme of works; supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and compliance statement to the local planning authority. The statement should include the control of potentially harmful operations such as site preparation (including demolition, clearance and level changes); the storage, handling and mixing of materials on site, burning, location of site office, service run locations including soakaway locations and movement of people and machinery. No development or other operations shall thereafter take place except in complete accordance with the approved details.

Reason: To ensure that trees to be retained are not adversely affected by the development proposals in accordance with Policy NE6 of the Bath and North East Somerset Placemaking Plan. This is a condition precedent because the works comprising the development have the potential to harm retained trees. Therefore these details need to be agreed before work commences.

9 Arboriculture - Compliance with Arb Method Statement (Pre-occupation)

The approved development shall be carried out in accordance with the approved Arboricultural Method Statement and Tree Protection Plan. No occupation of the approved development shall commence until a signed compliance statement from the appointed Arboriculturalist has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that trees to be retained are not adversely affected by the development proposals in accordance with Policy NE6 of the Bath and North East Somerset Placemaking Plan. To ensure that the approved method statement is complied with for the duration of the development.

10 Construction Management Plan (Pre-commencement)

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

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

11 Site Access (Pre-occupation)

No occupation of the development shall commence until the access arrangement shown on drawing number Plan 0746-002 Rev E (or a variation agreed by the planning authority) has been provided.

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

12 Residents Welcome Pack (Pre-occupation)

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

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

13 Dwelling Access (Compliance)

Each dwelling shall not be occupied until it is served by a properly bound and compacted footpath and carriageway to at least base course level between the dwelling and the existing adopted highway

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

14 Parking (Compliance)

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

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

15 Detailed drainage design (Pre commencement)

No development shall commence, except ground investigations and site clearance, until the detailed drainage design has been submitted to the local planning authority and accepted in writing. The submission should include infiltration test results, calculations demonstrating the performance of the systems (at the 1:1 and 1:100+40% events), plans and design details for the soakaways and other structures associated with the drainage system.

Reason: To ensure that an appropriate method of surface water drainage is installed and in the interests of flood risk management in accordance with Policy CP5 of the Bath and North East Somerset Core Strategy.

16 Detailed drainage design (Pre commencement)

Prior the occupation of the development hereby approved a maintenance strategy setting out the required maintenance activities and the responsible parties in order to guarantee the performance of the drainage system for the lifetime of the development is to be submitted to the local planning authority for written approval. The development shall thereafter implemented in accordance with these approved details

Reason: To ensure that an appropriate method of maintaining the surface water drainage is implemented in the interests of flood risk management in accordance with Policy CP5 of the Bath and North East Somerset Core Strategy.

17 Surface water discharge (Pre commencement)

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

has first been submitted to and approved in writing by the Local Planning Authority, should be installed prior to the occupation of the development.

Reason: To ensure that an appropriate method of surface water drainage is installed and in the interests of flood risk management in accordance with Policy CP5 of the Bath and North East Somerset Core Strategy.

18 Contaminated Land - Investigation and Risk Assessment (Pre-commencement)

No development shall commence until an investigation and risk assessment of the nature and extent of contamination on site and its findings has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. The assessment must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and shall include:

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

(ii) an assessment of the potential risks to:

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

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

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with section 11 of the National Planning Policy Framework. This is a condition precedent because the works comprising the development have the potential to uncover harmful contamination. Therefore these details need to be agreed before work commences.

19 Contaminated Land - Remediation Scheme (Pre-commencement)

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

- (i) all works to be undertaken,
- (ii) proposed remediation objectives and remediation criteria,
- (iii) timetable of works and site management procedures, and,

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

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

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

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with section 11 of the National Planning Policy Framework. This is a condition precedent because the works comprising the development have the potential to uncover harmful contamination. Therefore these details need to be agreed before work commences.

20 Contaminated Land - Verification Report (Pre-occupation)

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

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

21 Contaminated Land - Unexpected Contamination (Compliance)

In the event that contamination which was not previously identified is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. Thereafter an investigation and risk assessment shall be undertaken, and where remediation is necessary, a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report (that demonstrates the effectiveness of the remediation carried out) must be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development.

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

22 Sustainable Construction Details - Overheating (Pre-Occupation)

Prior to first occupation of the development hereby approved the following tables (as set out in the Council's Sustainable Construction Supplementary Planning Document,

Adopted November 2018) shall be completed in respect of the completed development and submitted, along with supporting documents, to the local planning authority:

- o Table 5.1
- o Table 5.2
- o Table 5.4 (if using active cooling)

Reason: To monitor the extent to which the approved development complies with Policy CP2 of the Core Strategy (sustainable construction) in respect of overheating.

23 Renewable Energy (Pre-occupation)

The development hereby approved shall incorporate sufficient renewable energy generation such that carbon emissions from anticipated (regulated) energy use in the development shall be reduced by at least 10% [baseline needs to be defined]. Prior to first occupation of the development hereby approved those matters listed below shall be submitted to and approved in writing by the local planning authority:

- A completed copy of Energy Table 1 (of the local planning authority's Sustainable Construction Checklist). This shall be completed to reflect the actual technologies installed as part of the development hereby approved,
- A completed copy of Energy Table 3 (of the local planning authority's Sustainable Construction Checklist). This shall be completed to reflect the actual renewable energy systems installed as part of the development hereby approved,
- Evidence documentation (e.g. commissioning certificates, Feed in Tariff certificates or receipts) relating to those installed technologies listed in Energy Table 3 demonstrating to the local planning authority's satisfaction that they have been installed correctly and are generating energy in line with the assumptions set out in Energy Table 1.

The approved renewable energy systems shall be installed (and shall be operational) in accordance with the approved Energy Tables 1 and 3 and the approved evidence documents prior to first occupation of the development hereby approved and shall be retained as such thereafter as an integral part of the development hereby approved.

Reason: Reason: To ensure that the development's carbon emissions (from anticipated regulated energy use) are reduced by at least 10% by means of sufficient renewable energy generation, in accordance with Policy SCR1 of the Bath & North East Somerset Placemaking Plan.

24 Electric Vehicle Charging Points (Pre-Occupation)

Prior to first occupation of the development hereby approved electric vehicle charging points shall be installed (and shall be fully operational) in accordance with an Electric Vehicle Charging Point Plan/Strategy which shall have first been submitted to and approved in writing by the local planning authority.

Reason: To ensure that electric vehicles are adequately accommodated for and encouraged in accordance with Policy ST7 of the Bath & North East Somerset Core Strategy

25 Plans List (Compliance)

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

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

27 Revised Construction Environmental Management Plan (Biodiversity) (Pre-commencement)

No development shall take place (including demolition, ground works, vegetation clearance) until a revised Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The revised CEMP (Biodiversity) shall include the following.

- A) Risk assessment of potentially damaging construction activities.
- B) Identification of "biodiversity protection zones" based on up-to-date survey information for habitats and protected and notable species.
- C) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- D) The location and timings of sensitive works to avoid harm to biodiversity features.
- E) The times during which construction when specialist ecologists need to be present on site to oversee works.
- F) Responsible persons and lines of communication.
- G) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- H) Use of protective fences, exclusion barriers and warning signs if applicable.
- I) A method statement for the removal of non-native invasive species subject to legal controls.
- J) A detailed specification for construction lighting, including lux contour plan if there may be impacts on habitats for horseshoe bats.
- K) A detailed programme for the works, including seasonal timing, phasing and mitigation measures for removal of trees along the horseshoe bat corridor adjacent to Englishcombe Lane.
- L) A specification and timetable for installation of ecological enhancement measures during the construction phase.

The approved CEMP shall be ahead to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure compliance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended) and the Protection of Badgers Act 1992 and to minimise ecological harm to a SNCI in accordance with Bath and North East Somerset Placemaking Plan Policy NE3.

28 Habitat Creation and Translocation (Pre-commencement)

Prior to the commencement of the development, full details of a Scheme of Habitat Creation and Translocation shall be submitted to and approved in writing by the Local Planning Authority. These measures shall include:

- A) A plan showing areas to be retained and protected, areas subject to translocation, areas of habitat creation and areas where habitats will be removed, referencing ecological conditions in each of these areas;
- B) The Scheme's aims and objectives.

- C) The evaluation of the ecological, hydrological and geological requirements of flush habitat creation.
- D) The selection of suitable receptor locations for translocated habitats.
- E) A specification and method statement for the creation of new channels to support flush habitats, referencing hydrological conditions and including a layout and section plan.
- F) A specification and method statement for the translocation of botanical species.
- G) A detailed specification for the creation of off-site habitats at Pennyquick.
- H) Full details of long-term management and ownership of the on-site and off-site habitats
- I) Details of the persons responsible for the implementation of the Scheme.
- J) A timeframe for the Scheme's implementation.

The agreed habitat creation and translocation scheme shall be carried out as approved and the site maintained and managed thereafter in accordance with it.

Reason - To mitigate harm to habitats of high ecological value on a SNCI in accordance with the NPPF and Bath and North East Somerset Placemaking Plan Policy NE3.

- K) A management and monitoring specification for a minimum period of thirty years and a proposed schedule for submission of findings to the Local Authority Ecologist

29 Soft Landscape Plan (Pre-commencement)

Development shall not commence until a soft landscape scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a planting specification and details of sensitive landscape measures consistent with the designation as a Site of Nature Conservation Interest. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority.

Reason: To ensure the provision of an appropriate landscape setting to the development in accordance with Policies D1, D2 and NE2 of the Bath and North East Somerset Placemaking Plan and to minimise harm to a SNCI in accordance with Policy NE3.

NB These are pre-commencement conditions as measures to minimise ecological harm will need to be agreed before works commence.

30 /bRevised Habitat Enhancement Management Plan (Pre-Occupation)

Prior to the occupation of the development, a revised Habitat Enhancement Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include full details of habitat management objectives for the site, including but not limited to, the following:

- A) An audit of proposed retained areas and an assessment of the existing on-site and off-site habitats to be retained, lost and created.
- B) The management and protection measures for all retained habitats and species, including fencing and boundary details.
- C) A detailed specification for management of the surrounding tree belts and hedgerows, particularly with regard retaining dark flight corridors for bats, including a minimum height and width at which vegetation must be retained.
- D) A detailed specification for the management of grassland habitats.
- E) A detailed specification for the management of wetland habitats.
- F) A detailed specification for management of any invasive species, including the timing and frequency of monitoring.
- G) A detailed management specification for off-site habitats at Pennyquick.

- H) Details of any management requirements for species-specific habitat enhancements.
- I) Annual work schedule to continue for at least a 30 year period.
- J) Detailed monitoring strategy for habitats and species, including monitoring of use of the crossing point by horseshoe bats, with details of remedial measures including triggers for implementation.
- K) Details of a reporting mechanism to the Local Authority Ecologist.

The landscape and biodiversity management plan shall be implemented in accordance with the agreed timetable, and thereafter maintained in accordance with the agreed details.

Reason - To protect and enhance ecological interests in accordance with Bath and North East Somerset Placemaking Plan Policies NE3, NE5 and D5e.

31 Ecological Compliance Report (Pre-Occupation)

No occupation of the development hereby approved shall commence until a report produced by a suitably experienced ecologist confirming and demonstrating, using photographs, completion and implementation of ecological mitigation measures as detailed in the approved Construction Environmental Management Plan (Biodiversity), Habitat Creation and Translocation Plan (up to completion of the development), Bat Mitigation Strategy including Appendices (Ethos Environmental Planning, June 2020), Reptile Mitigation Strategy (Ethos Environmental Planning, June 2020) and Badger Mitigation Strategy (Ethos Environmental Planning, June 2020). These details shall include:

1. Findings of any necessary pre-commencement or update survey for protected species and mitigation measures implemented;
2. Confirmation that a Natural England badger mitigation licence was obtained and implemented before commencement of any works which may harm badger setts;
3. Confirmation of compliance with the method statements referenced above including dates and evidence of any measures undertaken to protect site biodiversity; and
4. Confirmation that proposed measures to enhance the value of the site for target species have been implemented.

All measures within the scheme shall be retained, monitored and maintained in accordance with the approved details.

Reason: To demonstrate the completed implementation of the Wildlife Protection and Enhancement Scheme and Method Statement, to prevent ecological harm and to provide biodiversity gain in accordance with NPPF and policies NE3, NE5 and D5e of the Bath and North East Somerset Local Plan.

32 External Lighting (Bespoke Trigger)

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

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

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

Reason: To avoid harm to bats and wildlife in accordance with policy CP6 of the Bath and North East Somerset Core Strategy and policies NE3 and D8 of the Bath and North East Somerset Placemaking Plan.

33 Planning obligations (Pre commencement)

No development shall commence on any part of the land to which this planning permission relates until a planning obligation substantially in the form annexed to this permission has been completed with the Local Planning Authority binding that part of the land to be developed to the planning obligations contained therein and the Local Planning Authority has given written notification to the persons executing the planning obligation that the land has been bound to the satisfaction of the Local Planning Authority.

Reason To ensure that the appropriate obligations necessary to make the development acceptable in planning terms are entered into in respect of the land affected by the planning permission before any development commences on that part of the land.

34 Plans List (Compliance)

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

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

PLANS LIST:

03 Jun 2020	065-403_P1	WELDMESH FENCING
03 Jun 2020	065-501_P4	ACCESS ROAD SECTIONS
03 Jun 2020	065-502_P1	ACCESS ROAD SECTION
03 Jun 2020	065-503_P1	ACCESS ROAD LONG SECTIONS
03 Jun 2020	065-510_P4	SECTION EE
03 Jun 2020	065-511_P5	SECTIONS CC
03 Jun 2020	065-512_P4	SECTION KK
03 Jun 2020	065-G107-1_P3	PROPOSED MATERIALS - HARD LANDSCAPE
03 Jun 2020	065-G107-2_P3	PROPOSED MATERIALS - SITE FURNITURE
03 Jun 2020	065-G107-3_P3	PROPOSED PLANTING - TREE PALETTE
22 Jun 2018	020015 B	PROPOSED SITE ELEVATIONS
22 Jun 2018	030011 A	PROPOSED SITE SECTIONS
22 Jun 2018	030015	PROPOSED SITE SECTIONS
22 Jun 2018	040001	PROPOSED BIN STORES
05 Apr 2018	900010	PROPOSED SITE PLAN 1 OF 2 Public
22 Jun 2018	040002	PROPOSED BIN STORES
03 May 2018	5889-BR-V01-ZZ-DR-A-010104	PROPOSED PLANS HOUSE TYPE 3
03 May 2018	5889-BR-V01-ZZ-DR-A-010111	PROPOSED PLANS HOUSE TYPE 6
03 May 2018	5889-BR-V01-ZZ-DR-A-010119	PROPOSED PLANS HOUSE TYPE 8
05 Apr 2018	010100	HOUSE TYPE 01 - PROPOSED PLANS
05 Apr 2018	010102	HOUSE TYPE 02 - PROPOSED PLANS
05 Apr 2018	010106	HOUSE TYPE 04 - PROPOSED PLANS
05 Apr 2018	010108	HOUSE TYPE 05 - PROPOSED PLANS
05 Apr 2018	010113	APARTMENTS - PROPOSED PLANS
05 Apr 2018	010114	APARTMENTS - FLAT LAYOUTS
05 Apr 2018	010117	HOUSE TYPE 07 - PROPOSED PLANS

05 Apr 2018	010117	HOUSE TYPE 07 - PROPOSED PLANS
05 Apr 2018	020015	PROPOSED SITE ELEVATIONS
05 Apr 2018	020101	HOUSE TYPE 01 - PROPOSED ELEVATIONS
05 Apr 2018	020103	HOUSE TYPE 02 - PROPOSED ELEVATIONS
05 Apr 2018	020105	HOUSE TYPE 03 - PROPOSED ELEVATIONS
05 Apr 2018	020105	HOUSE TYPE 03 - PROPOSED ELEVATIONS
05 Apr 2018	020107	HOUSE TYPE 04 - PROPOSED ELEVATIONS
05 Apr 2018	020109	HOUSE TYPE 05 - PROPOSED ELEVATIONS
05 Apr 2018	020110	HOUSE TYPE 05, PLOT 19-21 - PROPOSED ELEVATIONS
05 Apr 2018	020112	HOUSE TYPE 06 - PROPOSED ELEVATIONS
05 Apr 2018	020112	HOUSE TYPE 06 - PROPOSED ELEVATIONS
05 Apr 2018	020115	APARTMENTS - PROPOSED ELEVATIONS
05 Apr 2018	020116	APARTMENTS - PROPOSED ELEVATIONS
05 Apr 2018	020120	HOUSE TYPE 08 - PROPOSED ELEVATIONS
05 Apr 2018	020120	HOUSE TYPE 08 - PROPOSED ELEVATIONS
05 Apr 2018	030010	PROPOSED SITE SECTIONS
05 Apr 2018	030011	PROPOSED SITE SECTIONS 2
05 Apr 2018	030012	PROPOSED SITE SECTION 3
05 Apr 2018	030013	PROPOSED SITE SECTIONS 4
05 Apr 2018		EXISTING SITE SURVEY
05 Apr 2018	900102	PROPOSED PLOT NUMBERS
05 Apr 2018	900100	SITE LOCATION PLAN
05 Apr 2018	900011	PROPOSED SITE PLAN 2 OF 2
05 Apr 2018	900012	PROPOSED SITE PLAN
05 Apr 2018	900013	PROPOSED SITE CONTEXT PLAN

0 Condition Categories

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

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

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

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

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

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

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

0 Local Highway Authority require an agreement (Section 106, Section 38, Section 278)

The Local Highway Authority (LHA) requires the developer to enter into a legally binding agreement(s) to secure the vehicular access and adoption of the internal access roads and footways as public highway. Further information in this respect may be obtained by contacting the LHA.

The Local Highway Authority requires Road Safety Audits

The detailed design of the vehicular access to the application site together with the layout of the internal access roads and footways shall be subject of an independent Stage 2 Road Safety Audit (RSA) and the completed works shall be the subject of an independent Stage 3 RSA. Both audits will be undertaken in accordance with GG119. Both audit briefs together with the CV of the Audit Team Leader and Audit Team Member shall be submitted to and approved in writing by the LHA. A representative of the LHA shall be present at the Stage 2 RSA site visit as an observer and a representative of the LHA and Avon and Somerset police shall be invited to attend the daytime and night-time Stage 3 RSA site visits

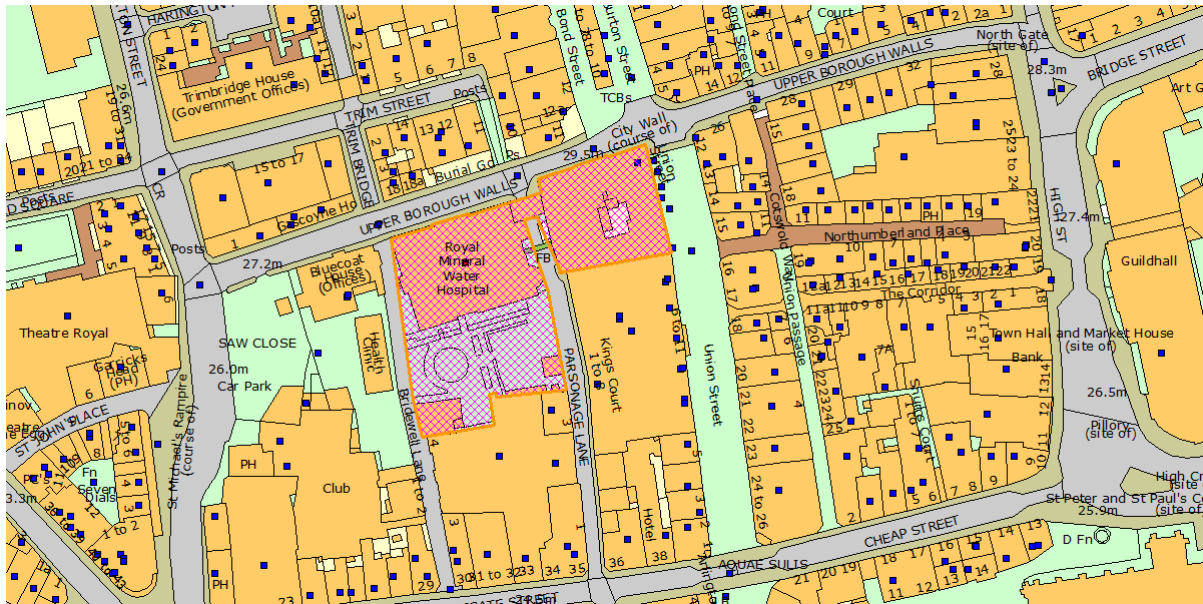
0 Permit/Consent Decision Making Statement

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

0 Community Infrastructure Levy

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. **Before** commencing any development on site you should ensure you are familiar with the CIL process. If the development approved by this permission is CIL liable there are requirements to assume liability and notify the Council before development commences, failure to comply with the regulations can result in surcharges and additional payments. Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: www.bathnes.gov.uk/cil

Item No: 02
Application No: 19/04933/FUL
Site Location: Royal National Hospital For Rheumatic Diseases Upper Borough Walls City Centre Bath Bath And North East Somerset



Ward: Kingsmead **Parish:** N/A **LB Grade:** II STAR
Ward Members: Councillor Sue Craig Councillor Andrew Furse
Application Type: Full Application
Proposal:

Change of use from hospital (Use Class D1) to 164 -bedroom hotel (Use Class C1) and 66 sq m of restaurant/café (Use Class A3); to include publicly accessible restaurant, health spa, bar, lounge/meeting spaces at ground and first floor; external alterations to East Wing roof including removal of lift room and flu, demolition and replacement of roof top plant area and extension to existing pitched roof; demolition and replacement of modern infill development to south elevation and new infill development to north elevation of the East Wing internal courtyard and new glazed roof to spa area; removal of modern external staircase to rear of West Wing and replacement infill development and glazed link to new extension; demolition and replacement of 3rd storey extension to West Wing; alterations to the roof of West Wing including new lift shaft and plant screen; erection of 3.5-storey extension to rear of West Wing with glazed link/conservatory space; removal of two trees and replacement tree planting; landscaping and associated works.

Constraints: Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agricultural Land Classification, Policy B2 Central Area Strategic Policy, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP12 Bath City Centre Boundary, Policy CP9 Affordable Housing Zones, Listed Building, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, SSSI - Impact Risk Zones,

Applicant: Frangrance UK (Bath) Ltd

Expiry Date: 3rd July 2020

Case Officer: Tessa Hampden

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

REPORT

Reasons for referring the application to committee

This application has been called to committee by Councillor Furse. The Chair of the Committee has agreed that this should be dealt with by the committee due to the prominence and importance of this building.

Site description and proposal

The former hospital is a Grade II * listed building located within the heart of the City of Bath Conservation Area, the World Heritage Site and within the defined city centre. The rear garden and parking area comprises a Scheduled Monument (Roman Bath and site of the Roman town), and a number of the surrounding buildings are also listed.

The site is bound to the north by Upper Borough Walls; to the east by Union Street; to the south by Westgate Street and to the west by the pedestrianised Bridewell Lane. Parsonage Lane bisects the existing building and forms the eastern boundary of the garden/courtyard/parking/storage area. The NHS vacated the building on 20th December 2019 and the building is currently redundant.

The hospital was originally planned, designed and constructed to provide access to treatment in the thermal waters of Bath for the 'sick poor from Britain and Ireland'. Royal Assent was given in 1830 for the mineral waters to be diverted into the hospital from the Kings Bath spring. The Mineral Water Hospital building complex is, therefore, a rare survival of a building devoted to providing medical treatment for the sick. It also forms an extremely important element within the wider setting that is the Bath Conservation Area City Centre Character Area and World Heritage Site. It is of national and international cultural and heritage significance.

The former hospital's grade II* listing identifies it as a 'particularly important building of more than special interest'. The listing states that the "building is now a rare survival of a public mid-C18 hospital, designed in Wood's prevalent Palladian idiom". Although the hospital no longer operates from these premises, it remains a rare survival of a building devoted to providing medical treatment for the sick. Consequently, it is of national and international cultural and heritage significance.

Whilst the principal elevations, established in two separate buildings; the east and west wings, front directly onto Upper Borough Walls, the east wing also forms part of Union Street to the east and to the south the west wing faces onto a garden within a defined courtyard. This area of land is designated as a Scheduled Ancient Monument and also identified as an important open space within the conservation area. To either side of the hospital's perimeter, running south off Upper Borough Walls, are two narrow lanes reminiscent of their probable medieval origins, Parsonage Lane and Bridewell Lane. Both these streets act as physical barriers to the hospital's curtilage and are lined in part by a

series of buildings and masonry walls. Within this space is the hospital lodge, lining Bridewell Lane and an electric sub-station that fronts onto Parsonage Lane.

Along these lanes are buildings of varying ages and use, predominantly residential and offices. Some of these buildings are listed; and the lanes characterised with tightly packed development, typical of the urban form in this part of the city centre. This gives the rear of the hospital, in particular along Parsonage Lane, a close visual and physical relationship with the public domain and other buildings. The lanes also allow primarily pedestrian access between Upper Borough Walls and the next main street to the south; Westgate Street, as well as access to the property that line them. To the south of the garden and land between the hospital and the next group of buildings is a tall stone wall that provides a demarcation between the hospital site and its adjacent neighbours.

The application seeks planning permission for the change of use from a hospital (Use Class D1) to a 164 -bedroom hotel (Use Class C1) and 66 sq m of restaurant/café (Use Class A3); to include publicly accessible restaurant, health spa, bar, lounge/meeting spaces at ground and first floor; external alterations to East Wing roof including removal of lift room and flu, demolition and replacement of roof top plant area and extension to existing pitched roof; demolition and replacement of modern infill development to south elevation and new infill development to north elevation of the East Wing internal courtyard and new glazed roof to spa area; removal of modern external staircase to rear of West Wing and replacement infill development and glazed link to new extension; demolition and replacement of 3rd storey extension to West Wing; alterations to the roof of West Wing including new lift shaft and plant screen; erection of 3.5-storey extension to rear of West Wing with glazed link/conservatory space; removal of two trees and replacement tree planting; landscaping and associated works.

Revised plans have been submitted during the course of the planning application which have sought to respond to officer comments and third party representations. There is a parallel listed building application which seeks consent for the works necessary to facilitate the change of use and the associated building works.

The development has been screened and is not considered to be EIA development.

Planning history

19/04934/LBA - Pending consideration - Internal and external alterations associated with proposed conversion to hotel (Use Class C1); demolition and replacement of modern infill extension, new glazed roof and new infill development of northern elevation to internal courtyard of East Wing; alterations to the roof of east and West Wings; removal of external staircase to West Wing and replacement with glazed link to new extension and replacement infill development; abutment of new glazed structure with West Wing chapel south wall; demolition and replacement of 3rd floor extension to West Wing and additional plant screen and lift overrun to West Wing roof; partial demolition of the boundary wall on Parsonage Lane; construction of replacement glass screen to main internal ground floor lobby of West Wing; changes to internal layout and consequential changes to internal partitions and other fabric.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Ecology - no objection subject to conditions

Conservation/Listed Building Officer - no objection subject to conditions. Whilst areas of harm have been identified, there are public benefits that are considered to outweigh this harm.

Urban design - (no comments received on revised plans but objection to the first iteration)

Landscape Officer - not acceptable in the current form primarily due to the loss of the open space

Environmental Health - no objection subject to conditions.

Archaeological Officer - no objection subject to conditions

Historic England - The scheme presented would cause 'less than substantial' harm to the overall heritage significance of the Grade II* Royal National Hospital of Rheumatic Diseases, the Scheduled Ancient Monument, the surrounding Conservation Area and World Heritage Site. Historic England does not object to the scheme, we recognise that the level of harm being caused has been minimised as far as possible for a scheme of this nature. BANES Council must ensure that the harm is justified against the public benefit and the potential for alternative uses of the site (NPPF, Para 194 and 196).

Air Quality Officer - no objection subject to conditions

Drainage Officer - no objection subject to conditions

Highway Development - no objection subject to conditions

Arboricultural Officer - not acceptable in current form due to the reduction of space for tree planting and lack of space generally within the city.

Cllr Furse - Since the Mineral Hospital development is such a significant development in the city centre and of key public interest requests that regardless of the recommendation - that it be determined in public by the committee

Representations

Bath Preservation Trust -Support (with reservation re extension roof). Neutral opinion on the use of the building as a hotel and recognises the importance of finding a use for this building. Supportive of the attempted reduction in roof parameters, height and use of vernacular materials and the increased incorporation of the garden space into the overall scheme. The Trust remain resistant to the proposed plant room on the roof.

Federation of Bath Residents Association - concerns raised with regards to the day.sunlight assessment and the impact upon the neighbouring occupiers. The proposed rear extension is unappealing and necessary addition, and overloads the minimal space between the buildings. Questions raised on the suitability of the building for the hotel and the need for this use given existing supply. Concern with loss of trees.

Abbey Association - In relation to the first iteration, concerns raised with regards to residential amenity, loss of hospital use, loss of trees, impact upon Scheduled Ancient Monument, relies on vehicular access. In relation the revised plans, the improvements are noted.

187 objection/general comments have been received. These can be summarised as follows:

- Concerns in relation to loss of hospital in the centre
- Objection to a hotel when there is no need
- Other uses (including housing, community uses) are needed over the hotel use
- Increase traffic to centre
- Loss of trees
- Loss of green space
- Overdevelopment of the site
- Conflicts with the declaration of the climate emergency
- Impact upon residential amenity of the neighbouring occupiers (including privacy, outlook, light, noise)
- Inaccurate studies and plans
- Legal arguments as to why this application should not be permitted
- Loss of open space between buildings
- Impact upon Scheduled Ancient monument
- Inappropriate design - including siting, scale and materials
- Impact upon listed building, Conservation Area and World Heritage Site.
- Increased noise and disturbance to the city.

POLICIES/LEGISLATION

The Development Plan for Bath and North East Somerset comprises:

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

RELEVANT CORE STRATEGY POLICIES

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

- SD1 Presumption in favour of Sustainable Development
- DW1 District Wide Spatial Strategy
- B1 Bath Spatial Strategy
- B2 Central Area Strategic Policy
- B4 World Heritage Site
- CP1 Retrofitting existing buildings

CP2 Sustainable Construction
CP3 Renewable Energy
CP4 District Heating
CP5 Flood Risk Management
CP6 Environmental Quality
CP7 Green Infrastructure
CP10 Housing Mix
CP12 Centres and Retailing
CP13 Infrastructure Provision
BD1 Bath Design Policy

RELEVANT PLACEMAKING PLAN POLICIES

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

SCR1 On-site Renewable Energy Requirement
SCR2 Roof mounted/Building-integrated Scale Solar PV
SCR5 Water Efficiency
SU1 Sustainable Drainage
D1 General Urban Design Principles
D2 Local Character and Distinctiveness
D3 Urban Fabric
D4 Streets and Spaces
D5 Building Design
D6 Amenity
D7 Infill and backland development
D8 Lighting
D10 Public Realm
HE1 Historic Environment
NE1 Development and Green Infrastructure
NE2 Conserving and enhancing the landscape and landscape character
NE2A Landscape Setting of Settlements
NE3 Sites, species and habitats
NE4 Ecosystem services
NE5 Ecological Networks
NE6 Trees and woodland conservation
PCS1 Pollution and Nuisance
PCS2 Noise and Vibration
PSC3 Air Quality
PCS5 Contamination
PCS7: Water source Protection Area
PCS7A Foul Sewage Infrastructure
PCS8 Bath Hot Springs
ST1 Promoting sustainable travel
ST2 Sustainable Transport Routes
ST7 Transport requirements for managing development
LCR1 Safeguarding Local Community facilities
BD1 Bath design policy
B4 The World Heritage Site and its setting

National Planning Policy Framework (February 2019) and the National Planning Practice Guidance (March 2014) can be awarded significant weight.

SUPPLEMENTARY PLANNING DOCUMENTS AND ADDITIONAL GUIDANCE

City of Bath World Heritage Site Setting SPD (2013)

Bath City-wide Character Appraisal SPD

Planning Obligations SPD (2015)

Green Infrastructure Strategy (2013)

West of England Sustainable Drainage Developer Guide (2015)

Bath Building Heights Strategy (2010)

LEGISLATION

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

There is also a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character of the surrounding conservation area.

LOW CARBON AND SUSTAINABLE CREDENTIALS

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

OFFICER ASSESSMENT

Principle of development

The former hospital use is considered a community facility. Placemaking Plan (PMP) policy LCR1 seeks to protect existing community uses unless certain criteria are met. One of the criteria is if the proposed loss is an integral part of changes by a public service provider which will improve the overall quality or accessibility of public services in the locality.

The health services formally provided at the Mineral Water Hospital have been re-provided at a new purpose-built facility at the Royal United Hospital, so as alternative facilities have been provided which will improve the overall quality of public services, the development is compliant with this policy.

The application site is located within Bath City Centre as defined by policy CP12. This policy advises that retail development, offices, leisure and entertainment uses, markets, community facilities, arts, culture and tourism uses will be primarily located within, or

where appropriate, adjoining the centres. Uses which contribute to maintaining the vitality, viability and diversity of centres within the hierarchy will be encouraged. It also explains that active ground floor uses will be maintained and enhanced.

This approach conforms to the National Planning Policy Framework (NPPF). Paragraph 85 recognises that decisions should take a positive approach to the growth of town centres and their management and adaptation. It advises that planning policies should promote town centres long term vitality and viability allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries. Paragraph 86 of the NPPF advises that main town centre uses, which includes hotels, should be located in town centres. The proposed hotel use within the defined City Centre is therefore acceptable.

Within the plan period, PMP policy B1(8a) seeks to manage the provision of 500-750 new hotel bedrooms to widen the accommodation offer for the city and increase overnight stays and the competitiveness of Bath as a visitor and business destination. It is acknowledged that given significant recent growth and schemes in the pipeline, there is no short term need for further hotel development. However, it must be recognised that the over figure is not a ceiling limit.

The 'BANES Visitor Accommodation Study Update 2018' primary purpose is to provide an up-to-date, robust base of evidence on hotel and visitor accommodation development potential in the district. The document makes clear that it has prepared projections for how the hotel market could grow and that the results are not intended to be targets or caps on new hotel provision, but provide an indication of new hotel development that market growth might sustainably support without detriment to existing hotels.

Whilst the evidence indicates that there is no need for additional hotel accommodation, it is not for the planning system in this context, to intervene in the operation of the market or protect individual businesses/hotel operators. The site is located within Bath City Centre and therefore the proposed change of use of the building to a hotel is acceptable in principle.

The principle of development is therefore supported.

Character and appearance/listed building impact

The NPPF explains that heritage assets are an invaluable resource and should be conserved in a manner appropriate to their significance so they can be enjoyed for their contribution to the quality of life of existing and future generations.

Significance of heritage assets affected

Paragraph 189 of the NPPF explains that Local Planning Authorities should require the applicant to describe the significance of the heritage assets affected, including any contribution made by their setting. As noted above, the building is Grade II * Listed building, within the heart of the Conservation Area and World Heritage Site. Further the garden area is a Schedule Monument and the site is in close proximity to a number of further listed buildings. The submission includes a thorough assessment of the

significance of the heritage assets in relation to the proposals, and officers are satisfied that they have enough evidence on which to base their assessment.

In relation to former hospital, surviving internal features of particular significance include the Chapel's interior, the west wing staircase space, the remains of the earlier theatre building and stone vaulting, the Roman mosaic displayed in the floor of the west wing basement, the underground tunnels, the east wing top floor barrel vaulted ceilings and corbels, and decorative features such as fireplaces, cast iron columns, ceiling roses and cornices.

Part of the communal value of the hospital is derived from public access to the building, its status and importance within the city, and until recently its intrinsic connection to the hot springs of Bath, through the earlier use of the mineral waters in the hospital's baths for healing and other treatments.

It also plays a significant role in the conservation area and is noted as a listed building of historic/townscape significance. The positive contribution played by its garden to the public realm is also acknowledged.

The conclusion of the Statement of Significance and Heritage Impact Statement clearly states that the Mineral Water Hospital can be deemed to be of high architectural, evidential, historic and communal value. It strongly contributes to the significance of Bath as a World Heritage Site, forming a key piece of its Outstanding Universal Value.

Conversion/ New Use;

As a redundant hospital there is the risk of neglect and decay if a sustainable use is not established. Where the original use is not possible and in ensuring such heritage assets remain used and valued, it is likely that changes/adaptations will be required to suit the new use. It is most unlikely that a hospital/medical use would be re-established as the buildings do not lend themselves to current medical practice.

Securing the optimum viable use for this building is essential to achieve a successful sustainable outcome for this site. Where a heritage asset is capable of having a new use, then securing its optimum viable use should be taken into account in assessing the public benefits of a proposed development. The submitted Viability and Suitability Statement prepared by Savills, explains that when the NHS sold the building, the majority of bids were for a hotel use. It sets out how the conversion of the building carries significant abnormal costs and risks. Alternative potential uses for the building, could, in their view, result in more harm to the heritage value of the site or not represent the optimum use. Most commercial or residential uses would be unlikely to include the level of public access, or ongoing heritage interpretation, proposed with a leisure/tourism use.

Where changes are proposed, it is necessary to ensure that the heritage asset is conserved, and where appropriate enhanced, in a manner that is consistent with its significance and thereby achieve a sustainable development. The National Planning Policy Guidance (NPPG) states that part of the public value of heritage assets is the contribution that they can make to understanding and interpreting our past. Where the complete or partial loss of a heritage asset is justified, the aim then is to:

- capture and record the evidence of the asset's significance which is to be lost
- interpret its contribution to the understanding of our past; and
- make that publicly available.

A significant impact on the historic value of the hospital will be loss of the original use that it was designed for. This is an inevitable result of many conversions and one which will result in the loss of some of the building's historic and communal value. The applicants have proposed the interpretation of the building's heritage in its adaptive re-use as mitigation for this loss. Given that the building is not to be retained as a hospital, there is an opportunity through the current application to analyse, restore and interpret the Mineral Water Hospital's historical value, despite the likelihood of this re-use causing a degree of alteration, impacting on the current significance of its intrinsic character.

In this case although the hospital use would be lost, the buildings on the site would be retained and converted. As part of the balance in considering the change of use proposed have provided a degree of public access and prepared a Historic Interpretation Strategy. These are both detailed below.

Internal alterations

Following the NHS's departure from the building, internal investigations were undertaken. The investigations demonstrated that there is little historic decorative fabric and internal historic features of interest. The amount of original fabric, apart from in the layout /plan form of the wards has been greatly altered resulting in much of the interior having a low significance. There are however areas of the building which do have a high level of significance.

The best conserved part of the interior is the West Wing's reception hall and staircase area, the Chapel and the undercroft beneath it and the East Wing's Violet Ward and suite of rooms around the original front entrance, together with parts of the basement and upper rooms on the second floor. These are now to be retained in their original form as open spaces. The Violet Ward which is considered to be the best preserved of the hospital's wards being unaltered since the 18th century, is to be used as a single uninterrupted meeting space.

Active uses have been introduced along the frontage of East and West Wings along Upper Borough Walls. This is beneficial in enhancing the vitality and viability of Upper Borough Walls.

Investigations have revealed that the standing remains of what is thought to be the old theatre frontage that appears to have been partially encapsulated within the east wing's basement and performs the role as a corridor wall. This will also be preserved and unlike the current situation, the use of this part of the site as a spa will allow this interesting fragment of an earlier building to be publicly accessible.

There are still proposals to subdivide many of the original wards to form hotel bedrooms, but most of these wards have lost much of their original or subsequent features of interest that might equate to features of the original architecture. As a result, the actual size and proportions of the wards, although many have been subsequently compromised by

modern partitions and dividing walls, will be predominantly altered into multiple hotel rooms. This will impact harmfully on the character of the hospital's interior.

The removal of false ceilings has revealed that the metal columns within some of the larger wards have utilitarian capitals and bases and were designed for structural support rather than architectural embellishment. As they were probably never intended to be completely visible within the wards, their concealment in any new proposals will not harm any significance.

The insertion of a second passenger lift alongside the current lift in the West Wing will necessitate a section of flooring to be removed at all levels. This will result in a degree of harm. However, this installation being adjacent to the existing lift will have little impact on any important element of the floor plan.

A further area of harm will result from the installation of new services and associated infrastructure. It is recognised that existing services have been damaging to the building's character. The conspicuous nature of existing electrical supplies lends a strong utilitarian character to many of the hospital corridors. This will be reversed, albeit the amount of new services, waste pipes and cabling will be greater than the current use has required.

Surveys of the windows and doors within the building have been undertaken revealing that there are two surviving original Georgian windows in the basement in the east wing, but much of the remaining fenestration is 20th century. Similarly, many of the doors have either been upgraded to fire doors or are later 20th century. It is understood that there is no current intention to replace the windows.

To facilitate the spa bedrooms, it is proposed to remove the existing louvered vents and replace them with windows to match the remainder of this elevation. This will be beneficial to the visual significance of the East Wing as this reinstates a lost historic feature and will add further vitality to the street.

The spa facility being reintroduced allows the hotel to offer services that reflect the forms of treatment that may have once been used in the hospital for patient treatments. The layout respects the current layout of rooms within the basement area, putting this utilitarian range of rooms and spaces to a use that will preserve much of its character. The innovative use of the inner courtyard in conjunction with the spa will add an additional level of enhancement to the overall spa facility.

Extension

The submission explains that to provide a hotel offer that would secure the long-term future of the Mineral Hospital, a garden building or extension is needed to be considered as part of the overall proposals. Whilst this has not been tested, officers must consider the scheme as submitted.

Through detailed negotiations, the extension has been amended during the application process. The extension will now comprise a 3 and a ½ story structure located against the south elevation of the west wing.

The submitted Visually Verified Montages demonstrate that the proposed development would have a barely perceptible impact on middle distance and distant views from the wider landscape. The impact is primarily more localised views.

The extension will be constructed primary in the existing car park area and will cover a small section of the existing garden space. The City of Bath Character Appraisal explains that rear gardens such as this provide occasional areas of greenery visible from the public realm. It explains that the overdevelopment of private gardens can detract from the setting of the character area and of listed and unlisted buildings. It explains that green spaces, including this garden, provide important points of green undeveloped space in the urban landscape and need to be preserved.

The Statement of Significance indicates that the gardens to the rear of the hospital are the probable remnants of medieval gardens with Roman remains below. This will be partly be dealt with in the 'archaeology section' of the report. The statement acknowledges that from at least 1610 to 1785, the site of the current West Wing and garden was a significant formal parterre garden. In the building of the West Wing in the mid-19th century, the site of the original formal garden was lost, with about three quarters of it replaced by the West Wing itself. After 1861, the current garden site and adjacent car park were again laid out as gardens and, whilst the eastern half has since been tarmacked for parking, the western half remained as garden.

This land has been partially eroded in terms of its character and contribution to the setting of the hospital and the Conservation Area by the formation of the car park. This lessens the significance of the space within the context of its origins and historic development. However, the development of this space would erode its role as a buffer between existing development, affecting the balance between built and spatial forms. This results in a degree of harm to the setting of the Conservation Area and the Listed Building and the OUVs of the World Heritage Site.

The retention of the garden and trees to the west of the site will ensure that the view from Bridewell Lane will retain the verdant character which has been identified as an important attribute. The garden areas will be re-landscaped as a small pleasure garden and will be accessible to the public using the hotel and restaurant. Whilst two trees are being removed to facilitate the extension, one large specimen tree and 5 smaller trees are being planted. As noted above, there are some concerns with regards to the loss of the open space overall, but the development is not considered to represent the overdevelopment of the garden area.

It is noted that Historic England have raised some concerns with regards the water feature and that the infrastructure required for this will take away from the openness of the site. It is important that this openness at the rear of the hospital and the original intention of the space as an area for therapeutic activity remains legible. A revised landscaping scheme can be secured via condition to ensure the right approach is taken for this space.

The extension has been designed to read as a distinctly contemporary separate entity, linked to but set apart from the historic façade of the West Wing. Following the revisions to the scale and design, it is now considered to be subservient to the Mineral Hospital. Its scale now more successfully reflects that of an extension in this back-street location.

Concerns were raised by internal and external consultees in relation to the dominance of the extension on Parsonage Lane. As a result, the extension has now been set back above ground floor level at the east elevation to ensure that the views of the extension when approaching along Parsonage Lane are minimised. This also allows for the Chapel Apse, a significant element of the hospital's historic and architectural interest, to retain its prominence and importance in the street scene.

The main bedroom extension will be connected to the south elevation through a conservatory of a minimalistic design. The amendments to the glazed connection make for a less bulky visual aesthetic than the previous scheme and will allow a better visual awareness of the rear elevation of the hospital site.

It is noted that the roof of the extension will only be visible in limited views from the public realm. The introduction of a recessed mansard roof profile more successfully reflects the historic roofscape of this area and helps to break down the extension's massing through an improved differentiation between the roof and main element of the building. The combination of the set back and roof alteration will allow for a more harmonious street scene whereby the new block echoes the architectural form of the neighbouring properties at Parsonage Lane. The addition of upstands around the plant area to mimic a row of chimneys and the installation of more traditional looking dormer windows on two elevations also help to improve the visual quality of the extension in views around the site, including views from the existing hospitals West Wing.

The use of traditional materials such as Bath stone ashlar and split faced Bath stone blends with the existing texture and colour palette of Parsonage Lane's backland character. The materials are subservient to the hospital and more responsive to the backland character of the adjacent lanes. The use of a grey metal will ensure the new form integrate into the city's roofscape.

Overall, whilst there is accepted to be a degree of harm to the setting of the listed building, Conservation Area and World Heritage Site through the loss of the open space to the rear, the quality of this space is already partly eroded. This harm will be considered alongside any all harm in the planning section of this report. However, notwithstanding this, the overall scale, design and materials used are considered to result in an acceptable addition to this former hospital building.

External works - west wing roof

The proposals include the remodelling of the 20th Century top floor of the west block. During the application process this has been amended by decreasing the windows size to ensure that it is more in keeping with Georgian proportionality. This is betterment on the existing situation and a conservation gain. The material will be clad in a grey metal, and whilst this is a more contemporary material, its tone will ensure that the roof integrates the roofscape of the city

The proposal also comprises re-opening the entrance to the East Wing on Upper Borough Walls, the reinstatement of basement windows fronting Upper Borough Walls, new gate opening and railings and hoist to light well to West Wing on Parsonage Lane. There are no objections to these works.

Improvements to the public realm

Indicative drawings show improvements to the public realm at Parsonage Lane. Parsonage Lane currently has a predominantly tarmac finish with granite kerbs. The tarmac is patchy and in poor condition. Some of the paving slabs close to Upper Borough Walls are broken or loose.

The proposals illustrate upgrading the footpath and carriageway stretch between Upper Borough Walls and the mouth of the proposed conservatory entrance from tarmac to stone flag paving and stone block along. In addition, a section of the lane extending from the proposed entrance to the end of the developments southern boundary is identified for resurfacing with new tarmac. The existing black heritage metal railings are to be retained and repaired.

Whilst these works are indicative at this stage, these details indicate that the applicants are committed to providing public realm improvements. This would be a major improvement to the immediate public realm. In terms of the impact on the character and appearance of the Conservation Area together with the setting of the listed buildings that front onto this part of Parsonage Lane, this would result in a positive enhancement to the public realm.

Public access

Public access to the building is of paramount importance and the uses allow for this. A spa is to be provided in the basement of East Wing to include public access/spa arrival off Upper Borough Walls. The public would also have access to the juice bar, the restaurant in the Chapel and the Violet Ward will be available for external hire. The rear garden will be accessible by users of the hotel and restaurant.

The applicant has also agreed to an obligation attached to any permission that will ensure that the future occupiers must allow a minimum number of heritage open days per year when the building will be accessible for guided tours, facilitated by an identified 'Heritage Coordinator' employed by the hotel operator.

Connection to hot springs

A feasibility study for the reconnection of the hospital to Bath hot springs mineral waters was commissioned. However, there are many difficulties associated with this, and this has not been able to be secured as part of this planning application. The difficulties relate to the levels of work and new piping required, and land ownership issues. Further, the increased abstraction of water, has a potential impact upon the pore pressure in the loose deposits at the top of King's Spring on which the Roman Baths sit. Although a connection cannot be secured through this application, the applicants have indicated that mineral water might be delivered to site and as such this may provide a compensatory benefit for the spa.

Fixtures and Fittings

Artefacts including paintings, depicting the planning and conception of the hospital, the 1742 clock and effigies of various influential Georgian figures who were involved in the hospital's foundation form an important part of the history of the former hospital.

The most recent historical interpretation strategy has been modified to include an accurate inventory of all the artwork that has been removed from the hospital and where it is now housed. Not only is this an important documentary record of these important artefacts, it should also help in the future to provide the basis for possible reunification of some of the pictures and other items such as the clock back into the site

Although reuniting of these items with the hospital depends on the applicants and the NHS Trust coming to an agreed arrangement that is outside the control of these applications, by including a list of items within the historic interpretation strategy, this will at least give the public an understanding of what artefacts were once housed within the hospital and may strengthen any resolve to reunite them in the future.

Archaeological matters/Schedule Monument

The south facing hospital garden and the car park are recorded as a Scheduled Ancient Monument. The proposals will therefore also require Scheduled Monument Consent (SMC). SMC is dealt with by Historic England who are currently dealing with an application.

Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interests, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. This has been undertaken by the applicant.

The Roman remains surviving under the former hospital and garden are known to be of buildings with mosaics and under-floor heating (hypocausts). These remains are little understood and, in some cases, it isn't clear where they are due to limited investigations and recording at the time they were uncovered. The garden area is significantly higher than the adjacent Bridewell Lane. Excavations the other side of Bridewell Lane showed that the Roman levels (including Mosaics that were deeply buried). Evaluation work on the site and further work on the deposit model clearly show that this is the case. The bottom of the evaluation not quite reaching the level of the Roman deposits. The nature and preservation of the buried Roman remain is therefore not fully understood, but it is now known as to how much the ground level has been raised in the post-medieval period, to its current level.

The applicant has provided an Archaeological Impact and Mitigation Statement (AIMS) to support this application. The document was agreed with Historic England and the Council prior to the submission of the application. This document provides detail of all impacts, based on current development proposals and recommends suitable mitigation to reduce any harm. This mitigation ranges from using a raft foundation, to avoid direct harm to archaeological excavation, in areas where harm to archaeology cannot be avoided. The document also explains that the results of the archaeological investigations are fully analysed and published. Compliance with this document can be secured via condition.

The engineered solution to found the new extension on a raft will not impact directly on the buried Roman archaeology. The drainage and SUDS works will potentially impact on the deeply buried Roman Archaeology. This work will remove a small area of this archaeology and therefore impact on the significance of the designated heritage asset. The physical works overall will cause only minimal harm to the significance of the monument.

Historic England have noted that the new extension will prevent any access to the archaeological remains for the foreseeable future and therefore suggest that this will also impact on the significance of the designated heritage asset. Whilst construction of the new building will limit access to some of the buried archaeological remains, Historic England have recognised that the scheme has been designed to ensure that the monument's archaeological interest will nonetheless be preserved for future generations under this foundation which has been designed to avoid impacts.

Taking the proposals and assessing its impact on all aspects of the monument's significance Historic England have concluded that the new building would cause harm to the highly designated heritage asset and that harm was less than substantial, with the level of harm towards the lower end of less than substantial.

The Roman remains within Bath have a high level of significance being an element of the OUV of the World Heritage Site as well as protected in areas as a scheduled monument. This places the archaeology under NPPF paragraph 194 as a highly designated heritage asset. The more important that asset the more weight should be given to its conservation whatever the level of harm.

The two Roman mosaics currently within the site will be displayed within publicly accessible parts of the building. The wall mounted Roman mosaic in the Lodge building is proposed to be relocated to enable guest and public viewing in the new conservatory restaurant and basement mosaic made more accessible. This is a heritage gain.

As noted above, the scheme will also require SMC from Historic England. They have advised that DCMS policy makes clear that in assessing SMC, cases that would lead to less than substantial harm to the significance of a scheduled monument the harm will be weighed against the public benefits of the proposal. The same balancing exercise is undertaken under the NPPF. Historic England have confirmed that in carrying out their own assessment of the scheme as a whole, they have therefore taken account of the heritage benefits that form public benefits arising from the scheme. These relate to the improved interpretation and public access to the remains within the building. They consider that the harm to the scheduled monument will be justified because they acknowledge the scheme will provide public benefits as a whole.

Overall, therefore it is noted that there is harm to the Scheduled Monument and resultant harm to the World Heritage Site. Officers agree with the conclusion of Historic England that this harm was less than substantial, with the level of harm towards the lower end of less than substantial. This harm will be weighed against the public benefits, noting that considerable weight must be given to the assets conservation.

Historic Interpretation Strategy (HIS)

The submission includes a draft HIS. This has been prepared to secure measures that will make a meaningful contribution to the historic interpretation of the Mineral Hospital, for the benefit of the public in the future. The submission explains that the aim of the document is to celebrate and interpret those historic features that remain in the building and to interpret and present the rich history of the hospital.

It explains that a key mechanism for delivering on site interpretation will be the use of digital technology which may include interactive wallpaper. This allows images to be shared such as paintings, artefacts, and display of information on smartphones. It also confirms that physical objects of historic significance could be displayed in a number of key locations around the hospital. An interior design brief is included in the documents

The HIS also details matters such as public access, and connection to spa waters as detailed above. Further, as highlighted, the HIS contains an inventory of the fixtures and fittings removed from the building and details of how these may be used in the future.

The HIS also covers off site interpretations and explains that the applicant's team have been in discussions with external bodies to ensure that heritage offer at the Mineral Hospital is joined up with other museums. One partner that has been explored is the Bath Medical Museum (BMM), which was previously based in the Mineral Hospital. It is noted that the BMM have difficulties in funding long term accommodation, and this is outside the control of this application. However, it is noted that BMM are currently developing their website to provide enhanced content on the city's medical history, and it is considered that this could link closely with the HIS and this may include a financial contribution to assist in the development.

The aims of this strategy can be secured via S106

Conclusion on heritage matters

The above section of the report highlights areas of harm, as well as public benefits brought about by the proposals.

Harm has been identified due to the change of use of the building, through the loss of its original use and links to the hot springs. The change of use itself results in some harm from the change in plan forms as well as loss of historic fabric. The extension itself causes a degree of harm due to the erosion of space to the rear and the connection to the south elevation and the setting of the hospital. This is considered to result in harm to the listed building, Conservation Area and the World Heritage Site. Further harm has been identified to archaeology due to the potential impact of drainage and loss of future opportunities for excavation. This is considered to result in harm to the Schedule Monument and World Heritage Site.

In the language of the Framework, when looking at each area of harm, and considering the harm within the scheme as a whole, the harm to the designated heritage assets is considered to be less than substantial. In line with the NPPF, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed up against the public benefits of the proposals, including where appropriate, securing its optimum viable use.

When considering the impact of a development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Any harm should require clear and convincing justification. Officers have sought to minimise the harm where possible and have placed significant importance on the designated assets conservation.

Within the above section of the report, it has been explained that a number of public benefits could be delivered through the scheme. The NPPG advises that public benefits may be anything that delivers economic, social or environmental progress as described in the NPPF but it must flow from the proposed development and should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. It also recognises that benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.

Public benefits may include heritage benefits, such as reducing or removing risks to a heritage asset and/or securing its optimum viable use in support of its long-term conservation. It is considered that this scheme will achieve a new use for this building which is now vacant with the new investment and use ensuring that the building does not remain empty putting the heritage asset at risk. It is considered that the hotel use will allow public access to the building which is considered to be of high importance. Through measures outlined within the submission including the HIS, the public will be able to have a continued understanding of the history of the building , and a better appreciation of assets such as the Roman Mosaics which will be located in publicly accessible parts of the building.

Further benefits include improvements to Parsonage Lane and active uses to Upper Borough Walls, heritage gains through removing late 20th century detrimental fabric from the hospitals interior, restoring and maintaining the more significant rooms within the buildings and improvements to the roof of the west wing

Paragraphs 193 and 194 of the NPPF state that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, irrespective of the level of harm, and that any harm should require clear and convincing justification. It is therefore important to understand that considerable importance and weigh must be given to the conservation of the heritage asset when carrying out the balancing exercise.

The aforementioned public benefits weigh heavily in favour of the application, but this need to be considered against the fact that great weight must be given to the assets conservation, and this is of paramount importance given the significance of the assets involved. Overall, set alongside the level of harm identified to the significance of the designated heritage assets, these public benefits provide clear and convincing justification and are sufficient to indicate that the proposal would be acceptable.

With respect to any buildings or other land in a conservation area the Council has a statutory requirement under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that conservation area. In this instance detailed attention has been given to this duty, and whilst some harm has been identified to the Conservation Area for example through the loss of open space, benefits have been

delivered. Full consideration has also been given to the impact upon the scheduled monument and the World Heritage Site, with solutions sought to minimise any impact.

Sections 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 ('the LBCA Act') require special regard to be had to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. As above, significant attention has been given to ensure that this duty is fulfilled. Detailed negotiations have been undertaken to ensure that any harm to the listed building and its setting is minimised and the enhancements maximised.

In conclusion, the proposal would provide sufficient public benefits to outweigh the harm to significance of the identified assets. Therefore, the proposal would accord with NPPF paragraphs 193, 194 and 196 and Sections 16(2). The proposal would also accord with Policy HE1 of the Bath and North East Somerset Placemaking Plan 2017 which, amongst other things, requires the significance of listed buildings to be sustained and enhanced and any harm to be justified.

Highway safety

The application is supported by a Transport Assessment (TA). It has been audited in detail and found to be robust.

The development is proposed as a car free development. Cycle parking will be available in accordance with standards set out in the Placemaking Plan. The site is in the city centre and is therefore suitably located for access by sustainable transport methods. The former hospital was run by approximately 250 staff, with around 260 patients arriving at the hospital daily. The change of use from hospital to hotel will reduce traffic movements associated with the site by an average of approximately 63 in a 24-hour day. The submission confirms that the hotel will no longer offer a valeting parking service which will help minimise the number of vehicular movements to the site.

The car park and vehicular access to/from Parsonage Lane will be closed and all deliveries will take place from the loading bay on Upper Borough Walls. Refuse will be stored in the hotel basement and will be collected from the kerbside of Upper Borough Walls.

The east and west buildings will both have pedestrian access direct from Upper Borough Walls. In addition, restaurant, staff and delivery entrances will be located in Parsonage Lane and at its junction with Upper Borough Walls.

The applicant notes the existing waiting and loading restrictions along the frontage of the application site on Upper Borough Walls including a designated ambulance bay. They highlight that, with the closure of the hospital, there is no justification to retain the existing ambulance bay and so suggest changes to the current arrangement. Whilst there would be no change to the existing shared loading / disabled parking bay on Upper Borough Walls to the west of the site, the TA proposes to relocate the existing eastern most disabled parking bay next to the existing disabled parking bay to its west and to re-designate a new loading bay with a one hour limit, the eastern end of the building frontage, west of Parsonage Lane.

Statutory procedures relating to the advertising of changes to existing Traffic Regulation Orders (TRO) mean there is no guarantee that the above changes can be made. Any associated work to secure the TRO would need to be funded by the applicant under the terms of a S106 agreement. Whilst the proposed changes are logical, arise as a direct consequence of the proposed change of use, and will make best use of the existing waiting and loading bays at the frontage of the site, their re-designation is not essential for the development to be acceptable in highways terms.

The applicant's attention has been drawn to the Council's future vision of closing Upper Borough Walls to traffic (except for limited delivery times). This has been recognised by the agent and the operation of the hotel will adapt to fit in with these arrangements this will plan comes to fruition.

Residential amenity

PMP policy D6 requires that development must allow for appropriate levels of amenity and allow existing and proposed development to achieve appropriate levels of privacy, outlook and natural light. Further it should not cause significant harm to the amenities of existing or proposed occupiers of, or visitors to, residential or other sensitive premises by reason of loss of light, increased noise, smell, overlooking, traffic or other disturbances.

Careful consideration has been given to the third-party representations. A number of occupiers of the nearest residential properties have significant concerns in relation to how the development will impact upon their amenity, through matters including loss of light, outlook, privacy and increase noise and disturbance.

The site is bound to the south by residential properties at Parsonage Lane, with a courtyard garden located directly behind the high boundary wall. The extension will be built close to the southern boundary and therefore there will be an impact upon these occupiers. Whilst the development will clearly change how nearby occupiers experience the site, an assessment needs to be made as to whether the siting of this extension in this location, as well as the development overall, will result in unacceptable harm. A hotel and office use are also located nearby and the occupiers of these may be less sensitive to change, any scheme should not compromise the use of these buildings to a significant degree

Third parties have raised concerns with regards to the impact upon the privacy of the neighbouring occupiers, particularly due to the placement of windows on the southern boundary. The submission explains that the scheme has been designed to ensure that the privacy of the nearby occupiers is not compromised. An overlooking diagram accompanied the application. Any overlooking is minimised through the including of fixed vertical louvres which angle the views and frosted glazing at roof level. Subject to this being secured, the development is not considered to result in significant harm through overlooking/loss of privacy.

The submissions include a detailed Daylight and Sunlight Amenity Assessment in support of their application. This has been undertaken in accordance with the Building Research Establishment (BRE) Report 209 - 'Site layout planning for daylight and sunlight' - A Guide to Good Practice. It is noted that concerns have been raised with the accuracy of this study. It should be noted that the study is just one tool on which to base the judgement of

the acceptability of the development, and officers have the benefit of site visits and detailed plans.

It is noted that there are a number of tests that could be undertake but the study uses a number of tests to assess the impact. The first test relates to Vertical Sky Component. This is a measure of available skylight at a given point on a vertical plane. The amount of skylight can be calculated by finding the VSC at the centre of each window. The second test relates to daylight distribution which is calculated by the no skyline. The report also looks at the sunlight availability to windows.

The reports show that domestic windows will have a reduction in vertical sky component, daylight distribution and sunlight hours. It explains that one window (that at ground floor nearest the southern boundary) falls short of the recommended VSC target (0.78 against a target of 0.8). As noted, these tests need to be applied flexibly.

Having considered the findings of the report, and through the assessment of the application, it is not considered that the impact of the development on the matters covered in the report would result in significant harm, and would allow for existing/future occupiers to have appropriate levels of amenity in this city centre location.

Whilst it is noted that the outlook of those residents at the adjoining properties would change, it is not considered that the proposed building would dominate the outlook, or be significantly overbearing in this city centre context, to such an extent to unduly compromise the residential amenity of these occupiers.

Concerns have also been raised with regards to noise and disturbance from the hotel use, including the windows facing onto the neighbouring dwellings. It is accepted that the hotel use is likely to cause more noise than its former use. The submitted noise report indicates that indicative façade calculations have determined that with closed windows and mechanical ventilation, the internal conditions set out in BS 8233 can be met with the existing masonry façade and acoustically rated double glazing of R_w 36-37 dB as recommended within the report (Page 16). However, to ensure these internal conditions are met this will require a compliance condition

New plant will be required but the details of this proposed plant was not known at the time of the acoustic report and therefore careful consideration will be required in the choice of this plant to ensure levels of noise do not impact on the local amenity. To protect the amenity of the locality, especially for people living and/or working nearby, a condition to control the plant should be included on any permission.

The use of the garden area at unsociable hours has the potential to impact upon the residential amenity of the neighbouring occupiers. It is therefore considered that the use of this garden area should be controlled through a condition. It is noted that a large tree is to be planted against the southern boundary which will act as a barrier between the active uses within the site and the neighbouring boundary.

It is recognised that there will be patrons of the hotel and restaurant leaving and arriving back at site at later times. However, this is a city centre location where there is already a degree of noise and disturbance. This is not considered to result in significant harm to the amenity of the neighbouring occupiers.

There will be a degree of noise and disturbance through the construction process. It is recognised that this process can be difficult for neighbouring occupiers, especially those that may spend more time in their homes. It is important that any impact is managed through the inclusion of a Construction and Environmental Management Plan. This will ensure that any harm is minimised.

The operational lighting for the application site should be based on the use of current lighting technologies and innovative design to optimise visual acuity, energy efficiency, safety, and security and light pollution control. Design criteria should be based on current lighting standards and guidance for minimising the effect of obtrusive light. A condition can be secured on any permission to secure these details.

Overall, it is noted that the development will have an impact upon the residential amenity of the neighbouring occupiers, particularly in relation to the change in their outlook with the development presenting a large structure at the boundary. However, on balance, it is considered that the occupiers of the nearby units will still have appropriate levels of amenity, and the development does not result in significant harm to their residential amenity that would result in a refusal of the application.

Arboricultural Matters

The existing trees on the site are protected by virtue of the Bath Conservation Area designation. These trees soften an otherwise hard landscape.

The application is accompanied by an Arboricultural report which confirms that the proposed development would require the removal of a weeping ash and box elder. The weeping ash is the most significant tree of the two but has a limited life expectancy so an outright objection to the loss of this tree is not considered appropriate. The box elder is in reasonable condition but is considered to provide less visual amenity compared to the other three trees being a relatively small semi-mature individual located between the Himalayan birch and ash

Tree protection measures will be critical to secure the retention of the two Himalayan Birch which contribute towards the visual amenity of the area. A construction method statement has been submitted which give officers comfort that the Birch can be retained.

5. new trees are proposed for the garden including, a mature specimen tree (approx. 25-year-old) tree is proposed to be planted next to the Lodge. A Section 106 contributions will be sought with the granting of any planning permission to help mitigate the loss of the trees. It is noted that the Council's Arboriculture Officer has noted that there are limited opportunities within the city to secure this planting. However, the planning obligations SPD allows for this to offset tree loss.

Drainage

The drainage strategy has been agreed and this is acceptable. There are therefore no objections on the grounds of flood risk or drainage matter subject to conditions.

Sustainable construction

The benchmark for demonstrating that energy efficiency has been "maximised" as required by CP2 is a 19% reduction in regulated emissions compared to that required by the Building Regulations. Due to the requirement of Policy SCR1, 10% of this reduction must be from renewable energy sources and the remaining 9% may be from other means (such as energy efficiency/building fabric etc.) The new extension heating, hot water and cooling systems will be served by air source heat pumps

Overall, the proposals meet this requirement. However, in terms of the existing buildings, the proposals exceed the policy requirements, with a 40% reduction in CO2 measures through retrofitting the existing building. The proposed new extension exceeds the policy requirement by securing a 22% reduction in CO2 emissions with fabric first and renewable energy designed into the scheme. The submission also confirms that the development could connect to district heating in the future.

Ecological implications

Preliminary ecological survey and assessment (PEA) and a bat survey report have been submitted and the findings are accepted. The bat survey was unable to rule out the risk of roosts present in an area of the building to be affected by re-roofing works, identified as supporting bat roost potential, due to accessibility constraints to the survey. The risk is however considered to be low. Precautionary working methods and ecological supervision are recommended which are considered appropriate in the circumstances. These should be secured by condition.

The PEA makes appropriate recommendations for additional ecological measures which should also be implemented and secured by condition.

Subject to the above, the development is considered to be ecologically acceptable.

Air Quality

The air quality report is acceptable. The report recommends mitigation to minimise potential dust arising from the construction phase of the development.

Contaminated Land

Taking account of the potentially contaminative historical uses of the site, the proposals to redevelop the site and the findings and recommendations of the submitted Phase 1 report, there are no objections in relation to ground contamination subject to conditions being included on any permission.

Planning obligations

The following will be secured as part of any planning permission through a legal agreement.

- Commitment to the Historic Interpretation Strategy to secure on and off-site interpretation of the building's important history and enabling some continued public access to the buildings.
- Public realm improvements and necessary financial contributions
- Financial contribution to traffic regulation orders
- Financial contributions towards tree replacement planting

Public Sector Equality Duty

The Public Sector Equality Duty requires public authorities to have regard to section 149 of the Equality Act 2010.

The development results the change of use of a hospital, but this facility has been re-provided. Whilst this is in a less central location, this is part of changes by a public service provider. The granting of this planning permission is not considered to result in undue impacts upon any particular group as this facility is still available in an accessible location.

Whilst there will be an impact upon a neighbouring resident, this has been fully assessed. Conditions will be included on any planning permission to ensure that the amenity of the nearby occupiers is minimised. The impact of the development through the construction process can be limited through a Construction Management Plan to ensure the needs of local residents are fully considered.

Planning balance

A new use must be found for the building, which will ensure its retention and conservation. The use of the building as a hotel is acceptable in principle in this city centre location and is considered to be an appropriate use for this important listed building. The use will allow for continued public access and appreciation of the rich history of the building and its role within the World Heritage Site.

Whilst less than substantial harm has been identified to the heritage assets, there is considered to be clear and convincing justification and public benefits to outweigh this harm. Great weight has been given to the conservation of the heritage assets.

The development will have an impact upon the neighbouring occupiers and will change how they experience the site. However, the development will not result in a situation where they no longer have appropriate living conditions in this city centre location.

The proposed development will help to secure the long-term conservation and optimum viable use of an important heritage asset in Bath through redevelopment into a commercially viable hotel use. The application is therefore recommended for approval subject to planning obligations and conditions.

RECOMMENDATION

PERMIT

CONDITIONS

0 A Authorise the Director of Legal and Democratic Services to enter a Section 106 Agreement to secure the terms outlined in this report, and

B Subject to the prior completion of the above agreement authorise the Head of Planning to PERMIT subject to the following conditions:

1 Standard Time Limit (Compliance)

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

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

2 Drainage (Pre commencement)

No development shall commence, except ground investigations, until written confirmation from the sewerage company (Wessex Water) accepting the surface water discharge into their network including point of connection and rate has been submitted to the Local Planning Authority. If the sewerage company are not able to accept the proposed surface water

discharge, an alternative method of surface water drainage, which has first been submitted to and approved in writing by the Local Planning Authority, shall be installed prior to the occupation of the development.

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

3 Prior to the commencement of development at the site details of a Construction Environmental Management Plan for all works of construction and demolition shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall comply with the guidance the BRE Code of Practice on the control of dust from construction and demolition activities. The details so approved shall be fully complied with during the construction of the development.

Reason: To protect the amenities of the occupants of adjacent residential properties.

4 Travel Plan (Pre-occupation)

No occupation of the development shall commence until a Travel Plan (based on the principles set out in paragraph 4.6.1 of the Transport Statement) has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be operated in accordance with the approved Travel Plan.

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

5 Hard Landscaping (Pre-occupation)

No occupation shall commence until a hard landscape scheme has been submitted to and approved in writing by the Local Planning Authority showing details of existing and

proposed walls, fences, ground levels, other boundary treatment and 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 in accordance with Policies D1, D2 and NE2 of the Bath and North East Somerset Placemaking Plan.

6 Hard and Soft Landscaping (Compliance)

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 (phasing) agreed in writing with the Local Planning Authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority. 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 in accordance with Policies D1, D2 and NE2 of the Bath and North East Somerset Placemaking Plan.

7 Archaeology Post Excavation and Publication (Pre-occupation)

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

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

8 Archaeology Controlled Excavation (Pre-commencement)

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

Reason: The site is within an area of major archaeological interest and the Council will wish to examine and record items of interest discovered in accordance with Policy HE1 of

the Bath & North East Somerset Placemaking Plan. This is a condition precedent because archaeological remains and features may be damaged by the initial development work

9 Archaeology Engineering Solution (Pre-commencement)

No development shall commence (including any site clearance or demolition works), until the applicant, or their agents or successors in title, has produced detailed drawings of the raft slab foundation. Such details shall include the location, extent and depth of all excavations and these works shall be carried out and completed in accordance with details as approved.

Reason: The site is within an area of major archaeological interest and the Council will wish to ensure that no significant impacts on the designated heritage asset are incurred by the development. This is a pre commencement condition as any work could harm the asset.

10 Arboricultural Method Statement (Compliance)

No development or other operations shall take place except in complete accordance with the approved Arboricultural Method Statement (JP Associates March 2020). A signed certificate of compliance with the statement for the duration of the development shall be provided by the appointed arboriculturalist to the local planning authority within 28 days of completion.

Reason: To retain the protection of the retained trees

11 Ecological Supervision and Precautionary Working Methods (Compliance condition)

No works shall commence to the roof or vegetated garden area until an ecological clerk of works (licenced bat worker) has been appointed to provide ecological advice regarding precautionary working methods, avoidance of harm to wildlife including nesting birds and bats, and to undertake ecological supervision of works to the area of roof which has been identified within the approved Bat Survey Report dated September 2019 by SLR as supporting bat roost potential. Details of additional measures as described in Section 7 of the approved Preliminary Ecological Appraisal dated September 2019 by SLR shall be agreed on the ground with the ecological clerk of works and implemented thereafter. Works shall proceed thereafter only in accordance with professional ecological advice and with Section 5 of the approved Bat Survey Report and Sections 5.2.1 and 7 of the approved Preliminary Ecological Appraisal.

Reason: to avoid harm to bats and their roosts and nesting birds and to provide additional measures for the benefit of wildlife

12 Construction Management Plan (Pre-commencement)

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

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

13 Contaminated Land - Investigation and Risk Assessment (Pre-commencement)

No development shall commence until an investigation and risk assessment of the nature and extent of contamination on site and its findings has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. The assessment must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and shall include:

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

(ii) an assessment of the potential risks to:

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

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

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with section 11 of the National Planning Policy Framework. This is a condition precedent because the works comprising the development have the potential to uncover harmful contamination. Therefore these details need to be agreed before work commences.

14 Contaminated Land - Remediation Scheme (Pre-commencement)

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

- (i) all works to be undertaken,
- (ii) proposed remediation objectives and remediation criteria,
- (iii) timetable of works and site management procedures, and,
- (iv) where required, a monitoring and maintenance scheme to monitor the long-term effectiveness of the proposed remediation and a timetable for the submission of reports that demonstrate the effectiveness of the monitoring and maintenance carried out.

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

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

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with section 11 of the National Planning Policy Framework. This is a condition precedent because the works comprising the development have the potential to uncover harmful contamination. Therefore these details need to be agreed before work commences.

15 Contaminated Land - Verification Report (Pre-occupation)

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

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

16 Contaminated Land - Unexpected Contamination (Compliance)

In the event that contamination which was not previously identified is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. Thereafter an investigation and risk assessment shall be undertaken, and where remediation is necessary, a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report (that demonstrates the effectiveness of the remediation carried out) must be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development.

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

17 Privacy measures (Compliance)

Prior to the occupation of the hotel, the obscure glazing and privacy louvers shall be installed on the souther elevation in accordance with plan reference 30402 PLO5. These measures shall be permanently retained. These windows shall be non opening.

Reason: To safeguard the privacy of the neighbouring occupiers.

18 Construction Environmental Management Plan (Pre commencement)

No development shall take place until a site specific Construction Environmental Management Plan has been submitted to and been approved in writing by the Council. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to:

- A description of the sensitive features or receptors associated with the Application Site and surrounding area, and the rationale for protection of these features (known as the Environmental Impacts / Aspects register);
- An overall programme for demolition and construction activities, together with method statements and risk assessments relating to certain activities; o The control measures and monitoring requirements to be implemented during each stage of the demolition and construction works to minimise resource use, protect the environment or minimise disturbance of sensitive receptors;
- Names of the nominated person(s) responsible for implementing these measures and undertaking the required monitoring, and the person(s) responsible for checking that these measures have been implemented and monitoring completed; -Reporting procedures and documentation requirements in relation to implementation of the control measures and monitoring; and o Actions to be taken in the event of an emergency or unexpected event.

The CEMP should reflect the Council's Code of Practice to Control noise from construction sites. The developer shall comply with the BRE Code of Practice to control dust from construction and demolition activities (ISBN No. 1860816126). The requirements of the Code shall apply to all work on the site, access roads and adjacent roads.

No materials arising from the demolition of any existing structures, the construction of new buildings nor any material from incidental and landscaping works shall be burnt on the site

Reason: To safeguard the amenity of the neighbouring occupiers. This is a pre commencement condition due to the fact that any demolition or construction works has the potential to impact upon the neighbouring occupiers.

19 Noise from plant (Compliance)

The noise rating of the combined plant at the closest noise sensitive receptor shall be limited to 42 dB LAr,Tr during the daytime and 33 dB LAr,Tr during the night-time as recommended within the submitted report at page 16.

Reason: To safeguard the amenity of the neighbouring occupiers

20 Hotel Accommodation - sound attenuation (Pre occupation)

On completion of the works but prior to any occupation of the approved development, the applicant shall submit to and have approved in writing by the Local Planning Authority, an assessment from a competent person to demonstrate that the development has been constructed to provide sound attenuation against external noise in accordance with BS8233:2004. The following levels shall be achieved: Maximum internal noise levels of 35dBLAeq,T for living and bedrooms during the day (07.00-23.00) and 30dBLAeq,T bedrooms at night (23.00-07.00). For bedrooms at night individual noise events (measured with F time-weighting) shall not (normally) exceed 45dBLAmax.

Reason: To ensure visitors to the property have acceptable amenity levels

21 Use of garden area (Compliance)

The external garden area hereby approved use shall not be used by customers outside of hours 7am to 10.30pm Monday to Sundays unless otherwise approved in writing by the Local Planning Authority.

Reason: to safeguard the amenity of the neighbouring occupiers.

22 Lighting (Bespoke trigger)

Prior to the installation of any external lighting, a detailed outdoor lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme should comply with the Institution of Lighting Engineers Guidance Note on Light Pollution. It should be designed so that it is the minimum needed for security and operational processes and be installed to minimise potential pollution caused by glare and spillage. The scheme shall be implemented in accordance with approved scheme and thereafter maintained and retained as agreed.

Reason: To minimise light pollution to safeguard residential and visual amenity

23 Materials - Submission of Schedule and Samples (Bespoke Trigger)

No construction of the external walls of the 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 approved details.

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

24 Sustainable Construction (Pre-occupation)

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

- Table 2.2 and 2.3 (Calculations);
- Building Regulations Part L post-completion documents

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

25 Plans List (Compliance)

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

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

PLANS LIST:

2 Permit/Consent Decision Making Statement

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

3 Community Infrastructure Levy

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. **Before** commencing any development on site you should ensure you are familiar with the CIL process. If the development approved by this permission is CIL liable there are requirements to assume liability and notify the Council before development commences, failure to comply with the regulations can result in surcharges and additional payments. Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: www.bathnes.gov.uk/cil

4 Permit/Consent Decision Making Statement

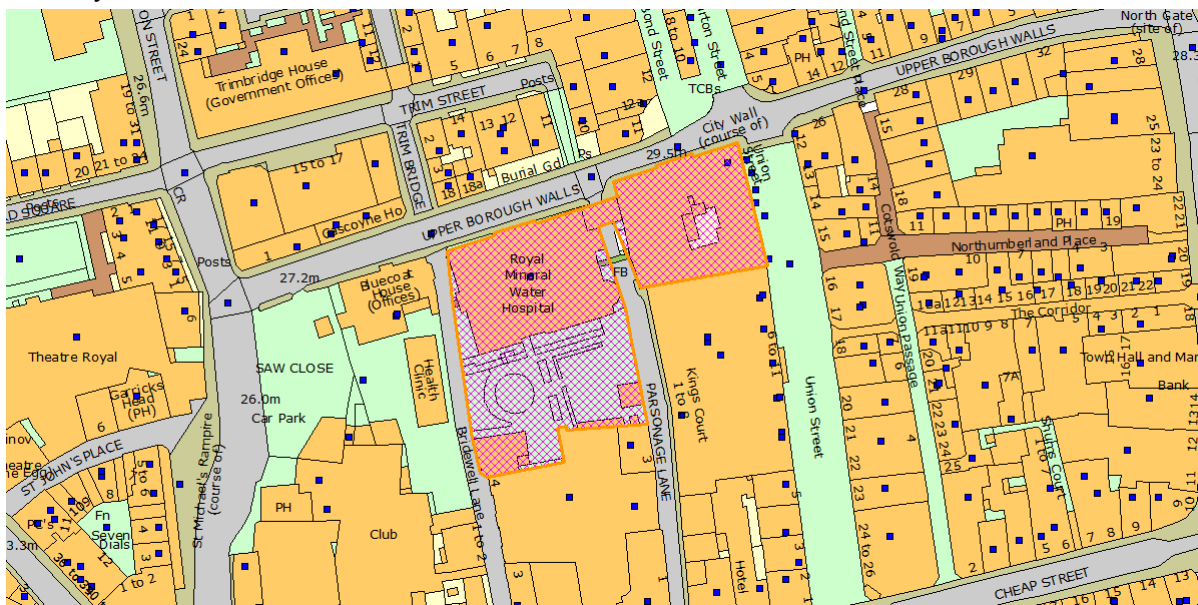
In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework.

5 Informative: Environmental Protection Act 1990 Under the environmental protection act 1990, the local authority has a duty to investigate complaints of nuisance and should a complaint be received, irrespective of planning consent, the local authority may on determination of a statutory nuisance serve a legal notice requiring any said nuisance to be abated and failure to comply may result in prosecution. Further advice may be sought from the local authority's environmental protection team on this matter where necessary.

Food premises Please be aware that all food business must be registered with the food safety team at Bath and North East Somerset Council at least 28 days prior to operation.

Noise and dust control from construction of development - informative All relevant precautions should be taken to minimise the potential for disturbance to neighbouring residents in terms of noise and dust during the construction phases of the development. This should include not working outside regular day time hours, the use of water suppression for any stone or brick cutting and advising neighbours in advance of any particularly noisy works. The granting of this planning permission does not indemnify against statutory nuisance action being taken should substantiated noise or dust complaints be received.

Item No: 03
Application No: 19/04934/LBA
Site Location: Royal National Hospital For Rheumatic Diseases Upper Borough Walls City Centre Bath Bath And North East Somerset



Ward: Kingsmead **Parish:** N/A **LB Grade:** IISTAR
Ward Members: Councillor Sue Craig Councillor Andrew Furse
Application Type: Listed Building Consent (Alts/exts)
Proposal: Listed Building Consent: Internal and external alterations associated with proposed conversion to hotel (Use Class C1); demolition and replacement of modern infill extension, new glazed roof and new infill development of northern elevation to internal courtyard of East Wing; alterations to the roof of east and West Wings; removal of external staircase to West Wing and replacement with glazed link to new extension and replacement infill development; abutment of new glazed structure with West Wing chapel south wall; demolition and replacement of 3rd floor extension to West Wing and additional plant screen and lift overrun to West Wing roof; partial demolition of the boundary wall on Parsonage Lane; construction of replacement glass screen to main internal ground floor lobby of West Wing; changes to internal layout and consequential changes to internal partitions and other fabric.
Constraints: Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Policy B2 Central Area Strategic Policy, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP12 Bath City Centre Boundary, Policy CP9 Affordable Housing Zones, Listed Building, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, SSSI - Impact Risk Zones,
Applicant: Frangrance UK (Bath) Ltd
Expiry Date: 3rd July 2020

Case Officer: Tessa Hampden To view the case click on the link here .

REPORT

Reasons for referring the application to committee

This application has been called to committee by Councillor Furse. The Chair of the Committee has agreed that this should be dealt with by the committee due to the prominence and importance of this building.

Site description and proposal

The former hospital is a Grade II* listed building located within the heart of the City of Bath Conservation Area, the World Heritage Site and within the defined city centre. The rear garden and parking area comprises a Scheduled Monument (Roman Bath and site of the roman town), and a number of the surrounding buildings are also listed.

The site is bound to the north by Upper Borough Walls; to the east by Union Street; to the south by Westgate Street and to the west by the pedestrianised Bridewell Lane. Parsonage Lane bisects the existing building and forms the eastern boundary of the garden/courtyard/parking/storage area. The NHS vacated the building on 20th December 2019 and the building is currently redundant

The hospital was originally planned, designed and constructed to provide access to treatment in the thermal waters of Bath for the 'sick poor from Britain and Ireland'. Royal Assent was given in 1830 for the mineral waters to be diverted into the hospital from the Kings Bath spring. The Mineral Water Hospital building complex is, therefore, a rare survival of a building devoted to providing medical treatment for the sick. It also forms an extremely important element within the wider setting that is the Bath Conservation Area City Centre Character Area and World Heritage Site. It is of national and international cultural and heritage significance.

The application seeks listed building consent for internal and external alterations associated with proposed conversion to hotel (Use Class C1); demolition and replacement of modern infill extension, new glazed roof and new infill development of northern elevation to internal courtyard of East Wing; alterations to the roof of east and West Wings; removal of external staircase to West Wing and replacement with glazed link to new extension and replacement infill development; abutment of new glazed structure with West Wing chapel south wall; demolition and replacement of 3rd floor extension to West Wing and additional plant screen and lift overrun to West Wing roof; partial demolition of the boundary wall on Parsonage Lane; construction of replacement glass screen to main internal ground floor lobby of West Wing; changes to internal layout and consequential changes to internal partitions and other fabric.

Revised plans have been submitted during the course of the application which have sought to respond to officer comments and third party representations. There is a parallel planning application which seeks planning permission for the principle of the change of use and for the associated works including the extension.

Planning history

19/04933/FUL - Change of use from a hospital (Use Class D1) to a 164 -bedroom hotel (Use Class C1) and 66 sq m of restaurant/café (Use Class A3); to include publicly accessible restaurant, health spa, bar, lounge/meeting spaces at ground and first floor; external alterations to East Wing roof including removal of lift room and flu, demolition and replacement of roof top plant area and extension to existing pitched roof; demolition and replacement of modern infill development to south elevation and new infill development to north elevation of the East Wing internal courtyard and new glazed roof to spa area; removal of modern external staircase to rear of West Wing and replacement infill development and glazed link to new extension; demolition and replacement of 3rd storey extension to West Wing; alterations to the roof of West Wing including new lift shaft and plant screen; erection of 3.5-storey extension to rear of West Wing with glazed link/conservatory space; removal of two trees and replacement tree planting; landscaping and associated works.

19/04934/LBA - Pending consideration

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Conservation/Listed Building Officer - no objection subject to conditions. Whilst areas of harm have been identified, there are public benefits that are considered to outweigh this harm.

Urban design /sustainable construction- no comments received on revised plans but objection to the first iteration

Landscape Officer - not acceptable in the current form primarily due to the loss of the open space

Archaeological Officer - no objection subject to conditions

Historic England - The scheme presented would cause 'less than substantial' harm to the overall heritage significance of the Grade II* Royal National Hospital of Rheumatic Diseases, the Scheduled Ancient Monument, the surrounding Conservation Area and World Heritage Site. Historic England does not object to the scheme, we recognise that the level of harm being caused has been minimised as far as possible for a scheme of this nature. BANES Council must ensure that the harm is justified against the public benefit and the potential for alternative uses of the site (NPPF, Para 194 and 196).

Cllr Furse - Since the Mineral Hospital development is such a significant development in the city centre and of key public interest requests that regardless of the recommendation - that it be determined in public by the committee

Representations

Bath Preservation Trust -Support (with reservation re extension roof). Neutral opinion on the use of the building as a hotel and recognises the importance of finding a use for this building. Supportive of the attempted reduction in roof parameters, height and use of vernacular materials and the increased incorporation of the garden space into the overall scheme. The Trust remain resistant to the proposed plant room on the roof.

A number of representations were recorded solely against the planning application, with 7 objections received to the listed building application. It is reasonable to presume that a number of representations covered both the planning application and listed building consent.

Federation of Bath Residents Association - concerns raised with regards to the day/sunlight assessment and the impact upon the neighbouring occupiers. The proposed rear extension is unappealing and necessary addition, and overloads the minimal space between the buildings. Questions raised on the suitability of the building for the hotel and the need for this use given existing supply. Concern with loss of trees.

Abbey Association - In relation to the first iteration, concerns raised with regards to residential amenity, loss of hospital use, loss of trees, impact upon Scheduled Ancient Monument, relies on vehicular access. In relation the revised plans, the improvements are noted.

The objection comments can be summarised as follows:

- Concerns in relation to loss of hospital in the centre
- Objection to a hotel when there is no need
- Other uses (including housing, community uses) are needed over the hotel use
- Increase traffic to centre
- Loss of trees
- Loss of green space
- Overdevelopment of the site
- Conflicts with the declaration of the climate emergency
- Impact upon residential amenity of the neighbouring occupiers (including privacy, outlook, light, noise)
- Inaccurate studies and plans
- Legal arguments as to why this application should not be permitted (Including lack of justification for the works and need for significant public benefits)
- Loss of open space between buildings
- Impact upon Scheduled Ancient monument
- Inappropriate design - including siting, scale and materials
- Impact upon listed building, Conservation Area and World Heritage Site.
- Increased noise and disturbance to the city.

POLICIES/LEGISLATION

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

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

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

The statutory Development Plan for B&NES comprises:

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

RELEVANT CORE STRATEGY POLICIES

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

- SD1 Presumption in favour of Sustainable Development
- DW1 District Wide Spatial Strategy
- B1 Bath Spatial Strategy
- B2 Central Area Strategic Policy
- B4 World Heritage Site
- CP1 Retrofitting existing buildings
- CP2 Sustainable Construction
- CP3 Renewable Energy
- CP6 Environmental Quality

RELEVANT PLACEMAKING PLAN POLICIES

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

- D1 General Urban Design Principles
- D2 Local Character and Distinctiveness
- D3 Urban Fabric
- D4 Streets and Spaces
- D5 Building Design
- D7 Infill and backland development
- D8 Lighting
- D10 Public Realm
- HE1 Historic Environment
- PCS8 Bath Hot Springs
- BD1 Bath design policy
- B4 The World Heritage Site and its setting

National Planning Policy Framework (February 2019) and the National Planning Practice Guidance (March 2014) can be awarded significant weight.

SUPPLEMENTARY PLANNING DOCUMENTS AND ADDITIONAL GUIDANCE

- City of Bath World Heritage Site Setting SPD (2013)
- Bath City-wide Character Appraisal SPD (2015)

Low Carbon and Sustainable Credentials:

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

LOW CARBON AND SUSTAINABLE CREDENTIALS

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

OFFICER ASSESSMENT

The National Planning Framework explains that heritage assets are an invaluable resource and should be conserved in a manner appropriate to their significance so they can be enjoyed for their contribution to the quality of life of existing and future generations.

Significance of heritage assets affected

Paragraph 189 of the NPPF explains that Local Planning Authorities should require the applicant to describe the significance of the heritage assets affected, including any contribution made by their setting. The submission includes a thorough assessment of the significance of the heritage assets in relation to the proposals, and officers are satisfied that they have enough evidence on which to base their assessment.

In relation to former hospital, surviving internal features of particular significance include the Chapel's interior, the west wing staircase space, the remains of the earlier theatre building and stone vaulting, the Roman mosaic displayed in the floor of the west wing basement, the underground tunnels, the east wing top floor barrel vaulted ceilings and corbels, and decorative features such as fireplaces, cast iron columns, ceiling roses and cornices.

Part of the communal value of the hospital is derived from public access to the building, its status and importance within the city, and until recently its intrinsic connection to the hot springs of Bath, through the earlier use of the mineral waters in the hospital's baths for healing and other treatments. The conclusion of the Statement of Significance and Heritage Impact Statement clearly states that the Mineral Water Hospital can be deemed to be of high architectural, evidential, historic and communal value.

It also plays a significant role in the conservation area and is noted as a listed building of historic/townscape significance. The positive contribution played by its garden to the public realm is also acknowledged. The conclusion of the Statement of Significance and Heritage Impact Statement clearly states that the Mineral Water Hospital can be deemed to be of high architectural, evidential, historic and communal value.

Conversion/ New Use;

As a redundant hospital there is the risk of neglect and decay if a sustainable use is not established. Where the original use is not possible and in ensuring such heritage assets remain used and valued, it is likely that changes/adaptations will be required to suit the new use. It is most unlikely that a hospital/medical use would be re-established as the buildings do not lend themselves to current medical practice.

Securing the optimum viable use for this building is essential to achieve a successful sustainable outcome for this site. Where a heritage asset is capable of having a new use, then securing its optimum viable use should be taken into account in assessing the public benefits of a proposed development. The submitted Viability and Suitability Statement prepared by Savills, explains that when the NHS sold the building, the majority of bids were for a hotel use. It sets out how the conversion of the building carries significant abnormal costs and risks. Alternative potential uses for the building, could, in their view, result in more harm to the heritage value of the site or not represent the optimum use. Most commercial or residential uses would be unlikely to include the level of public access, or ongoing heritage interpretation, proposed with a leisure/tourism use.

Where changes are proposed, it is necessary to ensure that the heritage asset is conserved, and where appropriate enhanced, in a manner that is consistent with its significance and thereby achieve a sustainable development. The National Planning Policy Guidance (NPPG) states that part of the public value of heritage assets is the contribution that they can make to understanding and interpreting our past. Where the complete or partial loss of a heritage asset is justified, the aim then is to:

- capture and record the evidence of the asset's significance which is to be lost
- interpret its contribution to the understanding of our past; and
- make that publicly available.

A significant impact on the historic value of the hospital will be loss of the original use that it was designed for. This is an inevitable result of many conversions and one which will result in the loss of some of the building's historic and communal value. The applicants have proposed the interpretation of the building's heritage in its adaptive re-use as mitigation for this loss. Given that the building is not to be retained as a hospital, there is an opportunity through the current application to analyse, restore and interpret the Mineral Water Hospital's historical value, despite the likelihood of this re-use causing a degree of alteration, impacting on the current significance of its intrinsic character.

In this case although the hospital use would be lost, the buildings on the site would be retained and converted. As part of the balance in considering the change of use proposed have provided a degree of public access and prepared a Historic Interpretation Strategy. These are both detailed below.

Internal alterations

Following the NHS's departure from the building, internal investigations were undertaken. The investigations demonstrated that there is little historic decorative fabric and internal historic features of interest. The amount of original fabric, apart from in the layout /plan

form of the wards has been greatly altered resulting in much of the interior having a low significance. There are however areas of the building which do have a high level of significance.

The best conserved part of the interior is the West Wing's reception hall and staircase area, the Chapel and the undercroft beneath it and the East Wing's Violet Ward and suite of rooms around the original front entrance, together with parts of the basement and upper rooms on the second floor. These are now to be retained in their original form as open spaces. The Violet Ward which is considered to be the best preserved of the hospital's wards being unaltered since the 18th century, is to be used as a single uninterrupted meeting space.

Investigations have revealed that the standing remains of what is thought to be the old theatre frontage that appears to have been partially encapsulated within the east wing's basement and performs the role as a corridor wall. This will also be preserved and unlike the current situation, the use of this part of the site as a spa will allow this interesting fragment of an earlier building to be publicly accessible.

There are still proposals to subdivide many of the original wards to form hotel bedrooms, but most of these wards have lost much of their original or subsequent features of interest that might equate to features of the original architecture. As a result, the actual size and proportions of the wards, although many have been subsequently compromised by modern partitions and dividing walls, will be predominantly altered into multiple hotel rooms. This will impact harmfully on the character of the hospital's interior.

The removal of false ceilings has revealed that the metal columns within some of the larger wards have utilitarian capitals and bases and were designed for structural support rather than architectural embellishment. As they were probably never intended to be completely visible within the wards, their concealment in any new proposals will not harm any significance.

The insertion of a second passenger lift alongside the current lift in the West Wing will necessitate a section of flooring to be removed at all levels. This will result in a degree of harm. However, this installation being adjacent to the existing lift will have little impact on any important element of the floor plan.

A further area of harm will result from the installation of new services and associated infrastructure. It is recognised that existing services have been damaging to the building's character. The conspicuous nature of existing electrical supplies lends a strong utilitarian character to many of the hospital corridors. This will be reversed, albeit the amount of new services, waste pipes and cabling will be greater than the current use has required.

Surveys of the windows and doors within the building have been undertaken revealing that there are two surviving original Georgian windows in the basement in the east wing, but much of the remaining fenestration is 20th century. Similarly, many of the doors have either been upgraded to fire doors or are later 20th century. It is understood that there is no current intention to replace the windows.

To facilitate the spa bedrooms, it is proposed to remove the existing louvered vents and replace them with windows to match the remainder of this elevation. This will be beneficial

to the visual significance of the East Wing as this reinstates a lost historic feature and will add further vitality to the street.

The spa facility being reintroduced allows the hotel to offer services that reflect the forms of treatment that may have once been used in the hospital for patient treatments. The layout respects the current layout of rooms within the basement area, putting this utilitarian range of rooms and spaces to a use that will preserve much of its character. The innovative use of the inner courtyard in conjunction with the spa will add an additional level of enhancement to the overall spa facility.

Extension

The submission explains that to provide a hotel offer that would secure the long-term future of the Mineral Hospital, a garden building or extension is needed to be considered as part of the overall proposals. Whilst this has not been tested, officers must consider the scheme as submitted.

Through detailed negotiations, the extension has been amended during the application process. The extension will now comprise a 3 and a ½ story structure located against the south elevation of the west wing.

The extension will be constructed primarily in the existing car park area and will cover a small section of the existing garden space. The City of Bath Character Appraisal explains that rear gardens such as this provide occasional areas of greenery visible from the public realm. It explains that the overdevelopment of private gardens can detract from the setting of the character area and of listed and unlisted buildings.

The Statement of Significance acknowledges that from at least 1610 to 1785, the site of the current West Wing and garden was a significant formal parterre garden. In the building of the West Wing in the mid-19th century, the site of the original formal garden was lost, with about three quarters of it replaced by the West Wing itself. After 1861, the current garden site and adjacent car park were again laid out as gardens and, whilst the eastern half has since been tarmacked for parking, the western half remained as garden.

This land has been partially eroded in terms of its character and contribution to the setting of the hospital and the Conservation Area by the formation of the car park. This lessens the significance of the space within the context of its origins and historic development. However, the development of this space would erode its role as a buffer between existing development, affecting the balance between built and spatial forms. This results in a degree of harm to the setting of the Listed Building, the Conservation Area and the World Heritage Site.

The retention of the garden and trees to the west of the site will ensure that the view from Bridewell Lane will retain the verdant character which has been identified as an important attribute. The garden areas will be re-landscaped as a small pleasure garden and will be accessible to the public using the hotel and restaurant. Whilst two trees are being removed to facilitate the extension, one large specimen tree and 5 smaller trees are being planted. As noted above, there are some concerns with regards to the loss of the open space overall, but the development is not considered to represent the overdevelopment of the garden area.

It is noted that Historic England have raised some concerns with regards the water feature and that the infrastructure required for this will take away from the openness of the site. It is important that this openness at the rear of the hospital and the original intention of the space as an area for therapeutic activity remains legible. A revised landscaping scheme can be secured via condition to ensure the right approach is taken for this space.

The extension has been designed to read as a distinctly contemporary separate entity, linked to but set apart from the historic façade of the West Wing. Following the revisions to the scale and design, it is now considered to be subservient to the Mineral Hospital. Its scale now more successfully reflects that of an extension in this back-street location.

Concerns were raised by internal and external consultees in relation to the dominance of the extension on Parsonage Lane. As a result, the extension has now been set back above ground floor level at the east elevation to ensure that the views of the extension when approaching along Parsonage Lane are minimised. This also allows for the Chapel Apse, a significant element of the hospital's historic and architectural interest, to retain its prominence and importance in the street scene.

The main bedroom extension will be connected to the south elevation through a conservatory of a minimalistic design. The amendments to the glazed connection make for a less bulky visual aesthetic than the previous scheme and will allow a better visual awareness of the rear elevation of the hospital site.

It is noted that the roof of the extension will only be visible in limited views from the public realm. The introduction of a recessed mansard roof profile more successfully reflects the historic roofscape of this area and helps to break down the extension's massing through an improved differentiation between the roof and main element of the building. The combination of the set back and roof alteration will allow for a more harmonious street scene whereby the new block echoes the architectural form of the neighbouring properties at Parsonage Lane. The addition of upstands around the plant area to mimic a row of chimneys and the installation of more traditional looking dormer windows on two elevations also help to improve the visual quality of the extension in views around the site, including views from the existing hospital's West Wing.

The use of traditional materials such as Bath stone ashlar and split faced Bath stone blends with the existing texture and colour palette of Parsonage Lane's backland character and the surrounding listed buildings. The materials are subservient to the hospital and more responsive to the backlands of the adjacent Lanes. The use of a grey metal will ensure the new form integrate into the city's roofscape.

Overall, whilst there is accepted to be a degree of harm to the setting of the listed building, Conservation Area and World Heritage Site through the loss of the open space to the rear, the quality of this space is already partly eroded. This harm will be considered alongside any all harm, when balancing against the public benefits. However, notwithstanding this, the overall scale, design and materials used are considered to result in an acceptable addition to this former hospital building.

External works - west wing roof

The proposals include the remodelling of the 20th Century top floor of the west block. During the application process this has been amended by decreasing the windows size to ensure that it is more in keeping with Georgian proportionality. This is betterment on the existing situation and a conservation gain. The material will be clad in a grey metal, and whilst this is a more contemporary material, its tone will ensure that the roof integrates the roofscape of the city

The proposal also comprises re-opening the entrance to the East Wing on Upper Borough Walls, the reinstatement of basement windows fronting Upper Borough Walls, new gate opening and railings and hoist to light well to West Wing on Parsonage Lane. There are no objections to these works.

Public benefits

It is necessary to consider other elements of the overall scheme that may represent public benefits, where these public benefits relate to the listed building.

Improvements to the public realm

Indicative drawings show improvements to the public realm at Parsonage Lane. Parsonage Lane currently has a predominantly tarmac finish with granite kerbs. The tarmac is patchy and in poor condition. Some of the paving slabs close to Upper Borough Walls are broken or loose.

The proposals illustrate upgrading the footpath and carriageway stretch between Upper Borough Walls and the mouth of the proposed conservatory entrance from tarmac to stone flag paving and stone block along. In addition, a section of the lane extending from the proposed entrance to the end of the developments southern boundary is identified for resurfacing with new tarmac. The existing black heritage metal railings are to be retained and repaired.

Whilst these works are indicative at this stage, these details indicate that the applicants are committed to providing public realm improvements. This would be a major improvement to the immediate public realm. In terms of the impact on the character and appearance of the Conservation Area together with the setting of the listed buildings that front onto this part of Parsonage Lane, this would result in a positive enhancement to the public realm.

Public access

Public access to the building is of paramount importance and the uses allow for this. A spa is to be provided in the basement of East Wing to include public access/spa arrival off Upper Borough Walls. The public would also have access to the juice bar, the restaurant in the Chapel and the Violet Ward will be available for external hire. The rear garden will be accessible by users of the hotel and restaurant.

The applicant has also agreed to an obligation attached to any permission that will ensure that the future occupiers must allow a minimum number of heritage open days per year when the building will be accessible for guided tours, facilitated by an identified 'Heritage Coordinator' employed by the hotel operator. Whilst this will be secured through the

planning application, the benefits are linked to the listed building application, and the cultural significance of the listed building.

Fixtures and Fittings

Artefacts including paintings, depicting the planning and conception of the hospital, the 1742 clock and effigies of various influential Georgian figures who were involved in the hospital's foundation form an important part of the history of the former hospital.

The most recent historical interpretation strategy has been modified to include an accurate inventory of all the artwork that has been removed from the hospital and where it is now housed. Not only is this an important documentary record of these important artefacts, it should also help in the future to provide the basis for possible reunification of some of the pictures and other items such as the clock back into the site

Although reuniting of these items with the hospital depends on the applicants and the NHS Trust coming to an agreed arrangement that is outside the control of these applications, by including a list of items within the historic interpretation strategy, this will at least give the public an understanding of what artefacts were once housed within the hospital and may strengthen any resolve to reunite them in the future.

Historic Interpretation Strategy (HIS)

The submission includes a draft HIS. This has been prepared to secure measures that will make a meaningful contribution to the historic interpretation of the Mineral Hospital, for the benefit of the public in the future. The submission explains that the aim of the document is to celebrate and interpret those historic features that remain in the building and to interpret and present the rich history of the hospital.

It explains that a key mechanism for delivering on site interpretation will be the use of digital technology which may include interactive wallpaper. This allows images to be shared such as paintings, artefacts, and display of information on smartphones. It also confirms that physical objects of historic significance could be displayed in a number of key locations around the hospital. An interior design brief is included in the documents

The HIS also details matters such as public access, and connection to spa waters as detailed above. Further, as highlighted, the HIS contains an inventory of the fixtures and fittings removed from the building and details of how these may be used in the future.

The HIS also covers off site interpretations and explains that the applicant's team have been in discussions with external bodies to ensure that heritage offer at the Mineral Hospital is joined up with other museums. One partner that has been explored is the Bath Medical Museum (BMM), who previously were based in the Mineral Hospital. It is noted that the BMM have difficulties in funding long term accommodation, and this is outside the control of this application. However, it is noted that BMM are currently developing their website to provide enhanced content on the city's medical history, and it is considered that this could link closely with the HIS and this may include a financial contribution to assist in the development.

The aims of this strategy can be secured via S106 which would be attached to the associated planning permission if granted. However, the benefits of this is directly linked to the listed building considerations.

Conclusion on heritage matters

The above section of the report highlights areas of harm, as well as public benefits brought about by the proposals.

Harm has been identified due to the change of use of the building, through the loss of its original use and links to the hot springs. There is some harm from the change in plan forms as well as loss of historic fabric. The extension itself causes a degree of harm due to the erosion of space to the rear and the connection to the south elevation and the setting of the hospital.

In the language of the Framework, the overall harm to the listed building and the setting of the listed building, is considered to be less than substantial. In line with the NPPF, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed up against the public benefits of the proposals, including where appropriate, securing its optimum viable use.

When considering the impact of a development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Any harm should require clear and convincing justification. Officers have sought to minimise the harm where possible and have placed significant importance on the designated assets conservation.

Within the above section of the report, it has been explained that a number of public benefits could be delivered through the scheme. The NPPG advises that public benefits may be anything that delivers economic, social or environmental progress as described in the NPPF but it must flow from the proposed development and should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. It also recognises that benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.

Public benefits may include heritage benefits, such as reducing or removing risks to a heritage asset and/or securing its optimum viable use in support of its long-term conservation. It is considered that this scheme will achieve a new use for this building which is now vacant with the new investment and use ensuring that the building does not remain empty putting the heritage asset at risk. It is considered that the hotel use will allow public access to the building which is considered to be of high importance. Through measures outlined within the submission including the HIS, the public will be able to have a continued understanding of the history of the building, and a better appreciation of assets such as the Roman Mosaics which will be located in publicly accessible parts of the building.

Further benefits include improvements to Parsonage Lane and active uses to Upper Borough Walls, heritage gains through removing late 20th century detrimental fabric from the hospitals interior, restoring and maintaining the more significant rooms within the buildings and improvements to the roof of the west wing

Paragraphs 193 and 194 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, irrespective of the level of harm, and that any harm should require clear and convincing justification. It is therefore important to understand that considerable importance and weight must be given to the conservation of the heritage asset when carrying out the balancing exercise.

The aforementioned public benefits weigh heavily in favour of the application, but this need to be considered against the fact that great weight must be given to the assets conservation, and this is of paramount importance given the significance of the assets involved. Overall, set alongside the level of harm identified to the significance of the designated heritage assets, these public benefits provide clear and convincing justification and are sufficient to indicate that the proposal would be acceptable.

There is a duty under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant listed building consent for any works, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Significant attention has been given to ensure that this duty under Section 16 of the Act is fulfilled. Detailed negotiations have been undertaken to ensure that any harm to the listed building and its setting is minimised and the enhancements maximised.

In conclusion, the proposal would provide sufficient public benefits to outweigh the harm to significance of the identified assets. Therefore, the proposal would accord with NPPF paragraphs 193, 194 and 196 and Sections 16(2) of the Listed Building and Conservation Area Act. The proposal would also accord with Policy HE1 of the Bath and North East Somerset Placemaking Plan 2017 which, amongst other things, requires the significance of listed buildings to be sustained and enhanced and any harm to be justified.

It is therefore recommended that listed building consent is granted.

RECOMMENDATION

CONSENT

CONDITIONS

1 Time Limit - Listed Building Consent (Compliance)

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

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

2 Contract for Redevelopment (Pre-commencement)

Works for the demolition of part of the existing buildings shall not commence until a valid contract for the redevelopment of the site, in accordance with a valid planning permission, has been let, or details of temporary treatment of the site and buildings have been submitted to and approved in writing by the Local Planning Authority. Such details shall

include a programme for carrying out such treatment, which shall thereafter be carried out in accordance with the approved details.

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

3 Archaeology - Historic Building Recording (Pre-commencement)

No development or demolition shall commence, except archaeological investigation work, until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a record of those parts of the East Wing, West Wing and Lodge which are to be demolished, disturbed or concealed by the proposed development, and shall be carried out by a competent person(s) and completed in accordance with the approved written scheme of investigation.

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

4 Protecting Architectural Features (Pre-commencement)

No development shall commence until detailed drawings identifying the architectural features which are to be retained and the method by which these features will be safeguarded during the carrying out of the approved development have been submitted to and approved in writing by the Local Planning Authority. The approved protective measures shall be implemented and kept in place in accordance with the details so approved for the duration of the development works.

Reason: To safeguard features of special architectural and historical interest and preserve the character and appearance of the building in accordance with Policy CP6 of the Bath and North East Somerset Core Strategy and Policy HE1 of the Bath and North East Somerset Placemaking Plan. This is a pre commencement condition as any works may harm retained features.

5 Stripping Out Phase (Pre-commencement)

No development shall commence until detailed asbestos and lead paint surveys have been submitted to and approved in writing by the Local Planning Authority. In addition detailed drawings setting out the precise level of demolition and fabric removal from the chapel and its annex in the West Wing and the inner courtyard of the East Wing shall be submitted to and approved in writing by the Local Planning Authority. This should include a programme and method statement for the stripping out works setting out how historic fabric will be preserved during the process.

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

Somerset Placemaking Plan. This is a pre commencement condition as any of the above works may harm historic fabric if not controlled.

6 Investigation of cementitious render to wall and vaults (Pre-commencement)

Prior to the development commencing a completed report on the investigation into the existing cementitious render on the walls to parts of the hospital building has been submitted to the LPA. This report should include, if appropriate, a methodology for the render removal and any subsequent replacement with plaster or mortars which shall thereafter be carried out in accordance with the approved details.

Reason: To safeguard features of special architectural and historical interest and preserve the character and appearance of the building in accordance with Policy CP6 of the Bath and North East Somerset Core Strategy and Policy HE1 of the Bath and North East Somerset Placemaking Plan. This is a pre commencement condition as any works may harm historic fabric.

7 Schedule of Repairs (Bespoke Trigger)

Following the stripping out and removal of fabric within the existing buildings; in accordance with the approved method and prior to any further works being undertaken a detailed schedule of any repair work, including methods and materials and any structural engineering reports to be submitted to and approved in writing by the Local Planning Authority. Thereafter the work shall only be carried out in accordance with the approved details.

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

8 Scaffolding details (Bespoke Trigger)

If the works of the proposal contained within the application require access scaffolding to be erected none of the scaffolding shall be physically tied using anchor ties or bolts unless details including subsequent repair specifications are submitted to and approved by the Local Planning Authority prior to the erection of any scaffolding. Once approved the scaffolding shall be erected, removed and the building repaired in accordance with the approved details.

Reason: Physically tied scaffolding can cause significant damage to a listed building and should be avoided to safeguard the character and appearance of the building in accordance with Policy HE1 of the Bath and North East Somerset Placemaking Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

9 Stone Cleaning Sample (Pre-commencement)

No work shall commence on the stone cleaning of the existing buildings; until a sample panel has been provided in-situ to establish the final parameters of the stone cleaning and approved in writing by the Local Planning Authority. The approved panel shall be kept on site for reference until the development is completed. Thereafter the work shall only be carried out in accordance with the approved sample panel.

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

10 Stone repairs and Mortar Mix (Bespoke Trigger)

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

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

11 Sample Panel - Walling for new bedroom block(Bespoke Trigger)

No construction of the external walls of the development shall commence until a sample panel of all external walling materials to be used has been erected on site, approved in writing by the Local Planning Authority, and kept on site for reference until the development is completed. The development shall be undertaken in accordance with the approved details.

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

12 Materials - Submission of Schedule and Samples for reinstatement of main elevation to West Wing following demolition of stair tower (Bespoke Trigger)

No construction of the external walls of the 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 approved details.

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

13 Joinery Details (Bespoke Trigger)

No repairs or adaptations of the existing windows and doors; shall commence until full details comprising a detailed schedule including methodology of repairs and details of any safety/protective/secondary glazing measures; have been submitted to and approved in writing by the Local Planning Authority. Thereafter the work shall only be carried out in accordance with the approved details.

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

14 Joinery Details (Bespoke Trigger)

No installation of the proposed basement windows in the East Wing; shall commence until full details comprising 1:10 drawing including details of any safety/protective measures; have been submitted to and approved in writing by the Local Planning Authority. Thereafter the work shall only be carried out in accordance with the approved details.

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

15 Flooring Details (Bespoke Trigger)

Following the removal of floor coverings and any other wall or ceiling coverings, treatment of the exposed historic fabric is to be approved in writing with the Local Planning Authority, including submission of any required drawings, which shall thereafter be carried out in accordance with the approved details.

Reason: To safeguard the historic fabric, character and appearance of the listed buildings and in the interests of the appearance of the development and the surrounding area in accordance with Policies HE1 of the Bath and North East Somerset Placemaking Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

16 Fireplace Details (Bespoke Trigger)

No reinstatement of original fireplaces and surrounds ; shall commence until full details comprising 1:10 drawing including details of any repairs; have been submitted to and approved in writing by the Local Planning Authority. Thereafter the work shall only be carried out in accordance with the approved details.

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

17 New Service details (Bespoke Trigger)

Prior to above ground works commencing, no works shall start until further large scale plans of all new electric services, water and waste systems and routes, fire alarms and sprinkler systems and mechanical ventilation infrastructure are submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved details.

Reason: To safeguard the historic fabric, character and appearance of the listed buildings and in the interests of the appearance of the development and the surrounding area in accordance with Policies HE1 of the Bath and North East Somerset Placemaking Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

18 Special Feature Details (Bespoke Trigger)

Prior to above ground works commencing, no works shall start on the following items until full details of their treatment and repair are submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved details;

- o The principal staircase, balustrade, and landing area in the West Wing.
- o The staircase within the lodge.
- o The Chapel walls, ceiling, floor and the apse including the stained glass windows
- o The new front entrance door and surround to the East Wing.
- o Further details of the glazed conservatory link on the rear elevation, including detailed 1:10 drawings of the proposed frame and glazing system and the method of attachment to the West Wing with specific details of the treatment of the balcony within the new extension.
- o All standing boundary walls surrounding the perimeter of the development site.
- o The method for treating the existing balcony on the rear elevation of the West Wing.
- o Positions of and design details for all new ducting, vents, vent covers and grilles, including kitchen ducting, where not specifically shown on the approved plans.
- o The glazed front light-wells.
- o The inner courtyard glazed roof structure to the East Wing and how this will be supported and fixed to the existing building.
- o All typical new internal and external joinery, including a colour schedule.
- o Treatment & appearance of any safety barriers and protective devices around the Roman mosaics

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

19 Installation of lighting (Bespoke Trigger)

Prior to the installation of any external lighting details shall be submitted for the approval in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved detail.

Reason: To safeguard the character and appearance of the listed building and the Conservation Area in the interests of the appearance of the development and the surrounding area in accordance with Policies HE1 of the Bath and North East Somerset Placemaking Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

20 Plans List (Compliance)

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

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

PLANS LIST:

1

2 Condition Categories

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

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

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

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

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

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

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

3 Permit/Consent Decision Making Statement

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

4 Community Infrastructure Levy

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. **Before** commencing any development on site you should ensure you are familiar with the CIL process. If the development approved by this permission is CIL liable there are requirements to assume liability and notify the Council before development commences, failure to comply with the regulations can result in surcharges and additional payments. Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: www.bathnes.gov.uk/cil

Item No: 04
Application No: 19/05165/ERES
Site Location: Western Riverside Development Area Midland Road Westmoreland Bath



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

Ward Members: Councillor Colin Blackburn Councillor June Player

Application Type: Reserved Matters App with an EIA

Proposal: Approval of reserved matters (scale, appearance and landscaping) pursuant to outline application 06/01733/EOUT for the erection of 2 no. 5-storey buildings comprising 290 student bedrooms (Sui Generis); retail floorspace (Class A1); bin and cycle stores, plant rooms, and associated landscaping works.

Constraints: Article 4 HMO, Agric Land Class 3b,4,5, Air Quality Management Area, Policy B1 Bath Enterprise Zone, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Policy CP9 Affordable Housing Zones, District Heating Priority Area, Flood Zone 2, Flood Zone 3, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE5 Ecological Networks, Neighbourhood Plan, SSSI - Impact Risk Zones, SSSI - Impact Risk Zones,

Applicant: Dick Lovett Companies Ltd

Expiry Date: 27th August 2020

Case Officer: Chris Griggs-Trevarthen

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

REPORT

REASON FOR REPORT TO COMMITTEE

Councillor June Player has requested that the application be determined by committee if it is recommended for approval. In accordance with the scheme of delegation, the

application has been referred to the chair/vice chair of the Planning Committee who has decided that the application should be reported to committee for the following reasons:

"Outline planning permission for this site was granted some time ago, and this application is for reserved matters (scale, appearance and landscaping), and whether or not they comply with the existing permission. The applicant has made a number of changes as set out in the report, in order to comply with current policies. However, the north side of the Lower Bristol Road is currently characterized by buildings set back from the road, and the committee may wish to further consider the consequences of loading this scale and mass right onto the road, permanently changing the local context"

DESCRIPTION

The application comprises a roughly square site currently in use as a car dealership with associated buildings and parking for Dick Lovett Mini. The site is situated between the Dick Lovett BMW dealership and Ford Allen dealership, opposite the former Bath Press development. All of the existing vehicular and pedestrian access is off Lower Bristol Road.

The existing site consists of a mix of three buildings with hard standing parking forming the Dick Lovett Mini Car dealership. To the east of the site lies the main MINI car dealership building. To the western boundary of the site, a warehouse is situated with a small office building located just off the southern boundary. The surrounding hard standing areas around the buildings are used for the storage of cars linked with the garage.

Towards the northern part of the site is a retaining wall that divides the site. This wall retains land that is generally 1.75m higher than the southern area of the site.

The site is located within the boundary of the Bath World Heritage Site. It also falls within an Air Quality Management Area and the majority of the site is within flood zone 3 with some small parts covered only by flood zone 2.

The site forms part of the approved outline planning permission for the wider Bath Western River redevelopment (ref: 06/01733/EOUT). The outline planning application (17.9 hectares) was granted with the following description:

A new residential quarter including up to 2281 residential homes and apartments (Class C3); up to 675 student bedrooms and associated communal areas (Class C3) (or alternatively up to 345 student bedrooms (Class C3) and a primary school (Class D1)); local shops, restaurants, and other community services and facilities (within Classes A1, A2, A3, A4, A5, D1); construction of new bridges, roads, footways and cycleways; associated infrastructure and facilities; accommodation works; and landscaping

This application relates to buildings B32/B33 within the outline planning permission and proposes the erection of 2 no. 5-storey buildings comprising 290 student bedrooms (Sui Generis), retail floorspace (Class A1), bin and cycle stores, plant rooms, and associated landscaping works.

RELEVANT PLANNING HISTORY

The most relevant planning permission is the outline permission for Bath Western Riverside redevelopment. There have been numerous other reserved matters application for other parts of the development area, but these have limited significance to this application and therefore are not listed here.

06/01733/EOUT - Bath Western Riverside Redevelopment

A new residential quarter including up to 2281 residential homes and apartments (Class C3); up to 675 student bedrooms and associated communal areas (Class C3) (or alternatively up to 345 student bedrooms (Class C3) and a primary school (Class D1)); local shops, restaurants, and other community services and facilities (within Classes A1, A2, A3, A4, A5, D1); construction of new bridges, roads, footways and cycleways; associated infrastructure and facilities; accommodation works; and landscaping

Application status: PERMITTED

19/05471/ERES - Midland Road, Waste Site

Approval of reserved matters pursuant to outline planning permission 06/01733/EOUT for the erection of 176 dwellings; retail / community space (Use Class A1/D1); access; parking; landscaping and associated infrastructure works following demolition of existing buildings and structures.

Application status: PENDING CONSIDERATION

15/02162/EFUL - Former Bath Press

Demolition of existing buildings and redevelopment of the site to provide a residential-led mixed-use development comprising 244 dwellings (Use Class C3) and 1,485.2 square metres (GIA) flexible employment space (Use Class B1), basement car park, substation, associated landscaping and access.

Application status: PERMITTED

15/01932/EOUT - Roseberry Place (now called Spring Wharf)

Mixed-use regeneration comprising the erection of six buildings to accommodate up to 175 flats, flexible business employment floorspace (Use Class B1) (up to 4,500 sq m gross), local needs shopping (up to 1,350 sq m gross) together with all associated development including demolition of existing buildings, site remediation, construction of new access roads and riverside walkway/cycle path, landscaping and tree planting.

Application status: PERMITTED

ENVIRONMENTAL IMPACT ASSESSMENT

The original outline planning permission was EIA development and contained an Environmental Statement which was updated in a series of addendums. This concluded that with the implementation of suitable mitigation measures, there will be no significant residual environment effects. As discussed in the report below, the current proposals are considered to fall within the ambit of the outline consent and it is therefore concluded that the proposed development will not have any significant adverse effects on the environment and the original findings of the Environmental Statement remain valid.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

A summary of consultation responses to the application have been provided below.

HIGHWAYS: No objection, subject to conditions

CONSERVATION: No objection, subject to condition

LANDSCAPE: Objection, scope for revision

It is considered that the development proposals are not acceptable in their current form because they would not:

- o conserve or enhance local landscape character, landscape features and local distinctiveness;
- o demonstrate that the whole scheme including hard landscape and planting proposals contribute positively to the local area;
- o conserve or enhance important views; and,
- o adequately mitigate their adverse impact on landscape.

As these issues are fundamental to the acceptability of the development proposal it is considered that they should be satisfactorily resolved prior to the determination of the application.

CONTAMINATED LAND: No objection, subject to conditions

ECOLOGY: No objection, subject to conditions

ARBORICULTURE: No objection, subject to condition

EDUCATION: No objection

AIR QUALITY: No objection, subject to condition

DRAINAGE AND FLOOD RISK: No objection

AVON & SOMERSET POLICE: No objection

NATIONAL PLANNING CASEWORK UNIT: No comment

ENVIRONMENT AGENCY: No objection

BATH PRESERVATION TRUST: Objection

Bath Preservation Trust asserts that whilst they appreciate the potential of the site for regeneration and positive redevelopment that can benefit Bath, they feel that the proposed design fails to reinforce local distinctiveness and local townscape character and would harm views into and across the World Heritage Site and Conservation Area by virtue of its discordant use of materials, and lack of meritorious detailing or form. It is demonstrative of 'anywhere' design that does not reflect, respect, or contribute to distinctive architectural aspects of local character, and consequently does not relate to or participate in its residential setting.

This application is therefore contrary to Section 12 and 16 of the NPPF, and Policies B1, B4, BD1, CP6, D1, D2, D3, D5, and HE1 of the Core Strategy and Placemaking Plan; they would encourage the appearance and materials to be reconsidered to better complement

the existing streetscape of Lower Bristol Street whilst becoming of greater visual interest in its own right.

RIVERSIDE COMMUNITY VOICE: General comments

Riverside Community Voice (RCV) are the residents' association for the Bath Riverside development.

The current application does not support any general housing needs and when taken with the likely application for the Regency Laundry site, will increase student accommodation and significantly alter the community mix. They believe that there is a need to review the overall balance of student accommodation together with the provision of affordable or social housing to address the wider needs in Bath rather than simply look at each application in isolation.

The absence of off street parking as part of the application is a concern. It is highly likely that a number of the occupants will maintain a car and this will place additional pressure on already limited parking spaces in the surrounding area. This can be seen on a daily basis outside of the Twerton Mill student accommodation where there is virtually permanent pavement parking on both sides of the road.

COUNCILLOR JUNE PLAYER: Objection, request application is determined by committee

Cllr. Player has raised the following concerns about the proposal:

There have been very significant changes to the Council's approach to student accommodation since 2010 with general housing and business uses being prioritised within Bath (policy B5). It is requested that the outline planning permission should be revoked or modified.

So much student housing, both in Purpose Built Student Accommodation and Houses of Multiple Occupation, is adversely affecting communities, notably in Oldfield Park and Westmoreland Wards where this development is situated.

The site currently allows views across the River and beyond due to the one or two storey height and set back from Lower Bristol Road. This contrasts with the proposed development which is five storeys built right up to the pavement edge. This means a 'roofless' corridor will be created at this area, as the site is opposite the old Bath Press development which is also to have high buildings with very little open space between them and the Lower Bristol Road. The proposals are considered to have no architectural merit and red brick is considered to stand out and not be in keeping with this area.

The traffic along here is very busy and includes many large lorries, the fumes from which will be trapped for a lot longer due to the 'tunnel effect'. This will degrade the air quality even further along this very polluted stretch of road, thereby affecting the health of pedestrians and drivers as well as occupants of this and the Bath Press development.

The development will not provide any off-street parking provision in an area where there are no parking restrictions and no public car parks. This will lead to additional on street parking having a harmful impact on the amenities of local people.

Concerns are raised about the safety of cyclists using Lower Bristol Road as there is no safe and protected cycle route.

The huge increase in pedestrians along Lower Bristol Road will have an impact upon the safe operation of the highway network.

No deterrents for urban gulls have been submitted with this proposal. The building design will make this issue worse.

THIRD PARTIES/NEIGHBOURS: 21 letters of objection have been received. The main points raised were:

Many of the respondents raised concerns about the principle of student accommodation. It was considered that there were too many student bedrooms proposed and that this would lead to an overconcentration of students in this area. Several of the comments felt that the site should be used for different uses such as family and/or affordable housing and green space.

Many concerns were raised about the impact upon parking. The comments state that the no-car policies don't work and that students will have cars that they will park in local street where parking is already limited.

A lot of the comments criticised the design of the proposals. Many felt it was too big and that the scale and massing is inappropriate. It is described as ugly and not sensitive to existing Georgian/Victorian architecture. Concerns were raised about the lack of variety in the design, the proximity to the street edge and the loss of views of the hills surrounding Bath. Some considered that red brick was inappropriate and that it would be an intrusion in the streetscene.

Several comments noted that the outline planning permission is 10 years old. The comments indicate that the application does not deal with today's problems and does not account for the new developments which have been granted since, e.g. Roseberry Place and Bath Press. Several mention that policy B5 has now been adopted and that this indicates that there are different priorities for this area other than student accommodation.

Many were also concerned that the proposals would result in increased traffic from students, visitors, deliveries and buses. It was felt that this would be particularly bad on open days and would result in increased air pollution and harm to highways safety.

Some felt that the proposals were not compliant with addressing the climate emergency. Suggestions to incorporate green roofs, roof gardens, water features, green walls and more trees were made. It was considered that the proposal was contrary to policies NE1 and NE6. Some considered the current tree planting proposals unclear and that there was a lack of open space.

Many considered the proposed buildings are positioned too close to Lower Bristol Road and that they would exacerbate air quality problems, particularly given the presence of the AQMA in this area. The position and height of the buildings was considered to contribute

towards a tunnelling effect which would worsen air quality. Some suggested that the scheme should introduce measures to address air quality.

A few comments were concerns about the potential loss of light and overshadowing caused by the proposed buildings and felt that this would negatively impact upon the pedestrian environment.

It was felt that additional retail space was not needed in this area and will contribute towards worsening traffic.

Some noted that there are no measures to deter seagull nuisance which is a big problem for the area.

Some were concerned about falling demand for student accommodation and wanted to see the proposals demonstrate adaptability to other uses. For others, there was a concern that student accommodation might be used as tourist rentals if demand drops and that this should be restricted by condition.

POLICIES/LEGISLATION

The Development Plan for Bath and North East Somerset comprises:

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

RELEVANT CORE STRATEGY POLICIES

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

- DW1 District Wide Spatial Strategy
- SD1 Presumption in favour of Sustainable Development
- B1 Bath Spatial Strategy
- B4 City of Bath World Heritage Site
- B5 Strategic Policy for Bath's Universities
- CP2 Sustainable Construction
- CP4 District Heating
- CP5 Flood Risk Management
- CP6 Environmental Quality
- CP7 Green Infrastructure
- CP10 Housing Mix
- CP12 Centres and Retailing
- CP13 Infrastructure Provision

RELEVANT PLACEMAKING PLAN POLICIES

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

SCR1 On-site renewable energy requirement
SCR2 Roof mounted/Building-integrated Scale Solar PV
SCR5 Water Efficiency
SU1 Sustainable Drainage
D1 Urban Design Principles
D2 Local Character & Distinctiveness
D3 Urban Fabric
D4 Streets and spaces
D5 Building Design
D6 Amenity
D8 Lighting
D10 Public Realm
HE1 Historic Environment
NE1 Development and Green Infrastructure
NE2 Conserving and enhancing the landscape and landscape character
NE3 Sites, species and habitats
NE6 Trees and woodland conservation
PCS1 Pollution and Nuisance
PCS2 Noise and vibration
PCS3 Air Quality
PSC5 Contamination
PCS7A Foul sewage infrastructure
LCR2 New or Replacement Community Facilities
ST1 Promoting sustainable travel
ST7 Transport requirements for managing development
BD1 Bath Design Policy
S8 Western Riverside

SUPPLEMENTARY PLANNING DOCUMENTS

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

Bath City-Wide Character Appraisal SPD (2005)
Bath Western Riverside SPD (2008)
City of Bath World Heritage Site Setting SPD (2015)
Sustainable Construction Checklist SPD (2018)
Planning Obligations SPD (2019)

NATIONAL POLICY

National Planning Policy Framework (February 2019) and the National Planning Practice Guidance can be awarded significant weight.

LOW CARBON AND SUSTAINABLE CREDENTIALS

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

OFFICER ASSESSMENT

The main issues to consider are:

1. Principle of development
2. Compliance with outline planning permission
3. Design
4. Highways
5. Residential amenity
6. Ecology
7. Trees and woodland
8. Air quality
9. Contaminated land
10. Archaeology
11. Flood risk
12. Drainage
13. Sustainable construction
14. Other matters
15. Conclusion

1. PRINCIPLE OF DEVELOPMENT

Outline Planning Permission 06/01733/EOUT was granted in December 2010 for the comprehensive redevelopment of the Bath Western Riverside site. The permission includes provision of up to 345 student bedrooms with retail across three development blocks. Two of these blocks falls within the current application site.

Several comments received reference the fact that the outline planning permission was granted 10 years ago and that the adoption of new policies since then, such as B5 in the Core Strategy and SB8 in the Placemaking, have indicated that student accommodation is not acceptable in this location. However, in this case, outline planning permission has already been granted for student accommodation and retail on this site and this application simply seeks the approval of reserved matters which are scale, landscaping and appearance.

The principle of development has therefore already been agreed and cannot now be challenged.

2. COMPLIANCE WITH OUTLINE PLANNING PERMISSION

Whilst the principle of development is not in question, it is necessary to assess whether the proposals submitted fall within the ambit of the outline planning permission.

Submission of reserved matters

Condition 2 of the outline planning permission requires that reserved matters applications are submitted within 9 years of the date of the grant of the outline planning permission. The outline planning permission was granted on the 23rd December 2010 and the current reserved matters application was validated on the 27th November 2019. The current application therefore complies with condition 2.

It should be noted that the time limit expressed in condition 2 has now expired and no further reserved matters applications can be submitted. In effect this means that no further development can come forward under the outline planning permission.

Quantum of development

The outline planning permission does not indicate how the 345 student bedrooms are to be distributed between the three development blocks indicated on the land use plan. The current reserved matters application contains two of these blocks and proposes a total of 290 student bedrooms. This would mean that in principle the third block of student accommodation on land outside of the current reserved matters application could contain up to a total capacity of 55 student bedrooms (although as noted above, the ability to submit further reserved matters applications has expired and in practice this third student accommodation block cannot therefore come forward as a reserved matter). Given the relative sizes of the different blocks, the proposed distribution of student bedrooms is reasonable and can be considered substantially in accordance with the outline planning permission.

Parameter Plans

Condition 6 of the outline planning permission lists a number of approved parameter plans which any reserved matters application must be 'substantially' in accordance with.

In terms of land use, the site falls within an area indicated on the approved Land Use Plan (1268/P/112 Rev F) as providing two blocks of 'student housing with retail and GP surgery, shop, cafes, etc. at ground floor level'. The reserved matters proposals include two blocks of student accommodation with retail at ground floor level and are therefore considered to be in accordance with the permitted land use plan.

Layout is a matter which is already approved and is indicated on the approved site layout plan (1268/P/105 Rev Q). This shows the two blocks; one arranged in an L-shape on the west side of the site and one linear block aligned north-south on the east side of the site. The two blocks shown in the current reserved matters proposals reflect the approved arrangement. Throughout the application process, the position of the proposed blocks has been slightly shifted to move them further away from Lower Bristol Road, whilst retaining the same layout. The revised layout remains substantially in accordance with the approved parameter plans.

In terms of scale, the approved site layout plan (1268/P/105 Rev Q) establishes proposed ground levels, maximum numbers of storeys and building height parameters. Both blocks within the current reserved matters application are 5 storeys and have minimum floor levels of 19.50m AOD which is consistent with the parameter plans. The maximum height of the two blocks is indicated as being 38.3m AOD for block B33 and 36.8m AOD for block B32. As originally submitted the reserved matters application proposals were both within these parameters. However, the flat roof forms created as a result of remaining strictly within this height parameter were unacceptable. Following negotiations, the plans were revised to retain the same number of storeys, but to incorporate a pitched roof design which was better suited to achieving an overall acceptable scheme in terms of its appearance. The ridge line of the revised block B32 is 38.8m AOD and therefore breaches the parameter height by 1.8m. However, these breaches are limited to the tops of the roof peaks on and the eaves of the building are now set below the approved parameter heights. The maximum height of revised block 33 is also 38.8m AOD and therefore only very slightly breaches (0.5m) the approved parameters. It is considered that, despite the slight breach of the height parameters in respect of the ridge heights, the proposals overall are substantially in accordance with the parameter plans.

The approved open space strategy parameter plan (1978WR SD011 Rev E) indicates that the site should contain a mixture of public hard landscaping along Lower Bristol Road and communal soft and hard landscaping within the courtyard between the blocks. The current reserved matters proposals reflect these proposals, albeit with some tree planting shown along the Lower Bristol Road frontage. The proposals are considered to substantially accord with this aspect of the parameter plans.

The outline consent also includes parameter plans in respect of habitat creation (197BWR SD012 Rev F) and open water management (197BWR SD013 Rev F). The most significant deviation is that the current proposals do not contain brown/green roofs. Whilst the original submission did include brown/green roof, the design was amended through the application process to address more significant concerns about roofscape and building form which have now precluded their use. This is considered only a slight deviation from the approved parameter plans and, overall, the proposals remain substantially in accordance with the parameter plans.

In terms of access, the outline planning permission contains a number of relevant parameter plans including Movement Strategy Plans for cars, (1268/P/114-2 Rev E) pedestrian and cycle (1268/P/114-1 Rev E) and buses (1268/P/114-3 Rev E). All show similar routes for movement along the Lower Bristol Road frontage and north-south along a new access road into the wider Bath Western Riverside site along the east side of the current application site.

As originally submitted, the applicant's ownership and red line of the application site included half the width of the road carriageway along this approved north-south route. As the applicant did not have control over the entire width of the road, they were unable to demonstrate that it could be delivered and did not include it in the reserved matters application. Instead the plans showed hard landscaping in the area where the approved road would have been. However, this was considered to be significant deviation from the approved parameter plans. The applicant therefore revised the application such that the red line of the application site was reduced to exclude the land reserved for the road. Whilst it would be clearly preferable to secure the delivery of the road, that is not currently

within the applicant's gift and by ensuring that the current reserved matters do not conflict with or prejudice the approved road the application remains substantially in accordance with the approved parameter plans.

The reserved matters proposals are also considered to be substantially in accordance with the remaining relevant parameter plans including those indicating the refuse and recycling strategy (1268/P/114-4 Rev E) and the emergency and delivery strategy (1268/P/114-5 Rev E).

Other conditions

The outline planning permission contains a significant number of other conditions, some of which are relevant to the consideration of the current reserved matters application. There has been some discussion over whether certain conditions, such as condition 4 requiring a phasing plan or condition 10 requiring the delivery of 18 dwellings within the stage of development associated with this part of BWR, mean that the proposals fall outside of the ambit of the outline planning permission. Detailed legal correspondence on the case law relating to these matters has been published on the Council's website which is summarised in the next paragraph.

The parameter land use plan shows student accommodation on the applicant's land. It also shows dwellings and a school on land outside of the application boundary but within the Stage 2 land. It is considered, as a matter of planning judgement, that the application is within the ambit of the outline permission because it accords with the parameter plan in showing the development required on the relevant part of Stage 2 (the student accommodation blocks) and further it is not required to deliver 18 dwellings as the land use plan makes clear that the dwellings are only required on a different part of the Stage 2 land.

Conclusions on compliance with the outline planning permission

In conclusion, as a matter of planning judgement, officers consider that the current reserved matters application is within the ambit of the outline planning permission and substantially in accordance with the approved parameter plans. It is therefore concluded that the original findings of the Environmental Statement submitted with the outline planning permission remain valid.

3. DESIGN

Background

The outline planning permission fixes the layout and access, leaving the matters of scale, appearance and landscaping to be determined. However, as discussed above, the outline also sets out other approved parameters which includes the number of storeys in each building. Therefore, whilst scale remains a relevant matter for consideration, this must be within the context of the outline planning permission already granting in principle approval for 2no. 5 storey buildings in the same general arrangement as the buildings shown in the application.

The layout of the proposed buildings provides a small perimeter block with two public facing frontages to the south and the east and a private internal courtyard providing amenity space for the proposed occupiers. This approach is set out in the outline planning permission and the current reserved matters application does not deviate from this approach. As originally submitted, there was some concern from officers about the proximity of the proposed L-shaped building to Lower Bristol Road. Given the 5 storey scale of the building, it was considered to be too overbearing and would force pedestrians close to the busy carriageway. However, following revisions to the scheme, the footprint of the building has been shifted slightly away from the road edge, whilst remaining substantially in accordance with the approved layout. This has allowed for the incorporation of 5 additional street trees along the Lower Bristol Road frontage creating a more positive environment for pedestrians. This is bolstered by the inclusion of retail spaces across the ground floor of both buildings which will provide an active frontage onto the street.

As originally submitted, the proposed buildings comprised two large blocks with a shallow mansard roof. Although technically within the approved building height parameters, this approach did little to articulate the mass of the building and resulted in an indistinct building form.

Following negotiations, revised plans were submitted which sought to respond more positively to the context of the site and industrial character and narrative of this part of the city. The area of Bath Riverside has been a key industrial area in Bath with the warehouses of Stothert and Pitt occupying the nearby sites from the mid Victorian era up until 1989 when the company closed its works in Bath.

The changes included adding a series of pitched roof forms, changes to the materials to utilise a combination of brick and blue lias, changes to the fenestration and better horizontal and vertical division of the built form using rainwater goods and string courses.

It is acknowledged that the use of pitched roofs results in an increase in building heights. However, this is weighed against the general improvement of the amended scheme. The visual rhythm that is achieved by grouping multiple pitched gable ends is also indicative of, and a response to, the industrial character and heritage of the area. Furthermore, the use of pitched roofs is appropriate for the immediate context and that of the city as a whole.

In terms of materials, there has been some concern about the approach of utilising red and blue engineering brick and blue lias limestone as facing materials for the proposed building. The Conservation Officer and Landscape Officer have differing views upon the suitability of this approach, with the Landscape Officer considering that the materials would be out of keeping and make the building appear more prominent, whereas the Conservation Officer considers that they would successfully evoke and respond to the industrial heritage of the site and its surroundings. Similar concerns about the use of materials have been raised by the Bath Preservation Trust.

Whilst both views have merit, the approach offered by the Conservation Officer is concurred with as the site represents a rare opportunity to reflect the city's often overlooked industrial heritage and, whilst they are some distance away, there are other examples of attractive brick buildings within the riverside area (e.g. The Bayer Building).

These materials also work better with the form of building proposed and help to add interest to the building design.

The Landscape Officer has also raised some concerns about the proposed height and materials drawing more attention to the buildings within the distant viewpoints and that that may have an adverse impact upon the landscape/townscape and important views. These concerns must be viewed within the context of the outline planning permission which is clear in granting permission for 5 storey buildings in this location. Within this context, the proposed scale of development is acceptable. However, in terms of materials, it is considered that a more muted tone of brick could help to mitigate these concerns and that this could be secured by a suitable worded planning condition requiring detailed sample panels of the proposed materials.

The access to the student accommodation is achieved from within the central courtyard which also provides a communal open space servicing the development. The landscaping proposals for this central space are acceptable and suitable for the level of student accommodation proposed. It will provide an attractive environment for use by the occupiers. Further detail for the landscaping will need to be submitted under condition 25 of the outline planning permission.

Bath and North East Somerset Council's adopted Local Plan Policy B4 makes clear that there is a strong presumption against development that would result in harm to the Outstanding Universal Value (OUV) of the World Heritage Site (WHS) its authenticity or integrity.

The OUV of the WHS is defined by the attributes set out in the current statement of OUV of which the impact of the scale and appearance of the proposed development on an appreciation of the green setting of the city in a hollow in the hills is clearly a consideration.

This was considered as part of the outline planning permission when setting the development parameters for this part of the site. As already discussed, the proposals are substantially in accordance with the approved development parameters. Therefore, subject to conditions relating to specific material detail, it is considered that the proposed development will preserve the OUV of the WHS, its authenticity and integrity.

The retained façade of the Bath Press site lies to the south of the application site and is considered to be a non-designated heritage asset. The proposed buildings will be visible within its setting and therefore their impact must be considered. As discussed, the scale of the proposed buildings is substantially in accordance with the development parameters established in the outline planning permission and is therefore not considered to have any adverse impact. Subject to conditions relating to specific material details, the appearance of the building evokes the industrial heritage of the site and is considered to suitably respond to the context.

In summary, it is considered that the current proposals are acceptable in terms of their scale, appearance and landscaping (subject to suitable conditions).

4. HIGHWAYS

Pedestrian movements

This proposal will increase significantly the residential population of Lower Bristol Road between its junctions with Windsor Bridge Road and Midland Road. However, the principle of development has already been established and the impacts of this have been accounted for through the outline planning permission. It therefore does not fall to be re-assessed at reserved matters stage.

Loading and deliveries

The outline planning permission does not provide much detail in respect of exactly how these buildings were intended to be serviced. The applicant proposes that the development would be served by a single bay of a size that will accommodate a rigid heavy goods vehicle.

Outline planning permission indicates that servicing access could be off the proposed access road from Lower Bristol Road. As the application does not propose the delivery of this road and it is partly outside the control of the applicant, two indicative options have been submitted for the provision of the loading. These show that the loading bay can be achieved either on Lower Bristol Road or on land to the east and within the applicant's control. Whilst the Highway's officer is satisfied with the proposed Lower Bristol Road option, they have raised some concerns with the design of the eastern option. The detail of the loading bay design can be secured by condition.

Following concerns raised by Highways, additional information on anticipated goods vehicle trips for both the student accommodation and proposed retail units within the scheme has now been provided. This demonstrates that there will not be a significant number of large vehicle movements associated with the proposed scheme and that these can be adequately accommodated within the proposed loading bay, subject to a suitably worded Delivery Management Plan being secured by condition.

Parking

The application complies with current standards for student parking and includes a level of cycle parking facilities which not only complies with the standard for student cycles but also includes additional provision for the retail uses.

Concerns have been raised that students may choose to bring cars and park in surrounding local streets. It is proposed that this can be controlled by a suitably worded condition which requires residents of the student accommodation would have a clause in their leases that would not allow them to bring a car whilst living in the accommodation.

Student arrival and departure strategy

A student arrival and departure strategy has been provided to demonstrate how traffic and parking would be managed during moving in and moving out days. This has been reviewed by the Highways Officer and found to be acceptable in principles, but further detail is required and can be secured by condition. This could include exploration of the possibility of creating temporary parking spaces within the site's courtyard for use as student arrival/departure bays.

Access road

The Highways officer has provided comments indicating that there is a need to ensure that access to the Bath Western Riverside site to the north is not prejudiced. Whilst the proposals originally showed a road along this route, a significant part of it was not within the applicant's ownership and therefore could not be delivered. To avoid prejudicing the route of the access road, the application site was therefore reduced in size and the road excluded from the scheme.

5. RESIDENTIAL AMENITY

The site is currently surrounded by car dealership buildings to the east and west, former gas lands to the north and Lower Bristol Road with the Bath Press development site to the south. Whilst clearly of a much greater scale than the surrounding dealerships, the layout and position of the proposed buildings means that it will not have any significant detrimental impact upon the occupiers of the neighbouring businesses.

Both the gaslands to the north and Bath Press to the south are currently unoccupied. Both have planning permission for residential development. In the case of Bath Press, the residential proposals are sufficiently separated from the currently proposed development to prevent any harmful impacts in terms of loss of light, outlook or privacy. In terms of the gaslands, the existing outline planning permission indicates that the land immediately to the north would be occupied by a row of 4 storey townhouses. The layout of the current proposals accords with the layout deemed acceptable at the outline stage and is arranged to avoid any significant impacts in terms of loss of light, outlook or privacy from these townhouses. As already discussed, the ability to submit further reserved matters applications in respect of the outline permission has expired. Therefore, these townhouses are not able to be built under the current permission.

The proposed student bedrooms are provided with adequate levels of light, outlook and privacy. The internal courtyard also provides an attractive, large communal space for the students to enjoy some outdoor amenity. There is therefore no objection in respect of the residential amenity of the potential occupiers.

6. ECOLOGY

The site comprises buildings, hardstanding and very occasional scattered trees and scrub. There are no designated sites immediately adjacent or in close proximity to the site. The site is 2.5km from the closest component unit of the Bath and Bradford-on-Avon Bats Special Area of Conservation (SAC), designated due to presence of internationally important populations of horseshoe and Bechstein's bats. However, the application site provides no obvious foraging or dispersal opportunities and is subject to existing light spill which may deter use by these species.

The findings of the submitted Ecological Impact Assessment (EAD Ecology, November 2019) have been accepted by the Council's Ecologist and no further ecological surveys are required. The report concludes that ecological impacts of the proposal will be limited.

Buildings within the site have negligible potential to support roosting bats. Nearby buildings which could be impacted by light spill were surveyed and not found to support roosting bats. Only light-tolerant bat species were recorded. The measures to protect nesting birds detailed in Table 3.1 are welcomed and should be secured by condition.

An External Lighting Assessment (Box Twenty, November 2019) has been submitted. This confirms that there will be low levels of light spill along the northern boundary. The Council's Ecologist agrees with the ecological consultant's conclusion that the site is in Zone D of the Bath and North East Somerset WaterSpace Design Guidance (2018) and is more than 30m from the River Avon. Therefore, the proposed lighting layout will be sufficiently sensitive to meet the guidance. All lighting will need to be implemented in accordance with the External Lighting Assessment

All schemes should achieve measurable net biodiversity gain to meet the NPPF (paragraphs 170, 174, and 175), Bath and North East Somerset Core Strategy and Placemaking Plan policies (for example Policies D5e and NE3) and emerging government policy. The landscaping layout and proposed integrated swift boxes will achieve overall net ecological gain and meet the previously agreed Design Code.

The previous Environmental Statement reached similar conclusions to the updated Ecological Impact Assessment. The application site is of lower ecological interest than other areas of the Western Riverside Development Area. There will be no significant ecological impacts and therefore, a reassessment of the Environmental Statement's Ecology Chapter is not required.

7. TREES AND WOODLAND

There are several existing off-site trees that are shown as retained along the western boundary of the site. An Arboricultural impact assessment has been submitted and reviewed by the Council's Senior Arboriculturalist.

The submitted assessment is acceptable and demonstrates that the proposal will not adversely affect the retained trees.

Following amendments, the proposal has also incorporated space for tree planting along the Lower Bristol Road frontage. This is supported by the Council's Arboriculturalist and demonstrate that attempts are being made to engage with policy NE1 in respect of green infrastructure.

8. AIR QUALITY

The site is adjacent to the Lower Bristol Road which falls within an Air Quality Management Area (AQMA). An air quality assessment has been submitted with the application and reviewed by the Council's Environmental Monitoring Officer. Whilst making some criticisms of the report, the Monitoring Officer agrees with its conclusion that the car free development will have little impact upon air quality. However, they have recommended a Construction Dust Environmental Management Plan to mitigate impacts upon residents from demolition and construction.

9. CONTAMINATED LAND

A contamination statement has been submitted with the application and reviewed by the Council's Scientific Officer. The site has some potentially contaminative historical uses including a petroleum installation, bus depot and garage and contaminative historical uses in the vicinity including gas works, garages, railway land, printing works and engineering works. Given the proposed sensitivity of the redevelopment (residential flats), the sensitivity of the environment (hydrogeology and hydrology) and the findings of the submitted report, the Scientific Officer has recommended conditions requiring further investigation, remediation and verification. Such conditions are already attached to the outline planning permission and therefore do not need to be repeated on this reserved matters application.

10. ARCHAEOLOGY

The archaeology potential of the Site and potential impacts resulting from the proposed redevelopment were discussed as part of the Environmental Statement submitted as part of the Outline Application. Planning condition 30 on the outline planning permission requires an archaeology programme of investigation and recording and therefore such conditions do not need to be repeated on this reserved matters application.

11. FLOOD RISK

The majority of the site is within flood zone 3 with some small parts covered only by flood zone 2. The principle of development has already been established through the outline planning permission and therefore there is no requirement for the development to pass the sequential or exceptions tests. However, the application has been accompanied by a site-specific flood risk assessment. The Environment Agency have reviewed this submission and have raised no objection. The flood risk assessment demonstrates that the development will be safe for its lifetime and will not raise flood risk elsewhere.

12. SURFACE WATER DRAINAGE

An outline drainage strategy has been provided with this application and reviewed by the Drainage team. The submitted strategy is considered acceptable in principle, subject to the detailed design being secured by condition including plans, calculations (demonstrating performance at the critical 1;1, 1:30 and 1:100+40% events), confirmation that the sewerage company accept the discharge rate and point of connection to their system.

13. SUSTAINABLE CONSTRUCTION

Policy CP2 of the Core Strategy requires sustainable design and construction to be integral to all new developments. Policy SCR1 requires major developments to provide

sufficient renewable energy generation to reduce carbon emissions from anticipated energy use in the building by at least 10%.

The submitted Sustainable Construction Checklist indicates that the proposals will provide a 30.1% reduction in carbon emissions compared to the baseline. 11% of this reduction will be achieved via on-site renewable (Solar PV).

The checklist includes a list of the measures that included to help achieve this including:

- o A fabric first approach - improved U values for walls, roofs, floors and glazing
- o Combined heat and power (CHP) and solar pv
- o Low energy lighting
- o Mechanical Ventilation Heat Recovery (MVHR)
- o Good air permeability (3.5)
- o Minimise cold bridging
- o Smart meters for all utilities

The proposals are therefore considered to comply with policies CP2 and SCR1 of the Core Strategy and Placemaking Plan.

14. OTHER MATTERS

Urban Gulls

Comments were received about the potential impact of urban gulls who have been known to utilise flat roof areas for nesting resulting in nuisance for local residents. The revised plans remove the majority of the flat roof elements from the scheme and replace them with pitched roof forms. These are less attractive for use by urban gulls and it is therefore anticipated that the proposals will not result in significant adverse impacts in respect of this matter.

Legal agreement

The outline planning permission contains condition 11 which, inter alia, requires that the development cannot commence until the owners of the land and all other land within this stage of the Bath Western Riverside development enter into a s106 agreement on substantially the same terms as the agreement covering the outline planning permission.

However, there is no requirement for the applicant to enter into an agreement at the reserved matters stage. Therefore, no legal agreement has been prepared in respect of the current reserved matters application.

Other conditions

The outline planning permission is subject to a significant number of conditions which cover a significant number of matters including landscaping/planting details, phasing plans, remediation, verification, archaeology, flood risk, drainage, demolition method statements, construction and environmental management plans, ground works plans, refuse/recycling collection details, opening hours, urban gull management plan, etc. These

conditions will apply to the proposed development. It is therefore not necessary to repeat any of these conditions on any reserved matters consent. The only additional conditions proposed are those that are particular to the reserved matters proposal and not already covered by the outline planning permission.

Public Sector Equality Duty

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

The proposals would likely introduce a large population of young people into the area and there are concerns that this may result in an increase in anti-social behaviour or community cohesion. However, the scheme does include 24hr on-site management of the student block and this would be secured by condition.

Elderly, disabled and otherwise vulnerable residents in the local area are likely to be reliant on public transport and there is concern that bus services will be put under pressure with the any additional student residents. However, the bus services are operated commercially with frequencies and capacities being adjusted by the operators depending on demand. The proposal is therefore unlikely to have a significant impact.

15. CONCLUSION

The proposed development is considered to fall within the ambit of the outline planning permission and is substantially in accordance with the approved parameter plans. The scale, appearance and landscaping of the proposed scheme is acceptable and will not have any significant adverse impacts upon the environment or local residents beyond that already anticipated by the outline planning permission. Furthermore, it is concluded that the original findings of the Environmental Statement submitted with the outline planning permission remain valid and the proposed development will not have any significant adverse effects on the environment.

It is therefore considered that the proposals accord with the above listed relevant policies of the Bath and North East Somerset Core Strategy and the Bath and North East Somerset Placemaking Plan and, in accordance with paragraph 17 of the National Planning Policy Framework, should be approved without delay.

RECOMMENDATION

APPROVE

CONDITIONS

1 Sample Panel - Walling (Bespoke Trigger)

No construction of the external walls of the development shall commence until a sample panel of all external walling/roofing materials to be used has been erected on site, approved in writing by the Local Planning Authority, and kept on site for reference until the development is completed. The development shall be undertaken in accordance with the approved details.

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

2 Student Parking Restrictions (Bespoke Trigger)

The students shall be prevented from parking cars within 1km radius of the development. This shall be managed and enforced in accordance with a student parking management plan which shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the student accommodation hereby approved.

Reason: To deter student occupiers from parking in surrounding streets, to encourage a car free development and in the interests of highway safety and residential amenity.

3 Sustainable construction (Compliance)

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

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

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

4 Loading Bay Design (Pre-commencement)

No development shall commence until the detailed design of a loading bay to service the development has been submitted to and approved in writing by the local planning authority. The loading bay shall thereafter be provided in accordance with the approved details prior to the bringing into use of any part of the development.

Reason: To ensure that the development is serviced by a suitable bay for loading and deliveries and in the interests of highways safety.

5 Delivery Management Plan (Pre-occupation)

No part of the development shall be brought into use until a delivery management plan has been submitted to and approved in writing by the local planning authority. Thereafter the development shall operate in accordance with the approved delivery management plan.

Reason: To ensure that deliveries to the site are undertaken in an organised manner and in the interests of highways safety.

6 Plans List (Compliance)

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

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

PLANS LIST:

1 1539.E.001A	SITE LOCATION PLAN
1539.P.001E	PROPOSED SITE PLAN
1539.P.100F	PROPOSED GROUND FLOOR PLAN
1539.P.101E	PROPOSED FIRST - FOURTH FLOOR PLANS
1539.P.103C	PROPOSED ROOF PLAN
1539.9.203D	EAST ELEVATION
1539.P.201D	SOUTH ELEVATION
1539.P.202C	WEST ELEVATION
1539.P.204C	NORTH ELEVATION
1539.P.205C	INTERNAL ELEVATION A
1539.P.206C	INTERNAL ELEVATION B
1539.P.207C	INTERNAL ELEVATION C
P19-1309_14 C	LANDSCAPE PLAN GENERAL ARRANGEMENT

DECISION MAKING STATEMENT

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

2 Condition Categories

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

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

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

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

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

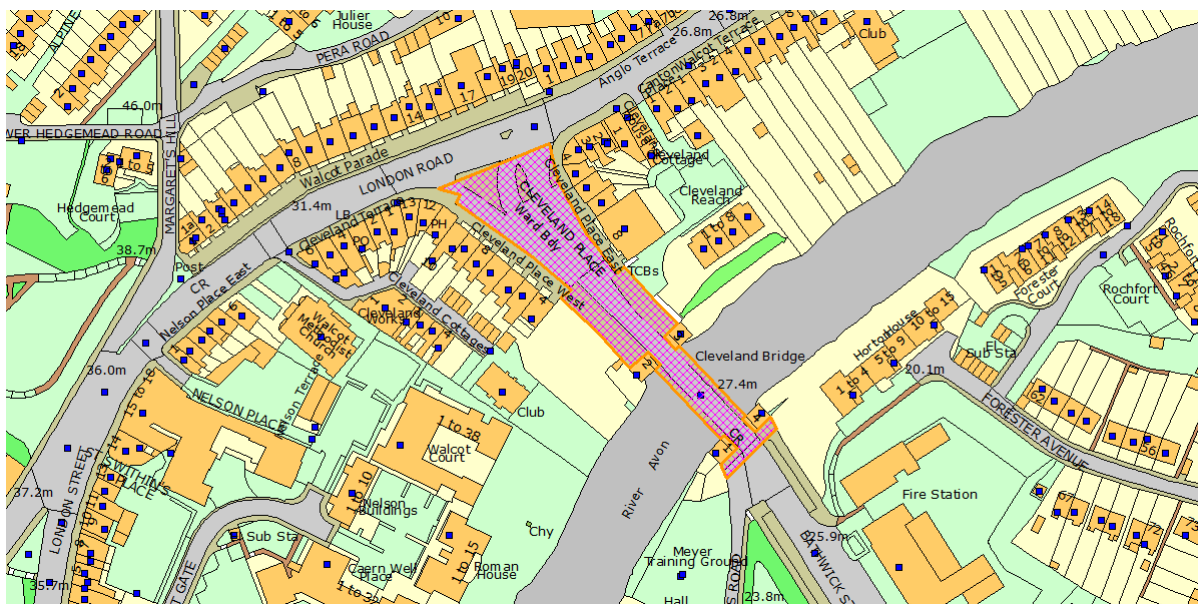
Please note all conditions should be read fully as these headings are intended as a guide only.

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

3 Responding to Climate Change (Informative):

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

Item No: 05
Application No: 20/01893/LBA
Site Location: Cleveland Bridge Cleveland Bridge Bathwick Bath Bath And North East Somerset



Ward: Bathwick **Parish:** N/A **LB Grade:** IISTAR
Ward Members: Councillor Dr Kumar Councillor Manda Rigby
Application Type: Listed Building Consent (Alts/exts)
Proposal: The refurbishment, repair and strengthening of a Grade II* listed structure.
Constraints: Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 1,2,3a, Air Quality Management Area, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP9 Affordable Housing Zones, Flood Zone 2, Flood Zone 3, HMO Stage 1 Test Area (Stage 2 Test Req), Listed Building, Policy LCR5 Safeguarded existg sport & R, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1

Green Infrastructure Network, Policy NE2A Landscapes and the green set, Policy NE3 SNCI, Policy NE5 Ecological Networks, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones,

Applicant: WSP

Expiry Date: 2nd September 2020

Case Officer: Caroline Power

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

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

The Director of Development and Public Protection has called the application to Committee.

DESCRIPTION OF SITE AND APPLICATION:

The proposal is to repair and redecorate Cleveland Bridge. The bridge is grade II* and is located within the conservation area and World Heritage Site. The busy vehicular route for the A36 is carried over the bridge, connecting the eastern side of Bath across the River Avon. The bridge is also an important architectural structure within Bath's river-scape. The River Avon is designated as the Bath and Bradford-on-Avon Bats Special Area of Conservation (SAC), and an ecological assessment of the site is therefore necessary.

At each of the four corners of this bridge are toll houses that provide residential accommodation. This is an important aspect of the bridge's significance as a heritage asset. As such the protection of the toll houses from the proposed bridge works needs to be considered as part of this application.

This is a listed building application. It has been submitted under Planning (Listed Buildings and Conservation Areas) Act 1990. However, any further proposed changes to weight restriction on the bridge or wider traffic routing associated with the proposed repairs to the bridge fall to the Council as Local Highway Authority to consider. Such matters are not appropriate for consideration under this application.

The works include;

- o repairs and reinforcement to the bridge deck slabs
- o repairs and reinforcement to the concrete structural elements supporting the bridge
- o repairs and reinforcement to the masonry abutments;
- o waterproofing under the road and pavement areas and installing protective coating systems.
- o repairs and redecorating the cast iron historic balustrade and arch structure.
- o the cleaning of the bridge including the stone abutments and iron elements.
- o erection of a temporary scaffold to allow access for the repairs required.
- o Alterations to the kerb at pavement level are required due to a design fault in terms of drainage, together with extending the kerb in front of the lodges, to protect the buildings from future damage.
- o Installation of new bird nesting prevention mesh.

PLANNING HISTORY:

DC - 98/00202/LBA - CON - 11 June 1998 - Internal alterations to Lodges 1, 3 and 4

DC- 98/00248/FUL -PER- 20 May 1998- Change of use from studio (Use class D1) to Residential (Use class C3) to 4 Cleveland Bridge.

DC-13/04715/LBA- CON- 20 January 2014- Internal work to facilitate conversion of store to en-suite shower and WC to Bridge House, 4 Cleveland Bridge,

DC - 19/05077/LBA - WD - 24 March 2020- Refurbishment of the full structure on a like for like basis. Works comprise concrete repair, steel repair, repainting, cleaning, waterproofing, joint installation, resurfacing and updating of street furniture. The deck slab will be strengthened.

DC - 20/01893/LBA - PDE - - The refurbishment, repair and strengthening of a Grade II* listed structure.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Internal Responses;

Ecology; No Objections subject to conditions; The ecological survey which has been completed is welcomed and is sufficient to inform the application. Conditions should be attached for a Construction Environmental Management Plan (CEMP) and compliance report. The CEMP will need to include details of any temporary construction lighting and detailed measures in relation to nesting birds.

Highways; Highway Development Control (HDC) officers acknowledge that the application is for listed building permission only and has been made under the Planning (Listed Buildings and Conservation Areas) Act 1990 and that there is no accompanying planning application made under the Planning Act 1990. Discussions with senior management colleagues have concluded that the highway issues associated with undertaking the works will be considered and addressed by the Local Highway Authority (LHA) in due course, therefore HDC officers raise no highway objection to the listed building works.

Public Rights of Way; No Objections; The location of public footpath BC55/19 is shown on the map below. It does not appear to be affected by the proposal.

Flooding and Drainage; No Objections- Any temporary works will need to include provision for surface water drainage so that it does not impact on neighbouring roads.

Councillor Manda Rigby- I would like this application to come to committee for the same reasons as the previous application was coming to committee. Previous Comments were; As this is a prominent listed historic structure within my ward, I am concerned that any structural changes may damage the original authenticity of the bridge, and further encourage heavy traffic. Like for like repairs may give short term gains but will not stand up to its new usage rather than the purpose it was originally designed for. As this is such a high-profile application, i think it should be determined in a public arena and am therefore asking for it to come to committee.

External Responses;

Historic England; The material alterations to this Grade II* listed bridge will cause minimal harm to the overall heritage significance of the asset; focussing primarily on repairs to historic fabric and alterations to modern elements. We would therefore recommend that this aspect of the application is thoroughly assessed by BANES Conservation Team in co-ordination with the appropriate Highways Agency. We also suggest that you seek the views of your specialist conservation adviser. It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals.

Wales & West Utilities- Gas pipes owned by other GT's and also privately owned may be present in this area. You must not build over any of our plant or enclose our apparatus.

Letters from Local Residents; 49 letters of Objection have been received including;

- Pulteney Estate Residents' Association.
- Cleveland Reach Management Co Ltd.
- Federation of Bath Residents Association;

The main points of their concerns are set out below;

1. In the weeks before the coronavirus lockdown, the temporary HGV weight limit on Cleveland Bridge dramatically reduced HGV traffic, resulting in a transformation of London Road and Bathwick Street. Traffic flowed much more freely. Air quality was substantially improved. Noise and vibration was greatly reduced, with particular benefit in the early morning when many HGVs travel and the impact is magnified by the lower levels of background noise. The relentless noise from the 'normal' level of traffic disrupts residents' sleep and poses a threat to mental and physical health, due to the close proximity to the roadside of some 1,500 properties. Many of these are Listed Buildings, where insulation against pollution and noise is difficult or impossible.

2. A permanent HGV weight limit should be imposed on Cleveland Bridge after the completion of the works. As well as benefitting the immediate area, this is essential to enable traffic to be reduced throughout Bath, including the historic core of the World Heritage Site, and to facilitate the introduction of Low Traffic Neighbourhoods. We have recently made proposals to B&NES Council leadership on this issue.

3. A permanent HGV weight limit would reduce the risk of damage to the bridge in the future. The Council should consider whether the scope of the planned repair work could be reduced if a permanent weight limit was put in place, reducing the repair costs and whole-life costs and lessening inconvenience during the period of the works. Refurbishment work should be limited to what is necessary for conservation of the bridge.

4. The Design and Access Statement betrays confused thinking about the significance of Cleveland Bridge in the national road system. Paragraph 4 of the Design and Access Statement states that: "The structure connects London Road to Cleveland Place. The A36 is a trunk road and primary route in southwest England that links the port city of Southampton to the city of Bath. At Bath, the A36 connects with the A4 road to Bristol, thus providing a road link between the major ports of Southampton and Bristol." In fact, traffic from Southampton to Bristol, if it comes through Bath, does not use Cleveland Bridge; it uses the A36/Lower Bristol Road to connect to the A4 west to Bristol. Bath itself is not a major destination for goods from the port of Southampton. The statement also ignores the existence of the M3-A34-M4-M5 as a much more suitable and faster route for HGV traffic between the ports of Southampton and Bristol (and Wales and the West Midlands). North-south HGV traffic from the M4 is significant, but there are more suitable alternative routes such as the A350 or A34.

5. Cleveland Bridge is not part of the national Strategic Route Network (SRN) and is therefore under B&NES's control. The SRN does however run from the M4 down the A46 to Bath and the A36 south east from Bath to Warminster, so in effect passes through the city at this point. This route is all single-carriageway, and the only part of the network

which takes traffic through a conurbation without either a ring road, bypass or dual carriageway.

6. B&NES Council should discuss with DfT the replacement of this part of the SRN by a more suitable alternative route, in line with the statement in the Local Plan that "The Council will work with neighbouring authorities, including Wiltshire Council, to address the problem of through traffic in Bath, particularly traffic that currently uses the A36-A46 route through the city and continue to press Highways England and Transport Ministers to take steps for solutions to be identified and funded in the next Road Investment Strategy to be published in 2020." (PMP Part 1, page 192, paragraph 582)

7. We understand that the Council as Highway Authority will address separately the arrangements for traffic diversion during the period the bridge is closed for repairs, so we will not comment on this in detail. However, it is an extremely important issue, and we must point out that the diversion of LGVs and cars through the city centre as proposed under the previous plan would have a major and unacceptable impact on the amenity and air quality of the area. The Council should direct all traffic to use diversion routes which avoid the city altogether (as for HGVs). It is also essential that the HGV weight limit through the city centre is rigorously enforced for the duration of the bridge closure to prevent the use of the city centre by large numbers of heavy lorries.

8. The submission asserts that the proposed works are required for "long-term conservation", "to support the ongoing safe use of the bridge" and "to conserve and enhance the heritage significance of the asset." These correctly apply to like-for-like repairs, but do not apply to the addition of a new layer to enable re-introduction of 40t traffic, which poses a threat to all three of these considerations.

9. The scheme to strengthen the bridge for 40t use is not proposed for the public benefit; on the contrary, it would harm not only the heritage asset and its setting but also the health and quality of life of residential communities, tourism, the local economy and the environment. These considerations - which rightly underpin local and regional strategies for reducing congestion, improving public transport and air quality, encouraging pedestrians and cyclists, and addressing public concern over the environment and climate change - should be integral to the assessment of this scheme. Sustainability - "meeting the needs of the present without compromising the ability of future generations to meet their own needs" - must be at the core of any acceptable repair scheme. The strengthening of the bridge to welcome heavy traffic does not provide public benefit, is not sustainable, and would compromise any subsequent efforts to provide a sustainable future for the bridge and its setting.

Other objections can be summarised as follows;

1. The traffic noise during both the day and night has greatly reduced. Late and overnight traffic noise from engines has provided peaceful nights devoid of the not infrequent roar of large engines and the sudden sound of air brakes being engaged.

2. The pollution has been greatly reduced removing poison from the air which damages the young and old in equal measure.

3. Removal of the heavy vehicles has speeded up the traffic flow greatly reducing pollution from crawling heavy lorries.
4. Traffic rumble and long-term damage to houses and vaults has been reduced.
5. Damage to the old toll bridge by dirty diesel fumes has been reduced and provided an opportunity for the council to Clean the stonework and enable such conservation work to last much longer. The drains on the bridge pavements - never cleaned out to my knowledge - might also benefit from cleaning along with repainting and replacement of damages and rusted rose decorations encouraging visitors currently put off by the relentless and huge vehicles crawling over the river.
6. The Lib Dem's promised a Green Agenda and this is another opportunity to prove they are serious and can get traffic out of central Bath and its environs instead of planning for more car parking space in the city centre which would only serve to replace lorry traffic with more privately owned cars.
7. The bridge repair must be made without damaging the look, style and the structure as seen from the river in passing tourist boats.
8. This bridge, with its toll houses and parapet is one of Bath's historical treasures and deserves to be preserved and protected. The enthusiasm Bath planners have for forgetting that Bath lives and dies by its 5,000,000 tourists who come to see our UNESCO protected city with its open spaces and vistas needs urgently addressing. Planners need to see the whole environment and protect it rather than look through a telescope at each building and open space as if it exists in isolation from the Palladian gem of Georgian buildings and distant views as described in the UNESCO recognition of Bath's unique heritage. Any work on the structure should be repaired authentically and not by the cheap and cheerful addition of a raft of steel girders propping it up underneath.

POLICIES/LEGISLATION

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

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

The Revised National Planning Policy Framework (NPPF) 2019 is national policy in the conservation and enhancement of the historic environment which must be taken into account by the Council together with the related guidance given in the Planning Practice Guidance (PPG).

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

The statutory Development Plan for B&NES comprises:

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

Core Strategy:

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

- CP6 - Environmental quality
- B4 - The World Heritage Site
- CP1 Retrofitting Existing Buildings
- CP2 Sustainable Construction

Placemaking Plan:

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

D1, D2, D3, D4, D5, D8, D9 and D10- High Quality Design.

HE1 Historic Environment

NE2 Conserving and Enhancing the Landscape and Landscape Character

CP1 Retrofitting existing buildings

CP2 Sustainable construction

LOW CARBON AND SUSTAINABLE CREDENTIALS

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

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OFFICER ASSESSMENT

PROPOSALS;

This application relates to proposed works to address a series of defects to the bridge, identified during inspections undertaken in 2014. It is identical to the application submitted under 19/05077/LBA that was subsequently Withdrawn earlier this year.

The works are proposed to be phased into two parts- the first being the erection of underslung scaffolding to enable close inspections of the areas under the bridge that are not readily accessible and establish a more precise and detailed programme of works and the second phase, intended to start in 2021, is for the main works.

Significance of Cleveland Bridge;

Cleveland Bridge was originally constructed to span the River Avon in 1827. This was followed by a major re-construction in 1928 and was repaired and strengthened again in 1992. It is designated as a grade II* listed building due to its special architectural or historic interest and is a heritage asset of very high (national) significance. The historic bridge is considered one of the finest late Georgian bridges in the Greek Revival style in the UK. It has high architectural, historic, communal and evidential significance.

The original structure was a cast iron span with limestone ashlar abutments. It is known as a "single span" bridge, comprising six segmental arched trusses with iron spandrels which rest against the massive stone abutment piers on each of the riverbanks, spanning approximately 30m, carrying the road that is approximately 12m wide. A substantial concrete reinforcement structure was added to the underside of the bridge later. The bridge has three key structural stages of construction: the historic iron structure, an early 20th century concrete structure known as the Warren Structure and a modern steel beam structure that was also added for further strength and reinforcement.

The listing includes the whole of the bridge, including 4 no. associated tollhouses. These former toll houses, one on each side of the bridge approaches, are in the form of compact Doric temples with classical porticos facing onto the road and are built in limestone ashlar with Welsh slate roofs. Although they appear to be single storey at road level, they descend a further two storeys through plinths of horizontal stone rustication down to the riverbank and currently provide residential accommodation. It is currently believed that whilst two of the toll houses are used as holiday lets, one of them as a sculptor's studio, the fourth is lived in on a permanent basis.

The bridge is situated within the suburbs of the City and is separated from other buildings and terraces by private land and gardens. The bridge is in the City of Bath World Heritage Site (WHS), and within the Bathwick Character Area of the Bath Conservation Area.

Regarding bridge construction technology, the eighteenth century marked the high point in the theory and practice of masonry bridge construction. However, increasing demand required quicker solutions. Arched iron bridges were widely adopted in the early nineteenth century, but a series of failures rendered cast iron risky for major spans after 1847 (although many smaller and ornamental bridges continued to be built). Engineers turned more to metal truss bridges from the 1820s (combining small interconnecting members, some in compression, others in tension) and suspension bridges.

Concrete for bridges was used from the late nineteenth century with mass concrete first used in 1877, and reinforced concrete by 1900. The first major use of steel (as opposed to wrought iron) in British bridges is the Forth Bridge (1890) and it came to predominate in the twentieth century in the form of box girder and suspension bridges. The general availability of pre-stressed steel and arc welding allowed for more elegant and slender bridges from the 1950s - some post-war bridges are of note in their use of high-quality detailed concrete finishes and refined engineering.

As can be deduced from this general background on bridge construction, Cleveland Bridge falls into most of these categories. Being a Regency built structure, it originally utilised both stone and iron structures, as advanced technologies of that time, for its original construction. Subsequent modifications and adaptations have rendered the original structure being superseded, using steel and concrete technologies from later periods.

The following works have been carried out on the structure since its construction in 1827;

1929- Warren concrete and steel truss added and slab strengthening

1977- Expansion Joints repaired on the southbound lane

1981- Carriageway resurfaced with mastic asphalt

1982- Concrete repairs to trusses and rib repainting

1983- Shell grip applied to surfacing and repairs to south-east joint

1985- Therma-joint installed and repairs to south wing walls.

1986- Repairs to footway slabs

1992- Strengthening works including:

- Steel portal frames were installed to the footways

- Parapet refurbishment

- Raised containment kerbs installed

- Footway waterproofing & paving

- Deck waterproofing and carriageway resurfacing

- Concrete repairs to deck trusses.

2018- Toll House repaired following a collision.

2014 - 2018 Resurfacing of the bridge deck and intrusive investigation works.

Its significance is primarily based on its surviving iron and masonry structures, rather than the later more utilitarian additions, although these later additions are important as they represent stages of the bridge's adaptation and evolution, to find alternative forms of construction to deal with the bridge's original underperforming structure. The toll houses, some of which are still in active residential use, is also a relatively unique aspect of the bridge's special interest.

Repair Philosophy;

A risk assessment has been carried out by the applicants to demonstrate that alternative options have been looked at for the works. This looked at a variety of options from "Do nothing" to full replacement of the bridge;

- * Do Nothing- Allow the structure to deteriorate. There will be a point where decommissioning of the structure is required due to health and safety concerns. Furthermore, there may be the onset of critical defects that cause the closure of the structure with short notice periods.

- * Do Minimum- Ad-hoc repair. This would require more iterative visits to the structure and disruption over shorter maintenance periods.

- * Do Something (B), full rebuild. This would require an initial high expenditure but would last the longest out of all options. However, the structure is grade II* listed, which means they are particularly important buildings of more than special interest, where replacement would be most unlikely to be supported. This option would, therefore, not be in accordance with National and local policy, embedded in the National Planning Policy Framework and Bath and North East Somerset's Core Strategy and Placemaking Plans.

* Do Something (A), Major maintenance. This is a compromise between total replacement and ad-hoc repair. The aim of this option is to repair the structure with current good practice methodologies to ensure the longevity of the solution and best value for money.

As a result of this options assessment the applicants consider that the most appropriate solution is to do a comprehensive repair and strengthening exercise to reinstate the bridge back to a better condition, to visually enhance it through traditional repairs and re-decoration and to preserve its longevity. (Do Something (A)).

The proposed works to the original iron structure are limited compared with the remainder of the bridge. However, where works entail alterations to the underside of the concrete structure, decking area or require the cleaning or repainting of the asset, this has the potential to alter the character and appearance of the structure and therefore its significance and any relationship it has between component parts, its setting and adjacent heritage assets. This option also provides an opportunity to enhance historic features, such as redecorating and repairing the historic iron and stone structures. A full assessment of this work is therefore required to make judgment over the impact of the proposal on this heritage asset.

Proposed Repairs: Impacts and Implications;

Impact on Bridge Structure

1. Repairs and reinforcement to the bridges deck slabs; This part of the scheme is to install polymer reinforced plates bonded to the concrete beneath the road deck. The reinforcement is a non-traditional solution in this instance. The decking itself is a relatively modern structure that has been adapted and altered over time. This part of the scheme will not interfere with the historic parts of the bridge and will not be visible, being applied directly beneath the deck of the roadway. Whilst it is acknowledged that this item is not a like for like repair, it is considered to be an acceptable solution that will provide a longer life span and strengthening to this part of the bridge, without having to deconstruct other structural elements of the bridge.

2. Repairs and reinforcement to the concrete structural elements supporting the bridge. Engineers have identified major failings with the trusses that are made up of a combination of steel imbedded in concrete beams that forms part of the bridge's main supporting truss structure dating from the 1929 alterations. Chloride corrosion is caused when the steel reinforcing within a concrete beam begins to rust. As the steel rusts it expands, displacing the concrete around it, causing it to become brittle and crack, as highlighted in the pictures provided by the applicants. To remedy this, the applicants have chosen the minimalist approach of providing strips of anodes along the lengths of each concrete beam that will then be covered in concrete. This treatment is used in maritime engineering to prevent rusting to boats and is a solution that would work in similar conditions for the bridge. Visually, this will result in each beam having small rounded strips- the anodes- projecting from their surface and recovered in a slim coating of concrete. This will have the effect of enlarging each beams circumference, by approximately 25mm on each side, cumulatively resulting in the whole beam being altered through this repair. This part of the scheme will result in the enlargement of the Warren concrete structure below the bridge deck. This enlargement will be relatively modest, however, as indicated by the applicant's illustrations and it is proposed to be mitigated by the installation of a uniform coloured concrete coating to reinstate uniformity to this part of

the bridge. Whilst this is not a like for like repair, the use of such repair methods is the most practical approach to working with the existing structure rather than taking out whole sections and replacing them. In this instance it is considered that the applicants have taken a conservation approach towards this element of the scheme.

3. Repairs and reinforcement to the two masonry abutments; Including masonry repairs and repointing of the stone abutments. These works are primarily repairs which are intended to be carried out using traditional materials and methods. By incorporating these works within the project, benefits to the condition and visual appearance of the bridge will be achieved.

4. The cleaning of the bridge including the stone abutments and iron elements. The cleaning method of the iron needs to be sensitively handled. Whilst there are no concerns with the use of this cleaning method for the main structure as this is mostly unembellished, sample areas will need to be agreed and alternative methods looked at for the floral inserts as outlined in the heritage statement. Where grit blasting is proposed on metal work, there will need to be more information regarding the particle size proposed and this can be covered by a special condition. The masonry requires a less harsh form of cleaning that can again be handled through a condition.

5. Waterproofing under the road and pavement areas and installing protective coating systems. This treatment is to help alleviate water penetration to the underside of the bridge and its supporting structure. This problem has contributed towards the erosion of the concrete beams of the 1929 structure and utilising modern treatments that are compatible with the modern surfaces of this part of the bridge. It is not intended to be used on the historic surfaces or structure. once again not a like for like repair but will provide more robust prevention to the bridge suffering from future deterioration.

6. Repairs and redecorating the cast iron historic balustrade and arch structure. There are isolated defects within the parapet with some of the decorative floral inserts severely corroded or missing. Minimal cast iron repairs are proposed using bolted plates, stitched using a Metalock system or left in the current condition, depending on the degree, location and significance of the deterioration. The colour of the bridge has faded with no information available as to its previous colour. Based on colour photos from the 1970s, the bridge appears to be largely green and black. It is, therefore, recommended that the project engages a specialist to take samples of the paint to ensure all layers are collected and analysed to identify what colour the bridge was historically painted. This will then assist in informing the correct methodology and colours for the repainting element of the scheme and can also be covered by an appropriately worded Condition.

7. Alterations to the Kerbs- On the roadside it is proposed to alter the alignment and length of the modern containment kerbs and the related drains which were added in the 1990s. This is in part to address a design fault that has led to water ingress from the existing drains. The kerbs are to be extended in front of the lodges to prevent further potential damage to the toll house columns, which have already experienced damage from passing vehicles (August 2017 being an example of a major incident of this). The distance between the back of the kerbs and the base of the toll house pillars will be around 475mm. The new kerbs will be made to the same specifications as the existing that are unique to Cleveland Bridge - being specially designed from cast iron in the 1990s. The extension of the kerbs in front of the lodges will alter the way the columns are

perceived within the public realm; however, this change to their immediate setting needs to be balanced against the provision of a low physical barrier to help prevent future damage to the toll houses or passing pedestrians. It is also proposed to upgrade the drainage system that runs parallel with the kerbs, although visually they will look like the existing system of metal grilles. This drainage detail will not be taken past the toll houses. In this case, the replacement drainage system will not introduce any visual changes to the decking and, as already set out above, the kerb alterations will result in protection to both the toll houses and pedestrians that will outweigh any visual impact on the setting of them.

8. Installation of new bird nesting prevention mesh. The current level of birds nesting is potentially causing a health and safety issue from droppings. Cavities within the abutments allow birds to nest and the resultant droppings are damaging to stonework and can be a health and safety issue. The introduction of the mesh will act as a deterrent to nesting pigeons and will be to areas that are not visible from most public views of the bridge. It is likely that this will be visible from the river and riverbanks, but these cavities are relatively small and obscured by the bridge's structural elements.

Impact on Setting of the Bridge;

The statutory obligation on decision-makers is to have special regard to the desirability of preserving listed buildings and their settings, and the policy objectives in the NPPF and the PPG, together with local policy, establishes the twin roles of setting: it can contribute to the significance of a heritage asset, and it can allow that significance to be appreciated. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the heritage asset's conservation, including sustaining significance. Setting is the way in which the asset is understood and experienced.

The Heritage Assessment submitted by the applicants has considered the physical surroundings of the asset, including topography and intervening development and vegetation. It also considers how the asset is currently experienced and understood through its setting, views to and from the asset and the site, along with key views, and the extent to which setting may have already been compromised. The setting of the bridge is, therefore, dependant on its immediate context, provided at road level by the tollhouses, parapet and walkways and derived from views towards the bridge from the water, and outlying vantage points along the waterside. The bridge acts as a key visual point of reference connecting the high-quality designed environs of the related townscape to its west and east, as well as landscape views derived from the river. The immediate townscape also retains strong contemporary and historical associations that contribute to the heritage significance of the bridge. Setting, therefore, makes a high contribution to the significance of the bridge.

Impacts of the scheme will be primarily through the changes to the size of the concrete beams on the underside of the bridge which will be subtle and result in the 1929 structure being altered, repaired and visually improved by the application of a consistent new concrete coating.

Other changes, such as the increase in the kerb length to form a barrier outside the toll house columns will be more direct impact on immediate settings of this part of the bridge. It will alter the visual relationship between the road and these residential units; however,

this alteration is not considered to result in harm to the asset or the setting due to the benefit that will result from the additional protection provided.

This work will have little impact on the bridge's setting being balanced by the overall improvements made to its condition and appearance, once the scheme is completed. Within the context of the conservation area, the physical works, when taken as part of the overall project, shall not harm the character and appearance of this part of the conservation area and indeed should result in reinstating the bridges historic character and upgrading the its condition. It is considered that there will be no impact on the Outstanding Universal Value of the World Heritage Site.

Ecology;

A Combined Technical Report for Bat, Otter and Water Vole (WSP, June 2020) has been submitted which provides enough information to demonstrate likely compliance with UK law and national and local planning policy. No further ecological surveys will be required, although the recommended avoidance and mitigation measures will need be implemented.

The report confirms that semi-natural habitats are unlikely to be impacted. Although the plans detail vegetation removal on the Bridge, no dense vegetation appears to be present. There is no suitable habitat for water vole which will be impacted by the proposals. There are no potential otter holts or daytime couches within 50m. There is a potential/likely couch or lying up place for otter 15m to the east of the Bridge. However, this is highly unlikely to be suitable for daytime use due to regular disturbance and lack of an enclosed, undisturbed space. The nearby otter video recordings taken by a local resident do not show regular daytime activity. The Technical Report states that night-time working will be restricted to the deck of the Bridge.

No bat roosts were identified in the Bridge. Although one of the surveys was completed in late April, contrary to best practice guidance, the nights were warm in late April. In addition, the second survey was completed in optimum conditions a month later. In total, 90% of the Bridge was surveyed. Therefore, the results of the surveys are accepted as a representative sample of likely bat activity. Light sensitive bat species, including lesser and greater horseshoe bats, for which the Bath and Bradford-on- Avon Bats Special Area of Conservation (SAC) is designated were recorded commuting along the River Avon. The works will not obstruct the commuting corridor.

As stated above, night working will be confined to the deck of the Bridge. Therefore, there will not be any need for temporary or permanent lighting on the sides or below the Bridge which would cause light spill onto the River. Permanent lighting will be reinstated on a like-for-like basis. Therefore, there is no requirement for a Habitats Regulations Assessment to be completed, providing lighting will remain as existing. There is no credible risk of significant impacts on the SAC. However, details of construction lighting will need to be confirmed.

Working hours and methodology will need to be secured under a Construction Environmental Management Plan (CEMP). This will need to include details of any temporary construction lighting. This is proposed to be encapsulated in a pre-commencement condition.

Other Matters raised by Third Parties;

The main thrust of this application is to consider the impact of all the repairs and reinforcement works on the character and significance of this listed building and its setting.

Most objections are based on the premise that the proposed works are primarily intended to increase the weight loadings for the bridge, however, in this case the consideration of this listed building application as set out within the legislation, is whether the safety reasons which are currently driving the load restrictions on the bridge and the need for the repairs to be carried out would be harmful to the listed building and its setting.

The proposal is to provide a robust solution to extend the longevity and durability of the structure with minimal intervention. Proposed alterations to the structure are sustainable. As noted by Historic England; 'The material alterations to this Grade II* listed bridge will cause minimal harm to the overall heritage significance of the asset; focussing primarily on repairs to historic fabric and alterations to modern elements'.

It is agreed that the bridge is vital to the city and it is quite the spectacle for river tours. Therefore, this scheme has been developed that minimises impact on this historic bridge whilst retaining its function. The refurbishment will bring the bridge closer to its original aesthetic appearance since reconstruction in the 1920's and improve the appearance of the bridge, which is in need of considerable maintenance works.

The requirement for a Construction Environmental Management Plan by the Ecologist will assist in the management of lighting and other related matters during the implementation of the works.

CONCLUSION;

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

The proposed scheme is a comprehensive programme of repair and maintenance works required to conserve and enhance the significance of Cleveland Bridge and to sustain its long-term future use as a road bridge, together with providing a sustainable future for the four residential units, in the city of Bath. The proposed works would not result in the addition or significant alteration to the original historic structure of this asset. As set out above, repairs, cleaning and repainting works would to be controlled through conditions.

The area of these works most likely to have a visual impact on the bridge is to the treatment of the early 20th century concrete superstructure under the main decking. To mitigate the change in size and shape of the beams, the applicants propose that the new concrete coating will be treated with a uniform colour that will provide visual uniformity to the bridges underside once the works are completed. The extension of the kerbs to the front of the toll houses will not impact directly on the bases of the pillars and although there will be a visual impact on the toll houses, this will be balanced from the benefits provided by the protective barrier that will be put in place to help prevent future damage. A bespoke condition to protect the toll houses whilst works are implemented is also recommended. There is no loss of historic fabric and no addition of further steel supports, with much of work being beneficial to the historic fabric through repairs.

The proposed works are required to help secure the long-term viability of this heritage asset, support the ongoing safe use of the bridge, repair damage and conserve and enhance the heritage significance of the asset. The works would conserve and enhance the significance of the grade II* listed Cleveland Bridge and its setting. Furthermore, the project will ensure that the bridge and its various layers of fabric have an extended life, maintaining the heritage significance of the bridge and its setting and its contribution towards other heritage assets in the near vicinity, including the Bathwick Character Area of the Bath Conservation Area. It is not considered that there will be any direct impact on the Outstanding Universal Value of the World Heritage Site.

An assessment of the biodiversity of the site and its surrounding area have been made. This indicates that the scheme will comply with Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended) and will ensure no net loss of biodiversity in accordance with Policy NE3 of the Bath and North East Somerset Placemaking.

It is considered that the proposals are consistent with the aims and requirements of the primary legislation and planning policy and guidance. The proposals would be an acceptable repair and alteration to the listed building that would preserve its significance and setting as a designated heritage asset. The proposal accords with policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and part 16 of the NPPF.

Consequently, the application is recommended for Consent.

RECOMMENDATION

CONSENT

CONDITIONS

1 Time Limit - Listed Building Consent (Compliance)

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

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

2 Construction Environmental Management Plan (CEMP)(Pre-commencement)

No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following;

- A) Risk assessment of potentially damaging construction activities and identification of "biodiversity protection zones".
- B) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) including on nesting birds, bats and otter and the adjacent Site of Nature Conservation Interest.
- C) The location and timings of sensitive works to avoid harm to biodiversity features.

- D) The times during which construction when specialist ecologists need to be present on site to oversee works.
 - E) Responsible persons and lines of communication.
 - F) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - G) Use of protective fences, exclusion barriers and warning signs if applicable.
 - H) Details of any construction lighting.
 - I) A specification for the installation of bird nesting prevention mesh.
- The approved CEMP shall be ahead to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To comply with the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended) and to ensure no net loss of biodiversity in accordance with Bath and North East Somerset Placemaking Policy NE3.

3 Implementation of Compliance Report (Compliance)

Within six months of the completion of works, a report produced by a suitably experienced ecologist confirming and demonstrating, using photographs, completion and implementation of the recommendations detailed in Section 4 of Combined Technical Report for Bat, Otter and Water Vole (WSP, June 2020) and the approved Construction Environmental Management Plan (CEMP: Biodiversity) in accordance with the approved details, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To demonstrate the completed implementation of ecological recommendations and commitments, to prevent ecological harm and to provide biodiversity gain in accordance with UK law, the NPPF and policy NE3 of the Bath and North East Somerset Local Plan.

4 Protecting Architectural Features (Pre-commencement)

No development shall commence until detailed drawings identifying how each of the 4no. toll houses and any associated architectural features and land which belong to them and the method by which these parts of the bridge will be safeguarded during the carrying out of the approved development have been submitted to and approved in writing by the Local Planning Authority. The approved protective measures shall be implemented and kept in place in accordance with the details so approved for the duration of the development works.

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

5 Stone and Iron Cleaning Samples (Pre-commencement)

No work shall commence on the stone cleaning of the bridge abutments or the iron work of the balustrade and arches; until sample panels have been provided in-situ to establish the final parameters of the stone cleaning and approved in writing by the Local Planning Authority. The approved panels shall be kept on site for reference until the development is

completed. Thereafter the work shall only be carried out in accordance with the approved sample panels.

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

6 Mortar Mix (Bespoke Trigger)

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

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

7 Schedule of Repairs (Bespoke Trigger)

Following the cleaning of the bridge stone abutments; in accordance with the approved method and prior to any further works being undertaken a detailed schedule of any repair work, including methods and materials to be submitted to and approved in writing by the Local Planning Authority. Thereafter the work shall only be carried out in accordance with the approved details.

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

8 Materials - Submission of Schedule and Samples (Bespoke Trigger)

No construction of the external walls of the 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 approved details.

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

9 Paint Sample (Compliance)

No work shall commence on the repainting of the bridge parapet features and iron work until paint samples have been taken to establish the historic paint scheme and to establish final parameters of the proposed paint constituents and colours and approved in writing by the Local Planning Authority. The approved panel shall be kept on site for reference until the development is completed. Thereafter the redecoration shall only be carried out in accordance with the approved sample panel.

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

10 Cast Iron Repair Details (Bespoke Trigger)

No repairs to the historic iron structure shall commence until full details comprising 1:20 drawings and a schedule of work have been submitted to and approved in writing by the Local Planning Authority. Thereafter the work shall only be carried out in accordance with the approved details.

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

11 Kerb Details (Bespoke Trigger)

No installation of the extended kerb shall commence until full details comprising 1:20 drawings in plan and section, showing the base of the toll house columns and paving slabs and how they will be treated have been submitted to and approved in writing by the Local Planning Authority. Thereafter the work shall only be carried out in accordance with the approved details.

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

12 Plans List (Compliance)

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

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

PLANS LIST:

1 Drawing	05 Jun 2020	0001 T03	LOCATION PLAN AND GENERAL ARRANGEMENT PL...
Drawing	05 Jun 2020	0007 T03	EXISTING STEEL PORTAL BEAM DETAILS
Drawing	05 Jun 2020	0008 T03	EXISTING CAST IRON ARCH DETAILS
Drawing	05 Jun 2020	0009 T03	ABUTMENT GALLERY DETAILS
Drawing	05 Jun 2020	0010 T03	PROPOSED LONGITUDINAL JOINT
Drawing	05 Jun 2020	0011 T03	INDICATIVE STEEL AND CAST IRON REPAIR DE...
Drawing	05 Jun 2020	0012 T03	CONCRETE REPAIR DETAILS
Drawing	05 Jun 2020	0013 T03	TESTING RESULTS SUMMARY CHLORIDE ION CON...
Drawing	05 Jun 2020	0015 T03	PROPOSED DECK JOINTS, DRAINAGE AND WATER...
Drawing	05 Jun 2020	0017 T03	RESURFACING DETAILS

Drawing	05 Jun 2020	0018 T03	TRANSVERSE METALWORK AND CONCRETE DEFECT...
Drawing	05 Jun 2020	0019 T03	LOCATION OF CONCRETE DEFECTS - TRUSSES 1...
Drawing	05 Jun 2020	0020 T03	LOCATION OF CAST IRON DEFECTS - ARCHES 1...
Drawing	05 Jun 2020	0021 T03	LOCATION OF CAST IRON DEFECTS - ARCHES 5...
Drawing	05 Jun 2020	0022 T03	MAINTENANCE OF PAINTWORK
Drawing	05 Jun 2020	0023 T04	PAINT SYSTEM FOR STEELWORK ELEMENTS
Drawing	05 Jun 2020	0024 T03	PAINT SYSTEM FOR CAST IRON ELEMENTS
Drawing	05 Jun 2020	0027 T03	SCHEDULE OF DEFECTS AND REMEDIAL ACTIONS...
Drawing	05 Jun 2020	0028 T03	SCHEDULE OF DEFECTS AND REMEDIAL ACTIONS...
Drawing	05 Jun 2020	0029 T03	EXISTING GENERAL ATTANGEMENT AND SITE CL...
Drawing	05 Jun 2020	0030 T03	ABUTMENT DEFECT LOCATIONS, SCHEDULE OF D...
Drawing	05 Jun 2020	0033 T03	LOCATION OF CONCRETE DEFECT CONSTRAINT: ...
Drawing	05 Jun 2020	0034 T03	LOCATION OF CONCRETE DEFECT CONSTRAINTS:...
Drawing	05 Jun 2020	0035 T03	LOCATION OF CONCRETE DEFECT CONSTRAINTS:...
Drawing	05 Jun 2020	0036 T03	GENERAL BREAKOUT CONSTRAINTS FOR TRUSS M...
Drawing	05 Jun 2020	0037 T03	GENERAL BREAKOUT CONSTRAINTS FOR TRUSS M...
Drawing	05 Jun 2020	0038 T03	BAR BENDING SCHEDULE MEMBER REFERENCES A...
Drawing	05 Jun 2020	0039 T03	METHODOLOGIES FOR THE REPLACEMENT OF LIN...
Drawing	05 Jun 2020	0040 T03	DECK AND SOFFITT GALVANIC ANODE ARRANGEM...
Drawing	05 Jun 2020	0041 T03	TRUSS GALVANIC ANODES: GENERAL ARRANGEME...
Drawing	05 Jun 2020	0042 T04	TRUSS GALVANIC ANODES: DETAIL Public
Drawing	05 Jun 2020	0043 T04	HANGER BAR PROTECTION AND AUXILIARY DETA...
Drawing	05 Jun 2020	0050 T04	DECK STRENGTHENING: GENERAL
Drawing	05 Jun 2020	SIG1 T03	LOCATION PLAN AND DECK REINFORCEMENT ARR...
Drawing	05 Jun 2020	SIG2 T03	ABUTMENT GALLERY - CONCRETE REPAIRS AND ...
OS Extract	05 Jun 2020		LOCATION PLAN
Revised Drawing	31 JULY 2020		76007-WSP-DWG-BR-00P1P02-PROPOSED GENERAL ARRANGEMENT
Revised Drawing	31 JULY 2020		KERB DETAILS

2 Condition Categories

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

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

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

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

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

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

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

3 Permit/Consent Decision Making Statement

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

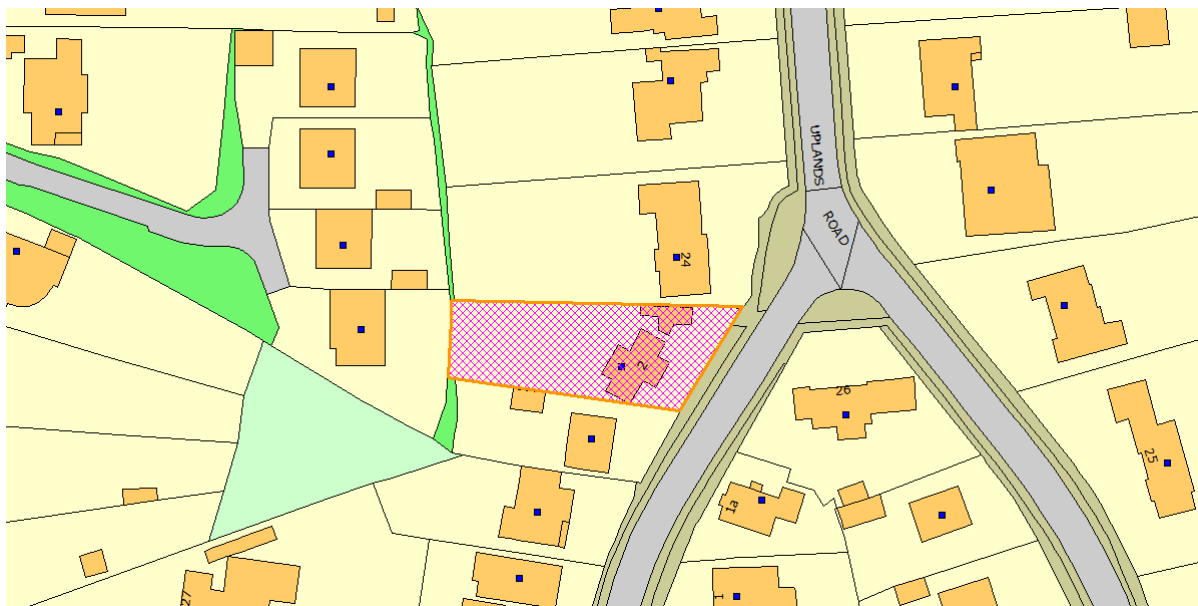
4 Community Infrastructure Levy

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. **Before** commencing any development on site you should ensure you are familiar with the CIL process. If the development approved by this permission is CIL liable there are requirements to assume liability and notify the Council before development commences, failure to comply with the regulations can result in surcharges and additional payments. Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: www.bathnes.gov.uk/cil

5 Responding to Climate Change (Informative):

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

Item No: 06
Application No: 20/01965/FUL
Site Location: 2 Uplands Drive Saltford Bristol Bath And North East Somerset BS31 3JH



Ward: Saltford **Parish:** Saltford **LB Grade:** N/A
Ward Members: Councillor Duncan Hounsell Councillor Alastair Singleton
Application Type: Full Application
Proposal: Erection of outbuilding /garden room to rear garden
Constraints: Saltford Airfield 3km buffer, Agricultural Land Classification, Policy CP9 Affordable Housing Zones, Housing Development Boundary, MOD Safeguarded Areas, SSSI - Impact Risk Zones,
Applicant: Mr L Bignell
Expiry Date: 28th August 2020
Case Officer: Isabel Daone
To view the case click on the link [here](#).

REPORT

The application refers to a detached property located within the Housing Development Boundary associated with Saltford.

Planning permission is sought for the erection of an outbuilding/garden room in the rear garden of the property.

Reasons for going to Committee:

Saltford Parish Council objected to the proposal siting planning reasons and requested that if the office was minded to permit the application that it be taken to Committee. The

officer was minded to permit the application. As such in accordance with the Council's Scheme of Delegation the proposal was recommended to the Chair and Vice Chair of the Committee. The Vice Chair recommended delegation to officers, however the Chair has the final decision and recommended the application be heard at committee, stating "I have looked at this application, and the concerns raised by the town council, local residents and the Spinney Management Company. Whilst ownership of the land is a civil matter, and despite the conditions required by the officer, the Committee may wish to further consider the loss of green infrastructure in this case.

PLANNING HISTORY:

11/02296/FUL

PERMIT - 10 August 2011

Extension and refurbishment of detached house

11/03871/COND

SPLIT - 1 November 2011

Discharge of conditions 1, 2, 3, 4, 5, 6, 7, 8, and 10 of application 11/02296/FUL (Extension and refurbishment of detached house)

12/03786/FUL

PERMIT - 11 October 2012

Erection of a single storey side extension

14/00873/FUL

PERMIT - 2 April 2014

Erection of single storey rear extension

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses :

SALTFORD PARISH COUNCIL:

The Parish Council objects to the application for the following reason. The inappropriate scale and mass of the proposed garden building is not in keeping and is inappropriate to the character, proportion or setting of garden buildings of residential properties in the surrounding area. If the case officer is minded to permit this planning application, Saltford Parish Council requests that it be referred to the Planning Committee for determination.

Furthermore, Saltford Parish Council has the following concerns:

1. The resolution of issues raised in comments on the application documents relating to the ownership of land at the rear boundary.
2. The loss of privacy caused to neighbours by the closeness this large building has to their property boundaries.
3. The reinstatement, re-planting, protection and conservation of the wildlife corridor and its habitat.
4. The current loss of amenity to neighbours of the wildlife corridor
5. The loss of biodiversity caused to the wildlife corridor
6. To replace with equivalent any trees that have been recently removed

7. To ensure that the construction of the new building should be of sufficient standard in sound proofing to control noise nuisance to neighbouring properties
8. To take measures to ensure that any artificial light from or surrounding the new building is effectively managed so that it does not create a nuisance to neighbouring residential properties.

Representations Received :

Four local residents have objected to the application. Their comments are summarised below:

SALTFORD PARISH COUNCIL:

The Parish Council objects to the application for the following reason. The inappropriate scale and mass of the proposed garden building is not in keeping and is inappropriate to the character, proportion or setting of garden buildings of residential properties in the surrounding area. If the case officer is minded to permit this planning application, Saltford Parish Council requests that it be referred to the Planning Committee for determination.

Furthermore, Saltford Parish Council has the following concerns:

9. The resolution of issues raised in comments on the application documents relating to the ownership of land at the rear boundary.
10. The loss of privacy caused to neighbours by the closeness this large building has to their property boundaries.
11. The reinstatement, re-planting, protection and conservation of the wildlife corridor and its habitat.
12. The current loss of amenity to neighbours of the wildlife corridor
13. The loss of biodiversity caused to the wildlife corridor
14. To replace with equivalent any trees that have been recently removed
15. To ensure that the construction of the new building should be of sufficient standard in sound proofing to control noise nuisance to neighbouring properties
16. To take measures to ensure that any artificial light from or surrounding the new building is effectively managed so that it does not create a nuisance to neighbouring residential properties.

REPRESENTATIONS:

Objection comments have been received from 4 local residents and are summarised as follows:

- Directors of the Spinney Management Company should be served 21 days notice of the application
- The applicant has removed the fence showing the curtilage of the land owned by the Spinney Management Company and erected his own fence and shed on this land
- The applicant has destroyed the Wildlife Corridor which has established on the instructions of B&NES in the planning process connected with 17A-D Rodney Road
- The applicant was granted permission for a balcony to the rear because planting existed between the property and 17D, but this has been removed

- The proposal will impact the privacy, outlook and natural light of 17D Rodney Road, contrary to Policy D6
- D7; contrary to the character of the area
- D8; the development would impact on light and noise levels on an ecological corridor
- Policy RA1; the development is not of scale, character or appearance appropriate to this lovely village of Saltford and its setting. The proposal is so huge it does not comply with point 122d in the NPPF. This building would take up much of the remaining garden space
- The NPPF says that Wildlife Corridors and their steppingstones should be identified, maps and safeguarded. Therefore, this should be heeded and the Corridor boundary fencing and suitable planting allowed to grow before the application even considered.
- Planning application 09/03932/FUL; correspondence discusses the Wildlife Corridor to the rears of the 17A-D Rodney Road
- The close board fencing referred to is a planning condition intended to protect the Wildlife Corridor from harm and is not intended to represent the boundary curtilage of land owned by 17A-D, or Spinney Management Land
- As shareholders and a Director at 17d Rodney Road, we are co-owners of "The Spinney Management Company Ltd" land at the back boundary of 2 Uplands Drive that also shares a boundary with the curtilage of our personally owned land as conveyed to us with the board fencing as the boundary curtilage
- I have submitted HM Land Registry and OS Maps in support of this proof of ownership
- We object to the ownership of land declared by the applicant. The hand drawn map has no OS number
- We have an HM Land Registry Snapshot Map supplied by our solicitor which confirms the position and existence of Spinney Management Land at the curtilage, as well as a copy of the Title deeds
- The applicant has not shown the nearest houses in full to give an indication of the mass and scale of the proposed development along the boundary and in full view of no.17D
- The applicant has included in this Block Plan land which he enclosed by his own wrap around fencing
- The applicant has cleared the Planning Condition Wildlife Corridor before erecting this fence and shed on land he does not own
- Evidence suggests planting was removed by the time the first resident moved into no.17D. It provided screening and was a consideration in the approval of the balcony
- The applicant is relying on the planting of more Laurel at the board fence behind to the building to screen his proposed outbuilding, but this cannot be allowed as it would be planted on land owned by the Spinney Management Company Ltd.
- The applicant has encroached on land he does not own and we will be asking that he removed the fencing and shed from this land
- We would ask that a solution give us back the amenity we were entitled to by reason of the Wildlife Corridor
- The Application does not respect the natural green infrastructure heritage as it involves the destruction of, and failure to replace, the 'Wildlife Corridor' with its bio-diversity. The applicant has removed a mature Holly tree from within the Wildlife Corridor since applying for planning permission and in preparation for building the proposed L-shaped large 'Garden / Store

- The size and extent of the building does not consider the quality and character of the home and of the built and natural heritage of the area. Building on 50% of the garden is not in keeping with the "Art Deco" heritage characteristics and does not respond to local distinctive context
- The proposal is contrary to policy D2 as it does not respond to the local pattern of plots or massing
- Loss of privacy, outlook and natural light would be worsened by the proposal given its size and proximity to the boundary
- Contrary to D7 as it is not in keeping with the character of the area. Building is out of proportion with its proposed use.
- Contrary to D8; internal lighting from the proposal will result in an unacceptable level of illumination which will have a detrimental impact on residential amenity and local ecology
- The Uplands Road/Uplands Drive continuum has a particular character and density that has been recognised in a recent Planning Application at 18 Uplands Road for a small oak garden Pavilion in a very large garden. Art Deco houses with large gardens and sunlit lawns, some enjoying Cotswold Way views, are typical of the vicinity. The proposed development is out of keeping with this character and density.
- The proposals, by including the Wildlife Corridor and also by building on such a large part of a residential garden in this area, fail to recognise the wider benefits of the natural capital and ecosystem of both, and fail to provide net gains for biodiversity.
- The Holly tree was on land owned by the Spinney Management Company Ltd. The Holly tree was protected under a 17 Rodney Road Planning Condition. The Holly should not have been touched without contacting the LPA

POLICIES/LEGISLATION

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

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

Core Strategy:

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

CP6: Environmental Quality

DW1: District Wide Spatial Strategy

SD1: Presumption in favour of sustainable development

Placemaking Plan:

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

D1: General urban design principles

D2: Local character and distinctiveness

D3: Urban fabric

D5: Building design

D6: Amenity

National Policy:

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

LOW CARBON AND SUSTAINABLE CREDENTIALS

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

OFFICER ASSESSMENT

The main issues to consider are:

- Character and appearance
- Residential Amenity
- Trees

PRINCIPLE OF DEVELOPMENT:

The site is within the Housing Development boundary/ built up area of Bath where the principle of development is acceptable subject to other material planning considerations discussed below.

LOW CARBON AND SUSTAINABLE CREDENTIALS

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

CHARACTER AND APPEARANCE:

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

The proposal is for the erection of an outbuilding/garden room in the rear garden of the property.

The application site is located within the Housing Development Boundary associated with Saltford. The host dwelling and properties in the immediate locality are detached, relatively large, and are set within sizeable plots. Some properties benefit from outbuildings.

The proposed outbuilding will have an "L" shaped floor plan, with decking to the front elevation. Measuring along the rear elevation, the outbuilding is approximately 11.47m in width, and will project approximately 6.5 metres at the deepest point. The height will be approximately 2.6m, with a flat roof. It will be finished in cedar cladding and render/block. A condition will be added to the decision notice to secure details of these materials which are acceptable in principle. The colour and finish needs to be assessed for suitability in a residential setting. The existing laurel hedging will be maintained to the rear and additional laurel planting will also aid the screening of the proposal.

Multiple concerns have been raised by residents and the Parish Council that the scale and massing of the proposal are inappropriate in this location and not in keeping with the character of the area. It is acknowledged that there are no outbuildings of this size in the locality. Notwithstanding this, the proposed outbuilding is considered to be commensurate in scale with the existing dwelling and the rear garden, both of which are relatively large. The height of the building is modest and it is subservient to the main dwelling.

It has also been raised that building on 50% of the garden is not in keeping with the heritage and character of the area. This property is not within the conservation area or green belt and is not designated as such and there are no other heritage designations. Whilst large open gardens are prevalent in the locality, a large amount of garden will be remain after the development; approximately 228 square metres. The garden will retain a degree of openness. Given the location to the rear of the dwelling and the level of garden space which will remain, it is not considered that the development will harm the character of the locality, nor does it represent an overdevelopment of the site.

RESIDENTIAL AMENITY:

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

Concerns regarding overlooking, lack of privacy, outlook and impacts to natural light have been raised which would be contrary to policy D6. The impacts of previous developments

at this site have also been raised. However, these developments exist and are not part of the current application and can therefore not be assessed as such.

The proposed development will be located close to the boundary. In terms of overlooking, no windows will be located on the rear elevation of the development. Although there are double doors facing the adjacent property (no.24 Uplands Road), these doors are located at a sufficient distance away so that the level of overlooking will not be harmful; these doors are also at ground floor level. As such, the proposal will not result in harmful levels of overlooking or a significant loss of privacy.

Loss of outlook is also a concern. Whilst the proposal will be visible from the surrounding properties, including those to the rear the development is of a modest height. In addition, the existing laurel hedge will be retained which will provide some screening. Should the Laurel Hedge be pruned or reduced in height the modest height and the fact that that proposal is a single storey will mean that levels of outlook from the surrounding properties is maintained. The site is within a residential setting, where dwellings and outbuildings form much of the outlook for residents.

Regarding loss of light, overshadowing and overbearing, it is accepted that the proposal is located close to the boundary with the properties to the rear and immediately adjacent. Again, the height of 2.6 metres is considered to be reasonable and this will mitigate the potential impacts to some degree. Although there may be some overshadowing from the development, it is not considered that this will be to a level which would be significant to a point which would warrant a refusal reason.

Light spill from the development is also a concern. The proposal does include large amounts of glazing, but for the most part this is directed towards the house. Given the scale of the proposal and proposed ancillary use a condition for a lighting plan is not considered to be reasonable or necessary and does not pass the 6 tests for conditions outlined in the NPPF. No outdoor lighting is shown on the plans.

Whilst there may be some impacts as a result of the proposed development, it is not considered that these will cause significant harm to the neighbouring occupiers.

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

TREES:

It has been raised that a Holly Tree located on land not belonging to the applicant has been removed prior to planning permission being granted. This tree is not protected by a Tree Preservation Order, not by designation of a Conservation Area. Under application 09/03932/FUL Conditions 3&4 a hard and soft landscaping scheme was requested for the properties to the rear of 2 Uplands Drive. However, these conditions do not require the soft landscaping (trees) to be retained permanently. Therefore, this tree is not protected in planning terms. If the tree has been removed by the applicant from land which is not under

the ownership of the applicant, this would pertain to a Civil matter to be resolved between the applicant and landowner.

The Laurel planting has also been disputed. The Laurel will form some green screening to the development for the neighbours to the rear. It has been stated that Laurel planting cannot occur on this land as it does not belong to the applicant. The matter of land ownership is discussed below. On a site visit, it was noted that there is existing Laurel hedging at the bottom of the garden of no.2 Uplands Road. This will remain and additional Laurel added. There is no objection to this from a planning perspective however it is also relevant to note that existing laurel would not be protected and if additional Laurel were not planted that is not considered cause for refusal so it is a benefit but has limited effect for this application. If it pertains that there are land ownership issues, the applicant must get permission before planting trees on land which is not under their ownership.

OTHER MATTERS:

It has been raised that all owners of the Spinney Management Company were not consulted on the application. When issues regarding land ownership were brought to officer's attention, all residents of 17A-D Rodney Road were consulted for 21 days whilst this matter was looked into.

Concerns were raised regarding land ownership of the land immediately to the rear of no.2 Uplands Drive. Local residents have submitted plans which show that this land may belong to the Spinney Management Company and not the applicant. Mapping has been provided which does show land to the rear of 17D Rodney Road which may be owned by the Spinney Management Company. The case officer has reviewed this matter and requested a title plan from the applicant. From this plan, the land which has been shown on the location plan seem to corroborate. Therefore, from a planning perspective the case officer considers that the applicant has fulfilled their requirements. However, should the neighbouring residents wish to dispute the land ownership this would constitute a Civil matter and would not fall within the remit for planning. The applicant can apply for planning permission on land they do not own, but would need to notify all landowners. Officers are satisfied that all relevant parties have been consulted (the owners of 17A-D Rodney Road included). For the purposes of this application, officers consider that planning objectives have been fulfilled and any further land dispute must be settled between the applicant and potential land owners.

Several concerns have been raised regarding the removal of a so called "Wildlife Corridor" located between the properties on Uplands Road/Drive and those at 17A-D Rodney Road. It has been stated that this was protected through planning condition under application reference 09/03932/FUL. Having reviewed the conditions within this application, the following is considered relevant:

(3) 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 that the landscape scheme is implemented and maintained

(4) 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

Condition 3 was discharged under application 11/00649/COND where a landscaping plan was provided which showed the planting and soft landscaping. Condition 4 ensures that all hard landscaping, not soft landscaping such as planting is retained. In addition, all planting removed within 5 years of the completion date must be replaced. Whilst it has been stated that some of this planting has been removed, there is insufficient evidence to conclude when this occurred. The rear boundaries of 17A-D were proposed on this plan to be finished with 1.8m high close board fencing. Having been on site, a wooden fence separates no.2 Uplands with no.17D Rodney Road. It is not clear if this is the fence which originally instated, however as it is likely to be similar to that approved on the landscaping plan, it is unlikely that enforcement action would be taken. However, if the residents of these properties are concerned that a breach of planning has occurred, this would be a matter for planning enforcement. It is considered that this issue is separate from this planning application.

It has also been raised that the proposed plans do not show enough of the neighbouring properties. Having reviewed the plans, they are of sufficient scale to understand the relationship between the proposal and neighbouring dwellings and are compliant with the planning procedure.

PERMITTED DEVELOPMENT:

Outbuildings, incidental to the use of the dwellinghouse can be permitted under Class E of Schedule 2, Part 1 of the General Permitted Development Order. The following permitted development rights have been removed at the property under application 11/02296/FUL:

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(s) or other buildings 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.

However, this condition does not restrict the erection of outbuildings. The proposed building would be restricted to a height of 2.5 metres given that it is located within 2m of the boundary. The current building is slightly taller than this, but with a slight reduction could fall under permitted development.

PLANNING BALANCE:

It is considered that the proposal is acceptable in regard to design and character and residential amenity. The application has supplied a title plan for the property which does show the extent of the curtilage. Any further dispute would be a civil matter and should be resolved outside of the planning process.

CONCLUSION:

It is considered that the proposal meets the relevant policies and is recommended for approval.

RECOMMENDATION

PERMIT

CONDITIONS

1 Plans List (Compliance)

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

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

2 Sample Panel - Walling (Bespoke Trigger)

No construction of the external walls of the development shall commence until a sample the external render and cladding to be used has been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policies D.2 and D.4 of the Bath and North East Somerset Local Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

3 Ancillary Use (Compliance)

The development hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 2 Uplands Drive, Saltford, Bristol, Bath And North East Somerset BS31 3JH; and shall not be occupied as an independent dwelling unit.

Reason: The accommodation hereby approved is not capable of independent occupation without adverse impact on the amenities of existing or future residential occupiers contrary to Policy D6 of the Bath and North East Somerset Placemaking Plan.

4 Plans List (Compliance)

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

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

PLANS LIST:

1 This decision relates to the following plans:

PLN-1. Planning Drawing. Received 9th June 2020.

Location Plan. Received 9th June 2020.

2 Permit/Consent Decision Making Statement

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

3 Condition Categories

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

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

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

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

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

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

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

4 Responding to Climate Change (Informative):

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

5 Community Infrastructure Levy

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. **Before** commencing any development on site you should ensure you are familiar with the CIL process. If the development approved by this permission is CIL liable there are requirements to assume liability and notify the Council before development commences, failure to comply with the regulations can result in surcharges and additional payments. Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: www.bathnes.gov.uk/cil

Item No: 07
Application No: 20/02389/FUL
Site Location: Liberal Democrats 31 James Street West City Centre Bath Bath And North East Somerset



Ward: Kingsmead **Parish:** N/A **LB Grade:** II
Ward Members: Councillor Sue Craig Councillor Andrew Furse
Application Type: Full Application
Proposal: Remodelling of the front garden to include the installation of a new lifting platform.
Constraints: Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Air Quality Management Area, Policy B2 Central Area Strategic Policy, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP9 Affordable Housing Zones, Flood Zone 2, Listed Building, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,
Applicant: Bath And North East Somerset Liberal Democrats

Expiry Date: 3rd September 2020

Case Officer: Helen Ellison

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

REPORT

SITE DESCRIPTION

31 James Street West is a Grade II listed building located within Bath conservation area and the City of Bath World Heritage site. Opposite the site is Grade II Green Park Railway Station. No. 31 is a mid-terraced Victorian property currently in office use that dates from around 1850. The main plan form is single depth and there are 2 No. two storey projecting wings to the rear; one with flat roof, one with monopitch. No. 31 is built from Limestone ashlar and is two storeys in height with sash windows. The ground floor of the property is raised above surrounding ground levels at front and back, and is approached from the street via a flight of stone steps. The list description for the property refers to it being one of the more intact small early Victorian houses along the street, retaining an elegant front. Its southward prospect across gardens towards the River Avon (shown on Cotterell's map of 1852) would have been dramatically altered by the construction of Green Park Station by the Midland Railway in 1869. Though the property was included for group value it is noted that adjacent properties are not listed.

PROPOSAL

Full planning permission is sought for remodelling of the front garden to include the installation of a new lifting platform.

Listed building consent 20/02390/LBA is being dealt with concurrently and included on this Agenda.

Consent was recently granted under 20/00098/FUL for external works including an external lift to the front elevation, construction of a rear extension and internal ground floor renovation works to increase accessibility (Resubmission 19/04523/FUL).

The application is being reported to DMC because although the trustees are responsible for the proposed work, one of the trustees, Mark Roper, is also an elected Member. The works are also for the offices of a political party.

PLANNING HISTORY

DC - 15/02900/TCA - NOOBJ - 30 July 2015 - 1x Cherry - dismantle. 1x Goat Willow - dismantle. 1x Birch - crown reduction height by 25 - 30% and reshape, crown lift by removing lower branches up to the height of the roof of the rear extension allowing 1.5m clearance. (additional work proposal following officer site visit)

DC - 18/03910/TCA - NOOBJ - 9 October 2018 - 1x Silver Birch (Betula Pendula) - remove

DC - 19/04330/LBA - CON - 20 December 2019 - External works to include external lift to front elevation, erection of rear extension and internal ground floor renovation works to increase accessibility.

DC - 19/04523/FUL - PERMIT - 20 December 2019 - External works including an external lift to the front elevation, construction of a rear extension and internal ground floor renovation works to increase accessibility.

DC - 20/00098/FUL - PERMIT - 16 March 2020 - External works including an external lift to the front elevation, construction of a rear extension and internal ground floor renovation works to increase accessibility (Resubmission of 19/04523/FUL).

DC - 20/00099/LBA - CON - 16 March 2020 - External works including an external lift to the front elevation, construction of a rear extension and internal ground floor renovation works to increase accessibility (Resubmission 19/04330/LBA).

DC - 20/01689/VAR - CON - 2 July 2020 - Variation of conditions 6 (Archaeological watching brief) and 7 (Plans list) of application 20/00099/LBA (External works including an external lift to the front elevation, construction of a rear extension and internal ground floor renovation works to increase accessibility (Resubmission 19/04330/LBA)).

DC - 20/01690/VAR - PERMIT - 2 July 2020 - Variation of conditions 3 (construction management plan) and 7 (Plans List) of application 20/00098/FUL (External works including an external lift to the front elevation, construction of a rear extension and internal ground floor renovation works to increase accessibility (Resubmission of 19/04523/FUL)).

DC - 20/02389/FUL - PDE - - Remodelling of the front garden to include the installation of a new lifting platform.

DC - 20/02390/LBA - PDE - - External alterations for the remodelling of the front garden to include the installation of a new lifting platform

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

CONSULTATIONS

Highways DC: No objection but advise that Construction Management Plan (CMP) be submitted for consideration to avoid pre-commencement condition.

Highways DC Reconsultation: No objection following receipt of CMP.

REPRESENTATIONS

None

POLICIES/LEGISLATION

The Council has a statutory requirement under Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 when considering whether to grant planning permission for any works of development which affect a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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

The Development Plan for Bath and North East Somerset comprises:

- Bath & North East Somerset Core Strategy (July 2014)
- Bath & North East Somerset Placemaking Plan (July 2017)

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

Core Strategy:

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

B1 Bath Spatial Strategy
 B2 Central Area Strategic Policy
 B4 The World Heritage Site and its Setting
 CP6 Environmental Quality
 DW1 District Wide Spatial Strategy
 SD1 Presumption in favour of Sustainable Development

Placemaking Plan:

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

D2 Local Character and Distinctiveness
 D5 Building Design
 D6 Amenity
 NE2 Conserving and Enhancing the Landscape and Landscape Character
 HE1 Historic Environment
 CP1 Retrofitting existing buildings
 CP2 Sustainable construction
 ST1 Promoting sustainable travel
 ST7 Transport Requirements for Managing Development

Guidance:

Historic England Advice Note 2 Making Changes to Heritage Assets (2016)
 BaNES Draft City Centre Character Appraisal Bath (2015)

Historic England 'Easy Access to Historic Buildings' (2015)

National Policy:

The National Planning Policy Framework (February 2019) and National Planning Practice Guidance.

National Design Guide Planning practice guidance for beautiful, enduring and successful places (MHCLG, 2019)

- The design guide forms part of planning practice guidance and is a material consideration in planning applications

LOW CARBON AND SUSTAINABLE CREDENTIALS

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

OFFICER ASSESSMENT

CHARACTER & APPEARANCE

The proposed remodelling of the front garden to include the installation of a new lifting platform by virtue of its design, scale, form, siting and proposed use of materials is considered acceptable and would contribute and respond positively to the local context and maintain the character and appearance of the surrounding area. However, compliance conditions to secure an appropriate paint colour/finish to the lift and implementation of planting should be imposed.

Subject to conditions the proposal accords with policy CP6 of the adopted Core Strategy (2014) and policies D2, D5 and NE2 of the Placemaking Plan for Bath and North East Somerset (2017) and part 12 of the NPPF.

RESIDENTIAL AMENITY

The application site backs on to properties that front New King Street and sits between Nos. 30 and 32 James Street West. Broadly opposite the site is the former Green Park Railway Station, now in commercial use.

The proposed external lift would be located at the front of the premises and would be of a design, scale, form and siting that is not expected to result in significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, noise, smell, traffic or other disturbance. The proposal accords therefore with policy D6 of the Placemaking Plan for Bath and North East Somerset (2017) and part 12 of the NPPF.

HIGHWAYS

As submitted Highway Development Control (HDC) officers raise no highway objection to the proposed works in principle, however, HDC do consider that the applicant should be requested to submit a Construction Management Plan (CMP) in support of the application.

Further highway observations were made following the submission of a Construction Management Plan (CMP) by the applicant on 21st July 2020. Having reviewed the submitted CMP with Officers from the 'Street Works' team, HDC confirm that the plan is acceptable, thereby negating the requirement for a pre-commencement Condition.

HDC engineers therefore raise no highway objection to the proposed works.

A condition to secure compliance with the approved Construction Management Plan is thought prudent.

Taking account of the above the proposed development is expected to maintain highway safety standards and, subject to compliance condition, would accord with policy ST7 of the Placemaking Plan for Bath and North East Somerset (2017) and part 9 of the NPPF.

DESIGNATED HERITAGE ASSETS

The application site is located within the City of Bath World Heritage Site, therefore consideration must be given to the effect the proposal might have on the setting of the World Heritage Site. In addition, the site is within Bath conservation area and the proposal concerns a Grade II listed building. Accordingly there is a duty placed on the Council under Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character of the surrounding conservation area, and, a duty under Section 66 (1) of the same Act, when considering whether to grant planning permission for development which affects a listed building or its setting, that the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

No. 31 sits within a terrace of pre-1882 houses that are not listed. Together they have group value and are of some architectural and historic significance. However, it is clear that the building has been the subject of internal and external alteration.

As with the previously approved schemes the proposed external access lift would be located to the side of the existing flight of steps that leads to the buildings main front entrance. The proposed remodelling of the front garden would include installation of a new lifting platform; re-positioning of existing external steps in order to create a landing between the front door and top of steps; reinstatement of railings to the front garden boundary wall; splitting of front garden in two with gates positioned between the two 'halves' to provide visual continuity. The remodelling is required so that lift users would not need to turn on the lift platform. The proposed remodelling would result in a greater degree of screening of the proposed lift mechanism by way of the front planters.

Amended drawings have been received and which now include the proposed side elevations and a schedule of proposed plants for the front garden with a planting specification. The applicants agent confirmed that although the melody one lift is made of stainless steel as standard and does not require finishing for longevity, it will be overpainted in black; an updated specification is attached noting that the lift will be painted black throughout has been submitted and note added to the revised drawing of the scheme as proposed.

On balance, and following receipt of amended drawings and lift specification both confirming that all elements of the lift would be painted black, it is considered that the works would take sufficient account of the special interest and significance of the listed building. The setting of Green Park Railway Station (now an undercover market) would not be unduly affected due to the extent of the proposed external lift, its form and taking account of the context and appearance of surrounding structures and area as a whole. A

revised lift specification has been received and which confirms in writing that the lift will be painted black throughout. However, photographic illustrations within the same specification document show a stainless-steel finish. In order to avoid any future misunderstanding or confusion it would be prudent to attach a compliance condition to ensure all elements of the lift are painted black. In addition, implementation of hard and soft landscape should also be secured by condition.

With respect to any buildings or other land in a conservation area the Council has a statutory requirement under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that conservation area. Taking account of the above and in this instance the proposed external lift and associated remodelling of the front garden are of an acceptable scale, form and extent such that the proposal will preserve this part of Bath Conservation Area and therefore meet this requirement.

The Council has a statutory requirement under Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 when considering whether to grant planning permission for any works of development which affect a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Taking account of the above and in this instance the proposed external lift and associated remodelling of the front garden are of an acceptable scale, form and extent such that the proposal would preserve the special interest of the listed building and its setting and therefore meet this requirement.

In summary it is considered that the proposed works would not result in harm to the outstanding universal values of the wider World Heritage Site, would preserve the character and appearance of this part of the Conservation Area and have an acceptable impact on the listed building and its setting as well as the settings of neighbouring listed buildings. Furthermore, it is considered that the proposal is consistent with the aims and requirements of the primary legislation and planning policy and guidance and would preserve the significance of the designated Heritage assets. Subject to condition the proposal accords with policy CP6 and B4 of the adopted Core Strategy (2014) and Policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and Part 16 of the NPPF.

LOW CARBON and SUSTAINABLE CREDENTIALS

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. This application involves a listed building and has been assessed against the relevant policies and guidance as identified, and these have been fully taken into account in the recommendation made. The proposal accords therefore with policy CP6 of the adopted Core Strategy and policies HE1, CP1 and CP2 of the Placemaking Plan for Bath and North East Somerset (2017) and parts 14 and 16 of the NPPF.

CONCLUSION

The proposed external lift and associated remodelling of the front garden would have an acceptable impact on the character and appearance of the area, the designated heritage assets, highways and neighbour amenity being of a design, scale and form that would be appropriate and sensitive towards the site and surroundings. Approval subject to conditions is, therefore, recommended.

RECOMMENDATION

PERMIT

CONDITIONS

1 Standard Time Limit (Compliance)

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

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

2 External lift colour/finish (Compliance)

Notwithstanding approved document 'Melody One - lift Specification' Rev A dated 31.07.2020 all elements of the lift shall be painted matt black and remain so for the lifetime of the development.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policies D2, D5 and HE1 of the Bath and North East Somerset Placemaking Plan and Policies B4 and CP6 of the Bath and North East Somerset Core Strategy.

3 Construction Management Plan (Compliance)

The development shall thereafter be undertaken in accordance with the approved 'Construction Management Plan' dated 21.07.2020.

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

4 Hard and Soft Landscaping (Compliance)

All hard and/or soft landscape works shall be carried out in accordance with approved Drwg. No. 4142 - 0017A 'Lift plan sections and elevations - as proposed' dated 31.07.2020. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme (phasing) agreed in writing with the Local Planning Authority. Any 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 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 in accordance with Policies D2, D5 and NE2 of the Bath and North East Somerset Placemaking Plan.

5 Plans List (Compliance)

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

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

PLANS LIST:

1 This decision relates to the following drawings and documents;

Date: 09.07.2020 Drwg. No. 4142 - 001A Drwg. title: Location plan

Date: 31.07.2020 Drwg. No. 4142 - 0016A Drwg. title: Front garden - as existing

Date: 31.07.2020 Drwg. No. 4142 - 0017A Drwg. title: Lift plan sections and elevations - as proposed

Date: 21.07.2020 Doc. title: Construction Management Plan

Date: 31.07.2020 Doc. title: Melody one lift specification Rev A

2 Condition Categories

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

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

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

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

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

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

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

3 Permit/Consent Decision Making Statement

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

4 Community Infrastructure Levy

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. **Before** commencing any development on site you should ensure you are familiar with the CIL process. If the development approved by this permission is CIL liable there are requirements to assume liability and notify the Council before development commences, failure to comply with the regulations can result in surcharges and additional payments. Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: www.bathnes.gov.uk/cil

5 Responding to Climate Change (Informative):

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

Item No: 08
Application No: 20/02390/LBA
Site Location: Liberal Democrats 31 James Street West City Centre Bath Bath And North East Somerset



Ward: Kingsmead **Parish:** N/A **LB Grade:** II
Ward Members: Councillor Sue Craig Councillor Andrew Furse
Application Type: Listed Building Consent (Alts/exts)
Proposal: External alterations for the remodelling of the front garden to include the installation of a new lifting platform
Constraints: Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Air Quality Management Area, Policy B2 Central Area Strategic Policy, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP9 Affordable Housing Zones, Flood Zone 2, Listed Building, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,
Applicant: Bath And North East Somerset Liberal Democrats
Expiry Date: 3rd September 2020
Case Officer: Helen Ellison
To view the case click on the link [here](#).

REPORT

SITE DESCRIPTION

31 James Street West is a Grade II listed building located within Bath conservation area and the City of Bath World Heritage site. Opposite the site is Grade II Green Park Railway Station. No. 31 is a mid-terraced Victorian property currently in office use that dates from around 1850. The main plan form is single depth and there are 2 No. two storey projecting wings to the rear; one with flat roof, one with monopitch. No. 31 is built from Limestone ashlar and is two storeys in height with sash windows. The ground floor of the

property is raised above surrounding ground levels at front and back, and is approached from the street via a flight of stone steps. The list description for the property refers to it being one of the more intact small early Victorian houses along the street, retaining an elegant front. Its southward prospect across gardens towards the River Avon (shown on Cotterell's map of 1852) would have been dramatically altered by the construction of Green Park Station by the Midland Railway in 1869. Though the property was included for group value it is noted that adjacent properties are not listed.

PROPOSAL LBA

Listed building consent is sought for external alterations for the remodelling of the front garden to include the installation of a new lifting platform

Planning application 20/02389/FUL is being dealt with concurrently and included on this Agenda.

Consent was recently granted under 20/00099/LBA for external works including an external lift to the front elevation, construction of a rear extension and internal ground floor renovation works to increase accessibility (Resubmission 19/04330/LBA).

The application is being reported to DMC because although the trustees are responsible for the proposed work, one of the trustees, Mark Roper, is also an elected Member. The works are also for the offices of a political party.

PLANNING HISTORY

DC - 15/02900/TCA - NOOBJ - 30 July 2015 - 1x Cherry - dismantle. 1x Goat Willow - dismantle. 1x Birch - crown reduction height by 25 - 30% and reshape, crown lift by removing lower branches up to the height of the roof of the rear extension allowing 1.5m clearance. (additional work proposal following officer site visit)

DC - 18/03910/TCA - NOOBJ - 9 October 2018 - 1x Silver Birch (Betula Pendula) - remove

DC - 19/04330/LBA - CON - 20 December 2019 - External works to include external lift to front elevation, erection of rear extension and internal ground floor renovation works to increase accessibility.

DC - 19/04523/FUL - PERMIT - 20 December 2019 - External works including an external lift to the front elevation, construction of a rear extension and internal ground floor renovation works to increase accessibility.

DC - 20/00098/FUL - PERMIT - 16 March 2020 - External works including an external lift to the front elevation, construction of a rear extension and internal ground floor renovation works to increase accessibility (Resubmission of 19/04523/FUL).

DC - 20/00099/LBA - CON - 16 March 2020 - External works including an external lift to the front elevation, construction of a rear extension and internal ground floor renovation works to increase accessibility (Resubmission 19/04330/LBA).

DC - 20/01689/VAR - CON - 2 July 2020 - Variation of conditions 6 (Archaeological watching brief) and 7 (Plans list) of application 20/00099/LBA (External works including an external lift to the front elevation, construction of a rear extension and internal ground floor renovation works to increase accessibility (Resubmission 19/04330/LBA)).

DC - 20/01690/VAR - PERMIT - 2 July 2020 - Variation of conditions 3 (construction management plan) and 7 (Plans List) of application 20/00098/FUL (External works

including an external lift to the front elevation, construction of a rear extension and internal ground floor renovation works to increase accessibility (Resubmission of 19/04523/FUL)).
DC - 20/02389/FUL - PDE - - Remodelling of the front garden to include the installation of a new lifting platform.

DC - 20/02390/LBA - PDE - - External alterations for the remodelling of the front garden to include the installation of a new lifting platform

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

CONSULTATIONS

National Amenity Societies: No comments received

REPRESENTATIONS

1 received from Bath Preservation Trust (BPT), in summary;

- BPT appreciates improved layout and access of the front garden. However, BPT are curious as to why original open aspect lift design has been replaced by a lift more obviously contemporary in design. BPT felt previous design to be better suited to its setting, with railings inspired by the proposed boundary treatment in a traditional style that was consequently more visually recessive.

POLICIES/LEGISLATION

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

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

The Revised National Planning Policy Framework (NPPF) 2019 is national policy in the conservation and enhancement of the historic environment which must be taken into account by the Council together with the related guidance given in the Planning Practice Guidance (PPG).

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

The statutory Development Plan for B&NES comprises:

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

Core Strategy:

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

CP6 Environmental quality
B4 The World Heritage Site

Placemaking Plan:

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

HE1 Historic Environment
CP1 Retrofitting existing buildings
CP2 Sustainable construction

Guidance

Historic England Advice Note 2 Making Changes to Heritage Assets (2016)
BaNES Draft City Centre Character Appraisal Bath (2015)

Historic England 'Easy Access to Historic Buildings' (2015)

National Policy:

The National Planning Policy Framework (February 2019) and National Planning Practice Guidance.

LOW CARBON AND SUSTAINABLE CREDENTIALS

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

OFFICER ASSESSMENT

LISTED BUILDING ASSESSMENT

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

No. 31 sits within a terrace of pre-1882 houses that are not listed. Together they have group value and are of some architectural and historic significance. However, it is clear that the building has been the subject of internal and external alteration.

Representation received appreciates the improved layout and access of the front garden. However, the representation queries why the original open aspect lift design has been replaced by a lift more obviously contemporary in design; the representors felt that the previous design to be better suited to its setting, with railings inspired by the proposed boundary treatment in a traditional style that was consequently more visually recessive. In response it is understood that because of the constraints and limited space available the bespoke approach originally adopted would not, for practical reasons, follow through and therefore a 'standard' solution applied. The proposed 'adaptation' of re-used railings has however been raised with the applicants agent and a response is awaited.

As with the previously approved schemes the proposed external access lift would be located to the side of the existing flight of steps that leads to the buildings main front entrance. The proposed remodelling of the front garden would include installation of a new lifting platform; re-positioning of existing external steps in order to create a landing between the front door and top of steps; reinstatement of railings to the front garden boundary wall; splitting of front garden in two with gates positioned between the two 'halves' to provide visual continuity. The remodelling is required so that lift users would not need to turn on the lift platform. The proposed remodelling would result in a greater degree of screening of the proposed lift mechanism by way of the front planters. A condition to secure external materials should be imposed.

Amended drawings have been received and which add the proposed side elevations, include a schedule of proposed plants for the front garden with a planting specification. The applicants agent confirmed that although the melody one lift is made of stainless steel as standard and does not require finishing for longevity, it will be overpainted in black; an updated specification is attached noting that the lift will be painted black throughout has been submitted and note added to the revised drawing of the scheme as proposed.

On balance, and following receipt of amended drawings and lift specification both confirming that all elements of the lift would be painted black, it is considered that the works would take sufficient account of the special interest and significance of the listed building. The setting of Green Park Railway Station (now an undercover market) would not be unduly affected due to the extent of the proposed external lift, its form and taking account of the context and appearance of surrounding structures and area as a whole. A revised lift specification has been received and which confirms in writing that the lift will be painted black throughout. However, photographic illustrations within the same specification document show a stainless steel finish. In order to avoid any future misunderstanding or confusion it would be prudent to attach a compliance condition to ensure all elements of the lift are painted black. In addition, implementation of hard and soft landscape should also be secured by condition.

The Council has a statutory requirement under Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant listed building consent for any works to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Taking account of the above and in this instance the proposed external lift and associated remodelling of the front garden would not cause harm to the character or historic fabric of the listed building and would be of an acceptable scale, form and extent such that the proposal would preserve the special interest of the listed building and its setting and therefore meet this requirement.

In summary it is considered that the proposals are consistent with the aims and requirements of the primary legislation and planning policy and guidance and would constitute an acceptable alteration to the listed building that would preserve its significance as a designated heritage asset. Subject to condition the proposal accords with policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and part 16 of the NPPF.

LOW CARBON AND SUSTAINABLE CREDENTIALS

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. This application involves a listed building and has been assessed against the relevant policies and guidance as identified, and these have been fully taken into account in the recommendation made. The proposal accords therefore with policy CP6 of the adopted Core Strategy and policies HE1, CP1 and CP2 of the Placemaking Plan for Bath and North East Somerset (2017) and parts 14 and 16 of the NPPF.

RECOMMENDATION

CONSENT

CONDITIONS

1 Time Limit - Listed Building Consent (Compliance)

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

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

2 External lift colour/finish (Compliance)

Notwithstanding approved document 'Melody One - lift Specification' Rev A dated 31.07.2020 all elements of the lift shall be painted matt black and remain so for the lifetime of the development.

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

3 Hard and Soft Landscaping (Compliance)

All Hard and soft landscape works shall be carried out in accordance with approved Drwg. No. 4142 - 0017A 'Lift plan sections and elevations - as proposed' dated 31.07.2020. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme (phasing) agreed in writing with the Local Planning Authority. Any 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 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 safeguard the character and appearance of the listed building and its setting in accordance with Policy CP6 of the Bath and North East Somerset Core Strategy and Policy HE1 of the Bath and North East Somerset Placemaking Plan.

4 Materials - Submission of Schedule and Samples (Bespoke Trigger)

No remodelling of the front garden planters shall commence until a schedule of materials (to include wall and paving stones, and, mortar specification), and samples of the materials to be used in the construction of the external surfaces, 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 approved details.

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

5 Plans List (Compliance)

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

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

PLANS LIST:

1 This decision relates to the following drawings and documents;

Date: 09.07.2020 Drwg. No. 4142 - 001A Drwg. title: Location plan

Date: 31.07.2020 Drwg. No. 4142 - 0016A Drwg. title: Front garden - as existing

Date: 31.07.2020 Drwg. No. 4142 - 0017A Drwg. title: Lift plan sections and elevations - as proposed

Date: 31.07.2020 Doc. title: Melody one lift specification Rev A

2 Condition Categories

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

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

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

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

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

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

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

3 Permit/Consent Decision Making Statement

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

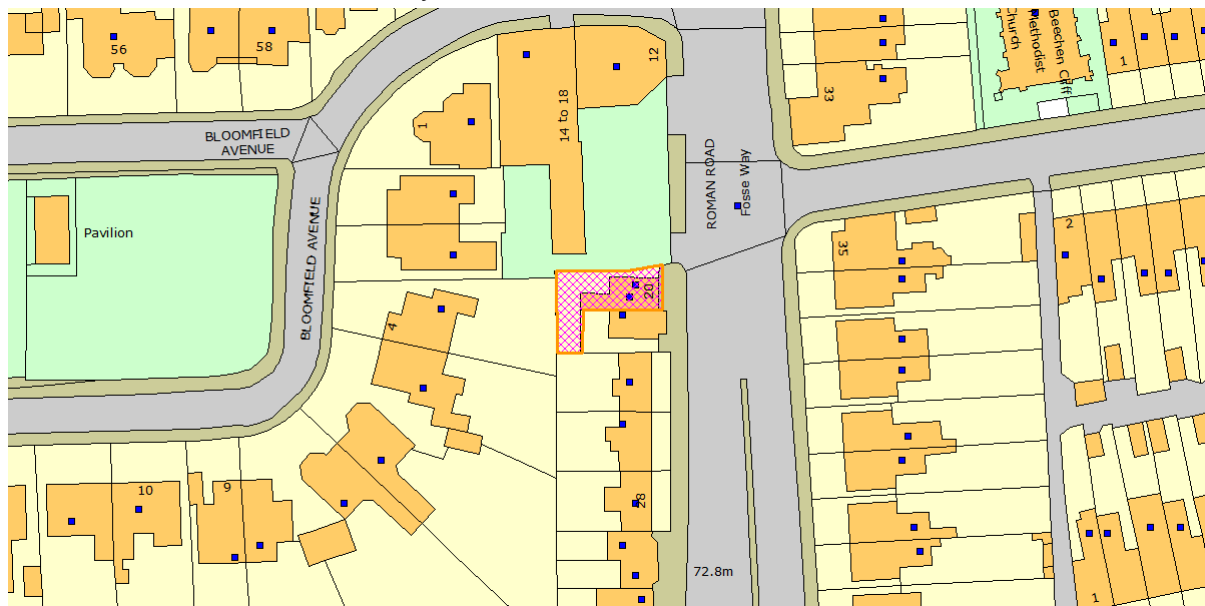
4 Community Infrastructure Levy

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. **Before** commencing any development on site you should ensure you are familiar with the CIL process. If the development approved by this permission is CIL liable there are requirements to assume liability and notify the Council before development commences, failure to comply with the regulations can result in surcharges and additional payments. Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: www.bathnes.gov.uk/cil

5 Responding to Climate Change (Informative):

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

Item No: 09
Application No: 20/02331/AR
Site Location: 20 Wellsway Bath Bath And North East Somerset BA2 2AA



Ward: Widcombe And Lyncombe **Parish:** N/A **LB Grade:** N/A

Ward Members: Councillor Alison Born Councillor Winston Duguid

Application Type: Advertisement Consent

Proposal: Display of 1no. non-illuminated company logo on existing retractable canopy above private forecourt.

Constraints: Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP12 Centres and Retailing, Policy CP9 Affordable Housing Zones, MOD Safeguarded Areas, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,

Applicant: Mrs Julia Moss

Expiry Date: 4th September 2020

Case Officer: Hayden Foster

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

REPORT

Reasons for referral:

The applicant has direct links with an employee within the Planning Service. According to the scheme of delegation the application should therefore be referred to the Development Management Committee.

Site Description and Proposal:

The application relates to a ground floor retail unit situated off Wellsway. The application site is within the City of Bath Conservation Area and the wider World Heritage Site.

The application seeks advertisement consent for the display of 1no. non-illuminated company logo on existing retractable canopy above private forecourt.

Application History:

- o 04/00097/FUL - PERMIT - 25 March 2004 - Insertion of windows in gable ends of the property to Numbers 20 & 22.
- o 04/01471/FUL - PERMIT - 26 July 2004 - Insertion of windows and ground floor door in side elevations.
- o 11/00212/FUL - PERMIT - 3 March 2011 - Replacement windows to flat and 2no shops at 20/22 Wellsway, Bear Flat.
- o 11/01132/COND - DISCHG - 1 April 2011 - Discharge of condition 2 of application 11/00212/FUL. (Replacement windows to flat and 2no shops at 20/22 Wellsway, Bear Flat).
- o 12/02882/AR - SPLIT - 6 September 2012 - Display of 2no. fascia signs.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses:

None received.

Representations Received:

None received.

POLICIES/LEGISLATION

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

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

Core Strategy:

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

B1: Bath Spatial Strategy
B4: The World Heritage Site
CP6: Environmental Quality

Placemaking Plan:

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

D1: General Urban Design Principles
D3: Urban Fabric
D4: Streets and Spaces
D6: Amenity
D9: Advertisements and outdoor street furniture
HE1: Historic Environment
ST7: Transport requirements for managing development

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

Supplementary Planning Documents:

Bath Conservation Area Commercial signage and tables and chairs on the highway Design and Conservation Guidance (2016) - Recent experience has demonstrated growing issues with unauthorised and harmful signage fixed to buildings and the placing of tables and chairs on footpaths, particularly in the central area of the City. This guidance has been prepared to ensure that a clear and consistent approach is adopted by the Council when dealing with these matters throughout the Bath Conservation Area.

There is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character of the surrounding conservation area.

LOW CARBON AND SUSTAINABLE CREDENTIALS

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

OFFICER ASSESSMENT

The application relates to a ground floor retail unit situated off Wellsway. The application site is within the City of Bath Conservation Area and the wider World Heritage Site.

The application seeks advertisement consent for the display of 1no. non-illuminated company logo on existing retractable canopy above a private forecourt.

Policy D9 of the Placemaking Plan has regard to advertisements, together with the Town and Country Planning (Control of Advertisements) Regulations 2007 and the National Planning Policy Framework (NPPF) make it clear that control of the display of advertisements shall be exercised only in the interests of 'local amenity' and 'public safety'. This policy further covers the following criteria which will be used to determine the

suitability of advertising signage which will include a consideration of cumulative impact and consideration of the proposal within the existing context:

- o Local Street Character
- o Location/Position
- o Proportionate Size
- o Position
- o Colour
- o Materials
- o Lettering
- o Illumination
- o Fixings

The other relevant policy context is set out in HE1 of the Place Making Plan supplemented by the councils published advice on signage; Bath Conservation Area Commercial signage and tables and chairs on the highway Design and Conservation Guidance (2016).

Character and Appearance:

The proposal will see the replacement of an existing retractable canopy.

The canvas on the original retractable roller blind on the shop front is damaged and partly removed. The canopy canvas measures 4.6m wide by 1.7m deep, and projects over the private forecourt area only. The new canvas will be coated with a protective matt finish, and be dark navy blue to match the existing colour of the shop front. The proposed logo measures 235cm x 67.5cm has white lettering and is centred on the canvas.

It is considered that the proposal's design, scale, materials, colours, and number of signs would have an acceptable impact on the visual amenity of the locality. The proposal accords with policy CP6 of the adopted Core Strategy (2014) and policies D1, D3, D4 and D9 of the Placemaking Plan for Bath and North East Somerset (2017).

Conservation Area:

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

World Heritage Site:

The proposed development is within the World Heritage Site, therefore consideration must be given to the effect the proposal might have on the setting of the World Heritage Site. In this instance, due to the size, location and appearance of the proposed development it is not considered that it will result in harm to the outstanding universal values of the wider

World Heritage Site. The proposal accords with policy B4 of the adopted Core Strategy (2014) and Policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and Part 16 of the NPPF.

Highways:

As noted the proposal will see the replacement of an existing retractable canopy. The canopy is set over a private forecourt which is within the applicant's ownership. The submitted details indicate the retractable canopy as measuring 1.7 metres in depth. The space within the forecourt as displayed on the site location plan indicates sufficient space remains on the canopy to ensure the public highways is not obstructed.

Given the siting, scale, and extent of signage the proposal would not pose a hazard or cause any obstruction to pedestrian safety. The proposal accords with policy ST7 of the Placemaking Plan for Bath and North East Somerset (2017) and part 9 of the NPPF.

Residential Amenity:

The location of the proposed site is adjacent to a number of shops and a footway used by the public. Due to these factors it is considered that the proposal will not cause a negative impact in regards to amenity.

As such given the design, scale, massing and siting of the proposed development the proposal would not cause significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, noise, smell, traffic or other disturbance. The proposal accords with policy D6 of the Placemaking Plan for Bath and North East Somerset (2017) and part 12 of the NPPF.

Conclusion:

The proposal is considered compliant with Policies D1, D3, D4, D6, D9, ST7 and HE1 of the Placemaking Plan for Bath and North East Somerset (2017), Policies B4 and CP6 of the Core Strategy and the aims of the National Planning Policy Framework. Based on the comments raised above it is recommended that consent is given subject to conditions.

RECOMMENDATION

PERMIT

CONDITIONS

1 Standard Advert Time Limit

This consent shall expire at the end of a period of five years from the date of this approval.

Reason: This condition is specified in the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

2 Standard Advertisement Conditions (Compliance)

- a. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
- b. No advertisement shall be sited or displayed so as to -

- (i) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military)
- (ii) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air
- (iii) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
- c. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
- d. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
- e. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: These conditions are specified in the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

3 Plans List (Compliance)

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

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

PLANS LIST:

1 This decision relates to the Proposed Logo Design and Site Location Plan submitted 6th July 2020, and the Existing and Proposed Elevations submitted 10th July 2020.

2 Permit/Consent Decision Making Statement

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

3 Condition Categories

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

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

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

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

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

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

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

Written update – Parcel 2300/Roberts Yard, Marsh Lane, Clutton

The enforcement item at Parcel 2300 & Roberts Yard, Marsh Lane, Clutton was brought to Planning Committee on 6th May 2020 and Members resolved to seek an injunction from the Court to restrain the breaches of planning control at both Parcel 2300 and Roberts Yard, Marsh Lane.

Since the decision was taken by members, officers have been working with the legal team to prepare the necessary documentation to submit to the Court. Comments upon the draft Witness Statement have been received from the Council's appointed barrister and a final version has been completed and provided to the Council's barrister who is drafting the Particulars of Claim and Order necessary to submit to the Court.

A letter has been sent to the owner informing him of the Committee's decision with a final request given to him to comply with the breaches of planning control as required by the Court's Procedural Rules.

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Bath & North East Somerset Council		
MEETING:	Planning Committee	<div>AGENDA ITEM NUMBER</div> <div></div>
MEETING DATE:	26th August 2020	
RESPONSIBLE OFFICER:	Simon de Beer – Head of Planning	
TITLE:	NEW PLANNING APPEALS, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES	
WARD:	ALL	
BACKGROUND PAPERS: None		
AN OPEN PUBLIC ITEM		

APPEALS LODGED

App. Ref: 20/01212/FUL
Location: 69 The Batch Farmborough Bath Bath And North East Somerset BA2 0AJ
Proposal: Erection of 1no. dwelling.
Decision: REFUSE
Decision Date: 19 May 2020
Decision Level: Delegated
Appeal Lodged: 20 July 2020

App. Ref: 20/01039/FUL
Location: Flat 14 Colleagues House 130 - 132 Wells Road Lyncombe Bath
Proposal: Change of use from 1 x 2 bedroom residential flat (C3) to 1 x 3 bedroom small HMO (C4)
Decision: REFUSE
Decision Date: 5 June 2020
Decision Level: Delegated
Appeal Lodged: 21 July 2020

App. Ref: 20/01239/FUL
Location: Arundel Church Lane Bishop Sutton Bristol Bath And North East Somerset
Proposal: Installation of 2 no. rear dormers (Retrospective)

Decision: REFUSE
Decision Date: 4 June 2020
Decision Level: Delegated
Appeal Lodged: 27 July 2020

App. Ref: 19/05236/CLEU
Location: Kestrels Stanton Road Stanton Drew Bristol BS39 4JL
Proposal: Erection of two wooden buildings connected by a poly tunnel on a metal frame.
Decision: REFUSE
Decision Date: 28 January 2020
Decision Level: Delegated
Appeal Lodged: 7 August 2020

App. Ref: 19/05519/FUL
Location: Avon Farm Avon Lane Saltford Bristol Bath And North East Somerset
Proposal: Change of use of a former office building to a dwelling (Retrospective).
Decision: REFUSE
Decision Date: 4 June 2020
Decision Level: Planning Committee
Appeal Lodged: 7 August 2020

APPEALS DECIDED

App. Ref: 19/01163/FUL
Location: Police Station Bath Hill Keynsham BS31 1HJ
Proposal: Erection of two buildings to provide 26 apartments, together with associated works, following demolition of existing buildings.
Decision: REFUSE
Decision Date: 19 December 2019
Decision Level: Planning Committee
Appeal Lodged: 2 March 2020
Appeal Decision: Appeal Allowed
Appeal Decided Date: 10 August 2020

App. Ref: 19/05068/FUL
Location: 502 Wellsway Bath Bath And North East Somerset BA2 2UD
Proposal: Erection of one dwelling (Resubmission 18/03491/FUL).
Decision: REFUSE
Decision Date: 27 January 2020
Decision Level: Delegated
Appeal Lodged: 15 May 2020
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 10 August 2020

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